

UNCRC, Lived Experience and the Participation of Children and Young People

Summary and Recommendations

This report provides the Board the opportunity to consider and discuss how best to support meaningful engagement and participation of children and young people across the breadth of COSLA's work, with a specific focus on the work of the Children and Young People team, and within the context of the United Nations Convention on the Rights of the Child (UNCRC)

The report also highlights the importance of hearing lived experience in policy making and service design at a local level and seeks the support of the Board in ensuring this is considered.

Members are invited to:

- i. Agree that meaningful and evidence-based engagement with children and young people is a priority across all areas of the Children and Young People team's workplan.
- ii. Consider and reflect upon how the views of children and young people can be sought and incorporated into our decision-making structures.
- iii. Agree that, drawing upon reflections and suggestions from the Board, officers develop a children and young people engagement plan, ensuring participation and lived experiences consistently help to inform decision-making.
- iv. Liaise locally with appropriate officers to support the consideration of lived experience within policy making and service design.

References

Previous reports on UNCRC and Participation:

- 20-08-21 Item 05 United Nations Convention on the Rights of the Child - Incorporation

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August 2021

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Purpose

1. This report provides members with the opportunity to consider and discuss how best to support meaningful engagement and participation of children and young people across the breadth of COSLA's work, with a specific focus on the work of the Children and Young People team, and within the context of UNCRC.
2. The report also highlights the importance of hearing lived experience in policy making and service design at a local level and seeks the support of the Board in ensuring this is considered.

Current COSLA Position

3. The rights of children and families are core to the work of Local Government in supporting children, young people, and their families, as derived through GIRFEC and more recently, support for the UNCRC Incorporation Bill.
4. Currently, children and young people are involved in COSLA and Local Government's work in a variety of ways: through attendance and presentations at Board meetings; participation in the youth advisory group hosted by NSPLG; and through inclusion of the voices and experiences of children and young people throughout the work of the [Children and Young People's Mental Health and Wellbeing Joint Delivery Board](#) across decision making, service design, delivery and evaluation. This includes involvement of young people with lived experience and those who have personal knowledge of the subject matter gained through first-hand involvement.
5. Youth participation and ensuring young people with lived experience are actively involved in policy making and service design is also frequently occurring at a local level, for example in the design of new and enhanced community mental health services for children and young people.
6. The recently renewed focus on children's rights, including the right to participate in decisions that affect them, demands that we consider a more strategic and evidence-based approach to engaging and involving young people in our policy work.

What is Changing?

7. On 16 March 2021, the UNCRC (Incorporation) (Scotland) Bill received unanimous support in Scottish Parliament and, whilst certain references within the Bill are currently subject to Supreme Court challenge, it is intended that, subject to changes arising from the Court judgment, the Bill will eventually receive Royal Assent.
8. UNCRC covers all aspects of a child's life and sets out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It also explains how adults and governments must work together to make sure all children can enjoy all their rights.
9. Under Article 12 of the UNCRC, every child who is capable of forming his or her own views has the right to express those views freely in all matters affecting him or her, with those views being given due weight in accordance with the age and maturity of the child. In its General Comment 12, the UN Committee on the Rights of the Child set out its view that there are nine basic requirements for effective participation. Effective participation must be:
 - transparent and informative
 - voluntary
 - respectful
 - relevant to children and young people
 - child-friendly
 - inclusive
 - supported by training
 - safe and sensitive to risk
 - accountable
10. In June 2021, the [UNCRC Strategic Implementation Board](#) held its first meeting. Members were joined by young people who provided valuable reflections on what makes for meaningful involvement of children and young people in discussions and decision making. These included:
 - children and young people actively being listened to, with actions being taken on the back of this
 - not wasting children and young people's time and not allowing it to feel like a 'tick-box' exercise
 - making sure papers are accessible and that children and young people are put at ease, with no pressure to participate
 - use 'everyone-friendly' language
 - make it fun with activities commensurate with the age of the children and young people
 - children and young people having equal power in decision making
 - not categorising children and young people as uniform - everyone has many identities

Impact of Covid-19 – Lessons Learned

11. The Covid-19 pandemic has intensified calls for more meaningful and informed engagement with young people. Difficult public health decisions were taken at short notice, creating significant and abrupt change for young people.
12. At the outset of the pandemic, the UN Committee on the Rights of the Child issued a [statement](#) calling on governments to respect children's rights when responding to the pandemic. The Committee provided 11 recommendations, one of which was to ensure children's views are heard and taken into account in decision-making processes throughout the pandemic.
13. Young people have since reported¹² an increase in feelings of loneliness and isolation, feelings of stress and difficulty sleeping, concern about home learning, less time spent outdoors compared to pre-Covid, increased screen-based play, and concerns due to decreased household income.
14. However, young people have also identified³ a number of positive impacts and opportunities arising from Covid-19 including:
 - Communities drawing closer together and people valuing their friends and local community more;
 - 'Access anywhere' service provision;
 - Sustainability impacts of lockdown, e.g. sustainable travel; and,
 - Improved technology and improved IT skills.
15. These lessons must inform Local Government's approach to engaging with young people in decisions that matter to them. In particular, these experiences tell us that, while digital engagement was not easy or accessible for all children, it did provide unprecedented opportunity for many young people to learn, share, engage and play with others throughout lockdown.
16. Crucially, these lessons learned should be shared across the Local Government portfolio as we prepare for implementation of the UNCRC requirements for all public bodies. The UNCRC Strategic Implementation Board, and the workstreams emerging to prepare for implementation, will provide important channels for sharing lessons learned as well as existing good practice.

Promoting Participation Across COSLA's Work

17. There are various ways through which COSLA currently engages with young people as part of distinct strands of policy work. However, there is as yet no agreed strategic approach to participation and engagement across the entirety of our work as reflected in the CYP Board workplan.
18. Members may wish to consider a variety of tools to better promote the views of young people in the decisions that affect them. Suggested options could include, but would not be limited to:

¹ <http://www.healthscotland.scot/publications/covid-19-early-years-resilience-and-impact-survey-ceyris>

² https://www.ed.ac.uk/files/atoms/files/2020-08-07_teencovidlife_survey_1_general_report_v2.pdf

³ [Young People's Response to Medium Term Covid-19 Recovery Report - May 2020- YoungScot](#)

- i. Partnering with a third sector organisation to engage with young people on key policy decisions and discussions we are involved in and seeking views/communications via existing online platform (for example, an online noticeboard or poll).
- ii. Invitation for young people to join and participate at Board meetings.
- iii. Publishing an accessible, 'everyone-friendly' briefing or newsletter, similar to COSLA's [Elected Members Briefings](#) that highlights recent policy developments and shares examples of local good practice in promoting children's rights. This option could follow engagement with young people, closing the feedback loop and ensuring young people are aware of how we have listened to and acted on their views.

19. Members may wish to consider and reflect on the following questions:

- How do we ensure that our governance processes are accessible enough to promote participation of young people? Many would find larger political meetings intimidating and inaccessible.
- How do officers respond in circumstances where the views expressed by young people do not reflect an agreed political position on an issue?
- How do we also ensure, insofar as is possible, the participation of younger children (in consideration of age-appropriate accessibility and safeguarding issues)?

Local Participation and the Voice of Lived Experience

20. The value of participation and lived experience in policy making and service design at both a local and national level was highlighted in a Ministerial meeting between The Minister for Mental Well Being and Social Care and Councillor McCabe and Councillor Currie on July 27th where it was agreed that support would be sought from the Board to highlight the importance of lived experience and support its inclusion in practice.

Proposed COSLA Position

21. Placed within the broader context of Covid-19 recovery, implementation of The Promise, and incorporation of the UNCRC into Scots law, a strategic and joined up approach to the engagement and participation of young people within COSLA's work is now more pressing than ever.

22. Board Members are therefore invited to:

- i. Agree that meaningful and evidence-based engagement with children and young people is a priority across all areas of the Children and Young People team's workplan.
- ii. Consider and reflect upon how the views of children and young people can be sought and incorporated into our decision-making structures.
- iii. Agree that, drawing upon reflections and suggestions from the Board, officers develop a children and young people engagement plan, ensuring participation and lived experiences consistently help to inform decision-making.

- iv. Liaise locally with appropriate officers to support the consideration of lived experience within policy making and service design.

Next Steps

23. Following feedback from Board Members, officers will begin to formalise an arranged mechanism that young people can meaningfully engage with our work, ensuring their views are heard and incorporated into decisions that impact young people most.

August 2021