

**ANGUS COUNCIL**

**CHILDREN AND LEARNING COMMITTEE – 17 NOVEMBER 2020**

**CHILDREN'S RIGHTS IN ANGUS - REPORT 2017 – 2020**

**REPORT BY MARK ARMSTRONG, DEPUTE CHIEF EXECUTIVE**

**ABSTRACT**

Part 1 of the Children and Young People (Scotland) Act 2014 places duties on Scottish Ministers and certain public bodies such as local authorities, police and NHS Boards to report every 3 years on what they are doing to progress children's rights in their work. The first report is due to be submitted to Scottish Government as soon as is practical after 31<sup>st</sup> March 2020. Angus Integrated Children's Services Group have worked together to produce a shared report on both single agency and partnership work that has taken place between 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2020 on raising awareness of and working to progress, children's rights in Angus. This report, in line with national guidance on children's rights reporting, highlights the work taking place and areas where further work is planned. This is our first report and puts us in a good position as we work towards the potential full incorporation of the United Nations Convention of the Rights of the Child (UNCRC) as is set out in the UNCRC (Incorporation) (Scotland) Bill.

**1. RECOMMENDATIONS**

It is recommended that the Committee:

- (i) Note and endorse the work in Angus to raise awareness of and give effect to, children's rights;
- (ii) Approve the first Angus Children's Rights Report (Appendix 1) and note that it will be submitted to Scottish Government;
- (iii) Note the current progress of the UNCRC (Incorporation) (Scotland) Bill and offer any views

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN**

This report contributes to the following local outcome contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Children are given the best start in life
- Physical, mental and emotional health and wellbeing is improved
- There are more opportunities for people to achieve success

It also contributes to the priorities in the Tayside Plan for Children, Young People and Families 2017-2020 (extended to 2021) to ensure Tayside is the best place for children and young people to grow up.

**3. BACKGROUND**

As a local authority we have a duty to ensure that our children and young people know their rights and that the work we do to support and protect young people is grounded in a children's rights approach. Our first Angus children's rights report (see Appendix 1) shows the work we are doing in partnership with children and young people and with other agencies and partners to ensure protection from bullying, participation in decision making and the protection and promotion of family relationships.

In addition to our local work on children's rights reporting, we are working with partners to develop a summary of work across the Tayside area so we can use this to inform and support

the next Tayside Children, Young People and Families Plan, working together to achieve improvements for all children and young people.

#### 4. CURRENT POSITION

The report shows the breadth of work that is taking place in Angus including:

- Promotion of equality and diversity with our Rights Respecting Schools work;
- Participation and engagement through Youth Engagement Strategy including engagement with care experienced young people and elected representatives of Scottish Youth Parliament;
- Future work including the introduction of Breakthrough Angus to Arbroath secondary schools, further embedding a trauma informed approach across all services and continuing to promote healthy and nurturing relationships through the parenting strategy work.

#### **The Future of Children's Rights in Scotland**

Scotland is set to become the first country in the UK to directly incorporate the UNCRC into domestic law. The UNCRC (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020. Assuming the Bill continues to be supported, it **will become unlawful for public authorities to act incompatibly with the incorporated UNCRC requirements, giving children, young people and their representatives the power to go to court to enforce their rights.**

The Bill:

- directly incorporates the UNCRC as far as possible within the powers of the Scottish Parliament
- makes it unlawful for public authorities to act incompatibly with the incorporated UNCRC requirements
- gives power to the Children's Commissioner to take legal action in relation to children's rights
- requires Ministers to produce a Children's Rights Scheme setting out how they comply with children's rights and to report annually
- requires listed public authorities to report every three years on how they comply with children's rights

Angus Integrated Children's Services, as part of the Tayside Collaborative for Children, Young People and Families has provided views on the bill as part of the Parliamentary Call for Views which closed on 16<sup>th</sup> October 2020. We fully support the incorporation of UNCRC into Scots Law noting the need for a framework and toolkit for public bodies and time to prepare for implementation. Litigation against public bodies is a possibility under the bill and guidance and support to embed a system for internal resolution is necessary to ensure a balance between complying with our duties and challenges to decision making, policy implementation, service provision and practice. Officers will continue to engage with national bodies such as COSLA and Social Work Scotland and directly with the Government through consultation as the parliamentary process progresses.

#### 5. PROPOSALS

It is proposed Angus Children and Learning Committee accept the proposals as outlined in section 1 of this report and note that further consideration will be given to what is required to support full implementation of the UNCRC Bill including assessing financial implications, as it progresses through the parliamentary process.

**6. FINANCIAL IMPLICATIONS**

There are no financial implications arising from the submission of the first Angus Children's Rights Report.

**7. OTHER IMPLICATIONS**

None.

**8. CONSULTATION**

Consultation has taken place with Angus Integrated Children's Services and Corporate Parenting Board.

**NOTE:** No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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List of Appendices:

Children's Rights Report – Appendix 1