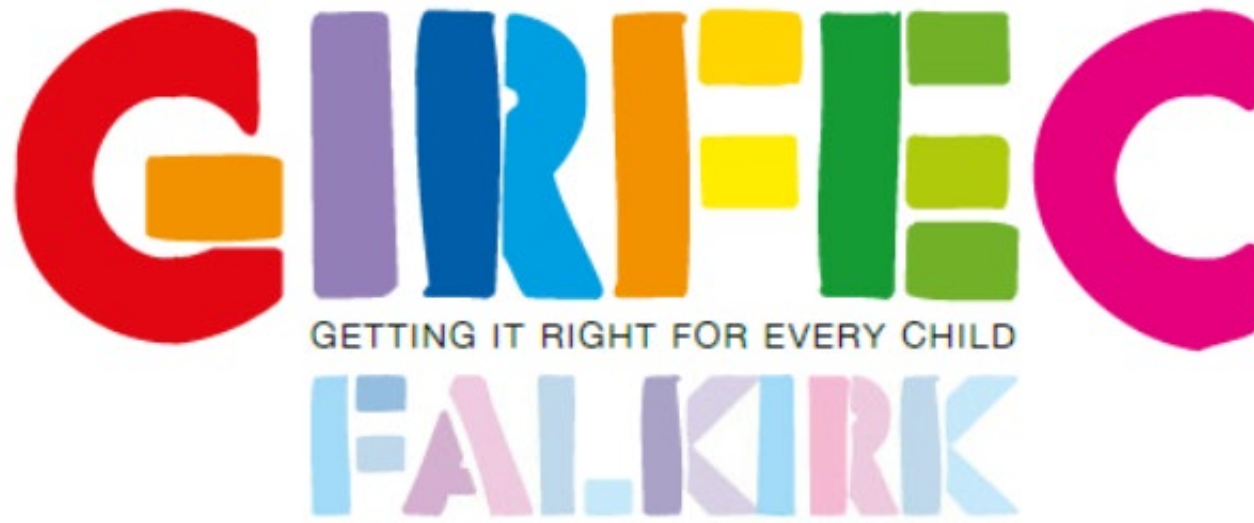


The background of the slide is a light blue coat of arms of the Northern Territory. It features a crown at the top with four stylized flowers. The shield is divided into four quadrants: top-left shows a ship, top-right shows a kangaroo, bottom-left shows a ship, and bottom-right shows a kangaroo. A banner at the bottom reads "ANE FOR A".

## **Agenda Item 6**

**United Nations Convention on the  
Rights of the Child**

**Presentation by  
Julie Williams, Quarriers**

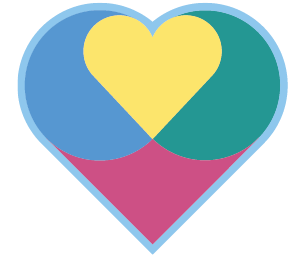


# UNCRC Incorporation Bill

Presentation to Education, Children and Young People Executive

9<sup>th</sup> November 2021

Julie Williams – Falkirk Children's Rights Officer



Falkirk Children's Rights Service is an independent project which aims to empower children and young people up to the age of 18 by ensuring their voice, views and rights are at the heart of all decision that impact their life. We offer continued support to young people aged 18 to 26 who are care experienced.





# **United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill**

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**Passed Unanimously**



# BACKGROUND



- The [UNCRC \(Incorporation\) \(Scotland\) Bill](#) was introduced to the Scottish Parliament on 1st September 2020 and was passed unanimously on 16th March 2021.
- The main purpose of the Bill is bringing the UNCRC into Scots law.
- The First Minister said the Bill would incorporate the UNCRC into Scots law ["fully and directly"](#)

# By Incorporation into Scots Law it means


- Children's rights are legally protected.
- Public authorities are legally required to respect and protect children's rights in all the work that they do
- Children, young people and their representatives could use the courts in Scotland to enforce their rights.

**The Bill seeks to make sure Children's Rights are part of everyday life in Scotland.**






# UK Government referred UNCRC Incorporation (Scotland) Bill to Supreme Court

- On the 12th April the UK Government decided to refer the UNCRC (Incorporation) (Scotland) Bill to the Supreme Court on the basis that some aspects may exceed the powers of the Scottish Parliament.
  - The UK Government is concerned that parts of the Bill may go beyond the powers of the Scottish Parliament.
  - Relating to constitutional law - it does not relate to the policy intention behind the Bill.
  - This means the Bill will not receive royal assent, which allows it to become law, until the UK's highest court has considered the challenge.
- 



6<sup>th</sup> October 2021

The Supreme Court  
handed down judgment  
that the United Nations  
Convention on the Rights  
of the Child  
(Incorporation)  
(Scotland) Bill  
was **unlawfully made**.

- Definition of public authority (Section 6)
  - Interpretation (Section 19)
  - Strike down powers (Section 20)
  - Incompatibility declarators (Section 21)
- 



# So now what?

- The UNCRC Bill will return to the Scottish Parliament so that MSPs can address the concerns.
- The Bill cannot be sent for Royal Assent until it is amended.
- The Scottish Government has established a [Strategic Implementation Board](#) to champion the UNCRC programme with collective responsibility across public bodies and the third sector for successful implementation
- Scoping is underway for a Children's Rights Skills and Knowledge Framework, with accompanying Training Strategy, to build capability across all sectors and workforces of Scotland.
- Planning is also underway for a National Improvement Programme (NIP)

Three-year implementation programme, covering four key strands

- **Empowering Children & Young People**
- **Embedding Children's Rights in Public Service**
- **Children's Rights Resolution**
- **Leadership**

Guidance will be made available in three phases

- **Phase 1 - Non statutory guidance on implementing**
- **Phase 2 – Realisation of children's rights**
- **Phase 3 – guidance on fulfilment of reporting duties**



# Readiness for commencement (Part 2 – Duties on public authorities)

- This guidance will assist public authorities to understand the purpose of the Bill, consider their status as a public authority, assess their functions, and undertake a process to review current compatibility and readiness.



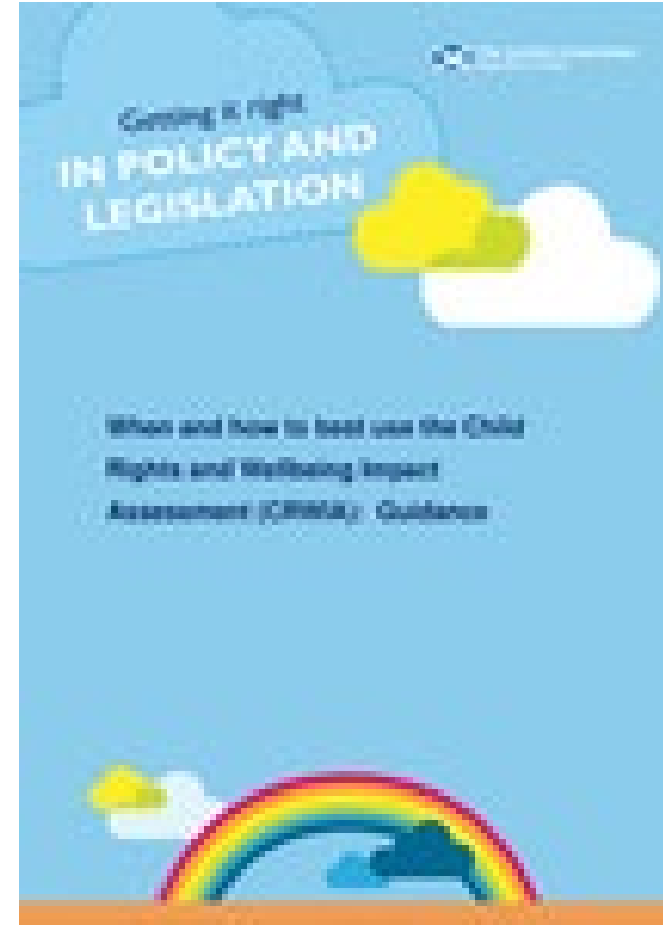
# Child's Rights Reporting (Part 3 - Reporting duty of listed authorities)

Listed authorities must prepare and publish reports on a three-yearly basis on what they have done to comply with the duty in section 6(1) of the Bill to give better or further effect to the rights of children and the actions it intends to take during the next reporting period



# Children's Rights & Wellbeing Impact Assessments

- The Scottish Government's Child Rights and Wellbeing Impact Assessment (CRWIA) is a key tool that those engaging with children can use to support a child rights-based approach.
- The CRWIA is a purpose-built policy and legislation impact assessment (IA) designed for use by Scottish Government, public bodies and children's services, however, it can be used by anyone.
- CRWIAs utilise both UNCRC and GIRFEC frameworks to assess the potential impact of a policy or measure on children and young people's rights and wellbeing.
- The use of CRWIAs also encourages the participation of children and young people in decision-making.



# The UNCRC in Practice





# GIRFEC

Getting It Right For Every Child

FALKIRK





# The Children's Commission Children's Rights & Engagement Group

- The Children's Commission Leadership Group will oversee Part 1 of the Children & Young People (Scotland) Act – Children's Rights and UNCRC Incorporation
- The group asked CYP what mattered to them, and infographics of their views were produced for:
- [Integrated Children's Services Plan](#)
- [Children's Rights Plan](#)
- [SHANARRI](#)

Please pick which themes we should include



64%

Mental Health & Wellbeing



58%

Your Future

Most important top five:



74%

Article 28:  
I have the right to an education



70%

Article 12:  
I have the right to be listened to and taken seriously



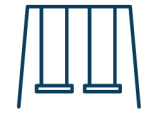
62%

Article 6:  
I should be supported to live and grow



62%

Article 27:  
I have the right to a proper house, food and clothing



60%

Article 31:  
I have the right to relax and play



# The Children's Commission Children's Rights & Engagement Group

The Group will continue to engage CYP to:

- Develop our plans
- Develop an engagement approach for services and the community planning partnership
- Education Groups, CLD Groups and MSYPS are already engaging. (See Images)
- Support Implementation of Rights Respecting Schools
- Support the Implementation of The Promise

The group will also roll out UNCRC Awareness raising for community planning partnership



**#KeepThePromise**

UNCRC  
Incorporation  
(Scotland) Bill  
goes much further  
than Children's  
Services, this  
covers every  
element of Public  
Service



**Falkirk Council**



**falkirk**  
COMMUNITY PLANNING  
PARTNERSHIP