

**Education and Culture Committee  
Children and Young People (Scotland) Bill**

**Children's Parliament**

**About Children's Parliament**

1. Children's Parliament is Scotland's Centre for Excellence for children's participation and engagement. We demonstrate good practice by engaging children in their early years and in middle childhood (up to 14) in projects, consultations and community programmes. We inform and influence public policy and professional practice and build the capacity and skills of adults and public bodies, including Government, through reporting, publication/dissemination, modelling and training.

**Children and Young People Bill consultation: our approach**

2. We involved 107 children aged between 9 and 12 years old across 6 locations. The children took part in 2 full day workshops. In line with a commitment to engage with children in creative ways the workshops built on the notion of Scotland as the best place to grow up. We took the theme of Scotland as a garden and imagined children growing in the garden. Children engaged in drawing and building items for their gardens, they used drama and discussion and consulted with peers.
3. **A summary of findings follows.** More detail on our work on the Children and Young People Bill here: <http://www.childrensparliament.org.uk/children-and-young-people-bill.html> Direct quotes from children are in *italics*.

**Rights**

*"Enforce children's rights instead of just letting it be optional to people".*

*"What's the point if they don't have to abide by them?"*

*"If it's not the law then people might not give me my rights".*

4. The Bill places much focus on children's wellbeing. But wellbeing alone is not enough; we have asked children in this most recent and in previous Scottish Government consultations what they want to see in place and they have told us they want their human rights to be enshrined in law. Incorporation of the United Nations Convention on the Rights of the Child into Scots law will provide a robust framework for the realisation of children's rights; commitments to 'consistency' in policy or legislation regarding the UNCRC or using the UNCRC to 'underpin' legislation regarding children's services, or the new proposal to keep children's rights 'under consideration' is simply not enough to deliver on commitments to improve outcomes or make Scotland the best place to grow up.

**1. Wellbeing**

*"Every feeling has a place in your body".*

5. Children intuitively consider their wellbeing in a rounded way. In this sense the concern for the GIRFEC SHANARRI indicators to take a holistic view of the child's life is an approach children understand. Our consultation engaged with children who have experiences of a range of services, discussion with them about wellbeing made it clear that any wellbeing framework (including SHANARRI) must see all children *as children first* rather than to see or treat them solely as a child defined by a particular issue, problem or service approach. Our consultation evidences that children have an interest in, and the capacity to consider, what wellbeing means to them and that any discussion of their wellbeing must include them. The consultation allowed children to discuss and reflect on the relationship between rights and wellbeing. Children focused predominantly on the right to: a loving and caring family, affection and attention, friends, freedom and play, learn, a home and community free from alcohol, violence and a clean environment. These then emerge as the children's top line indicators of a child's wellbeing. To make rights real our commitment to wellbeing and rights can only be enshrined in law through incorporation of the UNCRC.

### **Raising awareness of rights: children and adults**

*“Adults can't help children get their rights if the adults don't know what the rights are”.*

*“If adults treat children badly they should be removed until they learn how to treat children properly”.*

*“If adults treat children badly they should go on a course to learn about children's rights”.*

6. Our discussion with children across consultations confirms that there is a low level of awareness of children's human rights and the UNCRC amongst Scotland's children. Children also report that adults have a poor understanding of children's human rights. Where there is some awareness amongst children this is often about how children in other countries lack the basics of life; when Scottish children talk about rights more often than not they simply attempt to repeat what they remember from an article of the UNCRC and recite a 'responsibility' that they must also bear if they are to be accorded their rights. If we are to progress at all with understanding what a duty on public bodies might look like, and what benefits it might bring to the realisation of children's rights in Scotland, the contributions from children also evidence the urgent need to raise awareness of rights and their meaning in children's lives every day and in every context here in Scotland. Children also clearly identified the need for adults (parents, carers and professionals) to have a better understanding of children's human rights. Where rights were infringed by adults, children want an appropriate response; this might be further learning for the adult but certainly infringements and inappropriate adult behaviour (by parent or professional) need to be challenged.

### **Realising rights**

7. Children identified a number of headline issues which public bodies and services must recognise and address to meaningfully improve outcomes for children and

make rights real. If not in legislation Guidance must recognise childrens concerns regarding:

8. **Shouting and violence toward children:** *“Sometimes my mum throws my dad out the house ‘cos he hits me and my wee brother”; “My mum needs help with being angry and smacking me on the bum or the face. Everyone shouts at me”; “Children need parents who listen to them, that doesn’t threaten you or bring a knife out”.*
9. **Poverty:** *“My mum gives us our tea but sometimes she doesn’t have enough money for tea”; “My mum would always buy me or my brother’s clothes first; she always has to get mine before hers. She’s a single mum because my dad left”; “Families need money so that they can feed their families and have somewhere to live”.*
10. **Family breakdown and a loss of contact with fathers:** *“I want to see my dad more but my mum won’t let me. I don’t know why”; “When I’m at my pal’s house me and my pal pretend we’re going up the park but we sneak away to my dad’s work so’s I can see him. Nobody knows”*

### **Making rights real: accessing help and support**

11. In the course of this consultation and other work Children’s Parliament has become aware of the high threshold in many areas before children (and families) receive meaningful support. We have been required to share concerns about children’s wellbeing and safety with host settings and have been told that there is an awareness of what we have shared, but that concerns have not reached a threshold whereby further action can/could/would be taken. It seems to us, in the context of our consultation and now with the passage of the Bill through Parliament (along with development of Guidance), that we need to reflect on concerns that commitments to early intervention and prevention are often just that, verbal or theoretical commitments, and have not resulted in genuine action and the provision of consistent, high quality and coordinated services, advice and information, delivered in time and when needed.

### **Named Person**

*“It would have to be someone you know and they would have to know each child”.*

*“They would put you first”.*

*“Everyone is so individual it would be difficult to look after everyone.”*

12. This was a complex idea for the children (aged 9 – 12) to consider but going along with our Scotland as a garden theme the children discussed the role of Gardeners (all the adults in their lives) and the job of Head Gardener (the Named Person). Children identified that all adults – family members and professional people – have and share equally a duty to make sure all children are healthy, happy and safe. The overarching requirement of a Named Person (their Head Gardener) would be that this person’s key role is to keep children safe and

ensure good communication between people who are interested in the child. For children who had experience of a range of services beyond universal services there was a need for the Named Person to be someone they and their family know well and who can *“help people calm down”*. As to who can fulfil the role of Named Person children had a broader view of this than has been suggested; so that in addition to the possibility that the Named Person might be midwife/public health nurse/head teacher they could also be a Police officer, a Lawyer, a Key worker/Professional Carer, a Coach/Tutor or a classroom teacher. In short children were interested in finding the right person for the job rather than identifying someone simply because they were to be found in what Government/Services see as the right location (midwife/public health nurse/head teacher).

13. Children identified a number of requirements and challenges the Named Person will face. In summary the Named Person needs to build a trusting relationship with the child and *“fight for your rights”*. The role will be challenging because they don't have time and adults do not pay enough attention to the child's needs (rather than their own). Children were concerned that if they did not get on with their Named Person would they have a say and be able to change this person?

### **The Child's Plan**

*“Everyone was just getting in a muddle and we needed the plan to help each other”.*

*“It would help me to have one plan. Me and my grannie never sit down. We should always sit down at the kitchen table and stick to our plan. But we never do, it's annoying. Adults don't listen or say they can't be bothered. Maybe they could actually sit down with me. Maybe my grannie could speak to school”.*

14. The idea of a Child's Plan was supported by children. The Plan was seen as an important tool for shared approaches as long as everyone was on board and well informed about its purpose and their responsibility to follow it. Plans were also seen as a way to engage parents and carers in understanding and meeting children's needs. Children also identified the need to make the Plan a formal agreement, like a law, so that adults had to follow it. There was also a need to remind adults about the Plan. Reflecting our Scotland as garden theme there was also the view that Plans cannot be static, but need to continue to change and to involve children as they develop: *“We would need to make the plan grow. All the different adults would need to add their own bit and the child would give their ideas too”.*

15. Children also reported experiences of a poor commitment of adults to listening and involving them. If legislation and Guidance are to have impact they must impact on adult behaviour and organisational approaches and systems.

*“My social worker hasn't listened to me about visiting my dad in jail on the weekend. The adults at the Hearings weren't listening to me properly”.*

*"I don't think there is anything I can do, they're only interested in themselves. Mum and Dad don't listen to me when I have contact with them. They don't listen because they want to do what they want and don't listen to me".*

### **Corporate Parenting and kinship care**

*"Children should have a place to live that is warm and safe and secure like a sanctuary".*

16. In the spirit of the consultation (that corporate parenting should focus on what being a parent means) we are able to provide the views of children in relation to what a parent's role and responsibilities are. In order to be a parent, the 'corporate parent' needs to focus on the individual child and consider *they are a parent*. Children identified a need for love, to be *"really cared for"*, to have a parent who *"enjoys their children"* and helps them learn, who they can trust, will be there for them, stays interested in them, who miss them. For children who are looked after at home children identified a need for professional support which helps families when they are unhappy; children recognised that sometimes a family needs *"a helping hand to be responsible"*. As with all family settings children want their kinship care placements to be places where they can flourish and be healthy, happy and safe. In particular one child commented on what the consultation paper described as the principle of 'family first' with the comment: *"Children should be able to stay with a family carer before they have to go to foster care"*.

### **Better foster care**

*"What I think about foster care: Give children a better life than they have had, make them forget what has happened and give them new opportunities, make sure they have contact with their family. Make sure they have a nice clean environment. Give them healthy meals. Make them happy".*

*"I really want to stay with my foster carer, she's really nice. I can't tell my social worker 'cos I'm frightened they'll tell my mum. She gives me a bit paper and asks what I want so I just say 'I don't know'".*

17. The consultation questions were narrow; children's views on improving foster care were broad. In summary they identified the need for improved understanding of why a child is removed from home, the need to have a say in foster care placements, to keep siblings together and maintain contact with their friends. Making rights real for children in foster care is complex; listening to children and involving them in decisions are essential. Children need to know they are at the centre of decisions. Children identified the need for improved training and support for foster carers: *"Foster carers should have to take a test to make sure they are loving, caring and can be as good as the best parents"*.

### **Public bodies and duties to report**

18. Children require a full range of public bodies to work together, both in the interests of the individual child and on behalf of children collectively. A concern is where the participation of children themselves is expected to fit in this picture of

joint design and planning of services. While some individual practitioners and strategic/planning bodies are already doing work to engage children this is not yet commonplace. Again legislation and Guidance on this matter must unpack what meeting any duty on joint design, planning and delivery should look like when it comes to meaningful and ethical engagement with children themselves and what support Government is envisaging will be in place to develop the capacity/skills of individual practitioners and public bodies to do so. The public services which children have identified as important in their lives, and so those on whom a duty to report must be applied include: Schools and Education services including Inspectorate, Health services (including hospitals, GPs, community health services like Midwives and psychological and therapeutic services), Social Work and Children and Families services, the Police, services for children with disabilities, Play and Leisure services, Voluntary sector agencies, Children's Hearings and Legal services and the Scottish Government itself. A key message from our consultation is that the Government has a responsibility to "send the message about children's rights". A key theme for the children taking part in the consultation is about adults working together to keep them healthy, happy and safe. This requires direct communication with children and between adults so that children's wellbeing is framed in the context of children's human rights.

**Children's Parliament  
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