

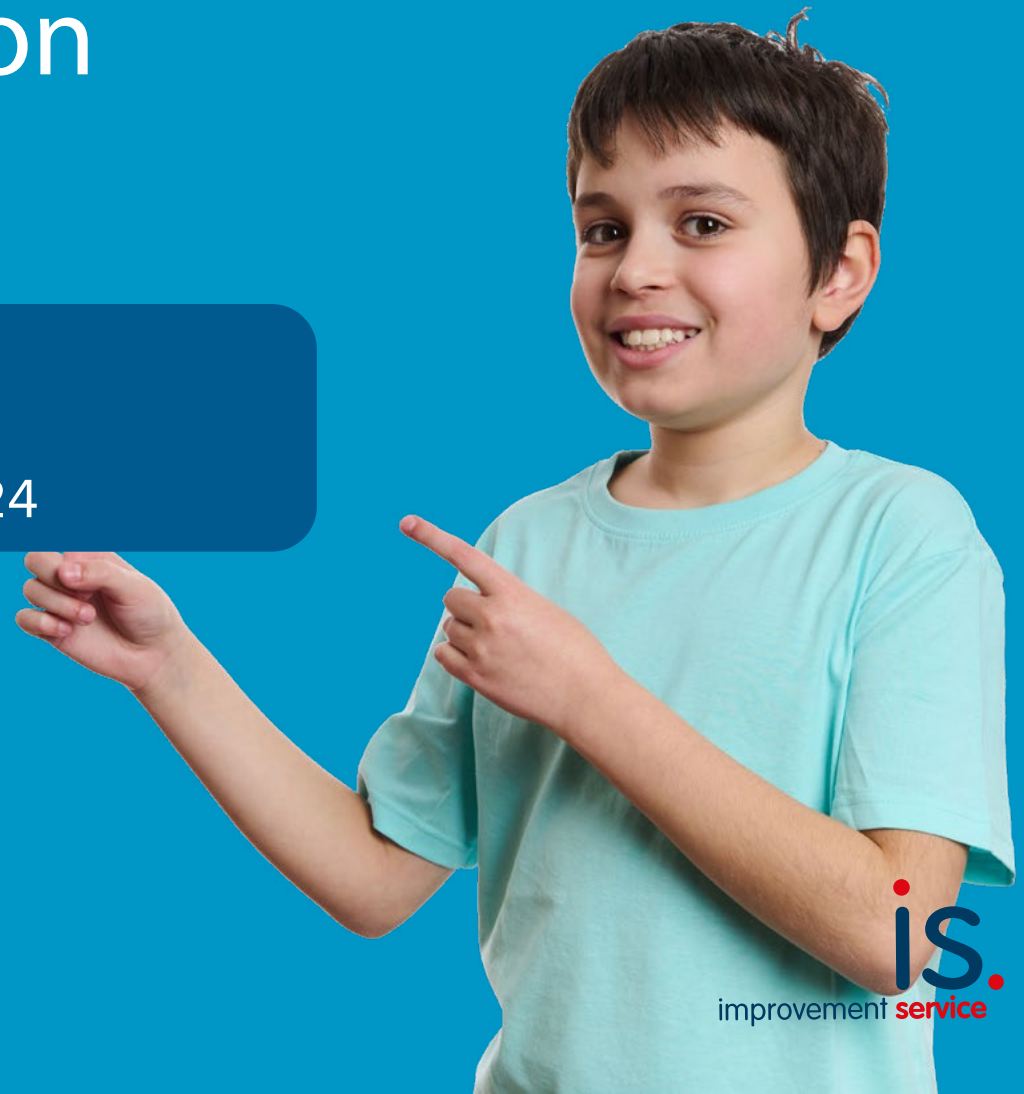


SUPPORTING  
CHILDREN'S  
RIGHTS

UNCRC IN SCOTLAND

# UNCRC Implementation Framework

A practical resource for Public Authorities  
to develop their approach to the  
UNCRC (Incorporation) (Scotland) Act 2024



## 1 Introduction

The desire to ensure that children and young people in Scotland reach their potential is at the heart of many of the services delivered by public bodies and their partners in Scotland. The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that grants all children and young people a comprehensive set of rights. Examples of these rights include the right to health and education, fair and equal treatment, protection from exploitation and the right to a voice in decisions that affect them.

Scotland has incorporated the UNCRC into domestic law. The UNCRC (Incorporation) (Scotland) Act 2024 came into effect in July 2024. This legislation requires public authorities to act in a manner that is compatible with the UNCRC requirements in devolved matters and will also mean that children and young people can hold duty bearers, such as local authorities and health boards, to account. The ambition of the UNCRC Act is to deliver a proactive culture of everyday accountability for children's rights across public services in Scotland. This framework is a step-by-step guide to help public bodies think through the actions they need to take to develop their approach to children's rights and to foster a culture that supports the realisation of children's human rights.





## 2 Embedding Children's Rights

The UNCRC provides a rights-based framework to uphold the rights of children and to take their views into account in decisions that affect them including policy, practice and budget-making decisions. This extends beyond the traditional areas of education and children's services and into areas such as housing, transport, environment, culture, leisure and sport. It also extends to those services being delivered by organisations who are commissioned or procured by a duty bearer e.g. a council or health board. To fully embed children's rights into the core of planning and service delivery requires leadership and a coordinated approach across services and partners as well as a commitment to the meaningful empowerment and participation of children and young people

The UNCRC includes four general principles and these form the basis of a framework to ensure that a children's rights approach is taken to all decisions that affect children and young people. These principles underlie all articles in the UNCRC and are fundamental to all of the rights outlined in the UNCRC. These principles are:

- Non-discrimination (Article 2)
- Best interest of the child (Article 3)
- Right to life survival and development (Article 6)
- Right to be heard (Article 12)

To learn more about the UNCRC and the UNCRC Incorporation Act 2024, please visit the [Scottish Government website](#).



### 3 Inherent Obligations

There are some key concepts or inherent aspects to the legislation that it is important to understand, especially when thinking about budgets and public finances.

These are intertwined and there is further [guidance](#) published by the Scottish Government which explains this further.

#### Evolving Capacities

‘Evolving capacities’ is a term used to refer to the child’s own increasing ability to make reasoned decisions in different parts of their life. It may depend on a child’s experiences, education and maturity, as well as the complexity and magnitude of the decision being made. Some children may face additional barriers to participation and communicating with public authorities on decisions that affect them, such as children with additional support needs or speakers of other languages. The UNCRC also allows for the fact that children’s capacities can differ according to the nature of the rights to be exercised. Therefore, children require varying degrees of protection, participation and opportunity for autonomous decision-making in different contexts and across different areas of decision-making.

#### Progressive Realisation

Progressive realisation requires States to work gradually towards the full realisation of rights, based on the maximum resources available. This means that States are expected to take **continuous and purposeful** steps forward, rather than achieving full compliance instantly.

In the context of the UNCRC, progressive realisation particularly applies to economic, social, and cultural rights. This includes ensuring the right to education, the highest attainable standard of health, and an adequate standard of living. States are required to demonstrate that they are making measurable progress towards these goals, based on their available resources, and are also expected to prioritise these rights in their policy and budget decisions.





It encompasses the principles of:

- **Use of Maximum Available Resources:** States are obliged to utilise the maximum of their available resources to fulfil human rights. This includes financial, natural, human, technological, and organisational resources. In international law this is understood to mean generating, allocating and spending resources in a way that is effective and efficient for the realisation of children's rights (see section 4.2.2 on budget allocation in [non-statutory guidance on taking a children's human rights approach](#)) and States are expected to demonstrate they are taking steps to improve the enjoyment of children's rights, even when resources are scarce.
- **Non-Retrogression:** Under this principle, States must avoid taking steps backwards. In times of economic crisis, regressive measures may only be considered after assessing all other options and ensuring that children are the last to be affected, especially children whose rights are at risk.
- **Minimum Core Obligations:** The Act does not define the minimum core of each of the UNCRC requirements as defined by the Act and so it will be a matter for the courts, when interpreting the compliance duty in the Act, to decide what the appropriate minimum essential levels for economical, social and cultural rights might be in Scotland.



## 4

## How to Use This Resource to Support Your Work to Embed Children's Rights?

The Observatory of Children's Human Rights Scotland (in partnership with Public Health Scotland and Matter of Focus) undertook a collaborative, evidence-based process to create a [Theory of Change](#) for implementing the Act in Scotland. The Theory of Change explores what is needed to realise children's rights, in all settings and for all children and young people. This kind of large-scale change is often thought of as 'system change'. To support such change, we need to:

- Reach out to people's hearts and minds so that they really want to do this
- Work with people, not on them, so they feel they own this work
- Provide leadership around the values and principles of this work
- Create environments that help individuals put into practice the changes we want to see
- Listen at all levels in the system and share responsibility across sectors

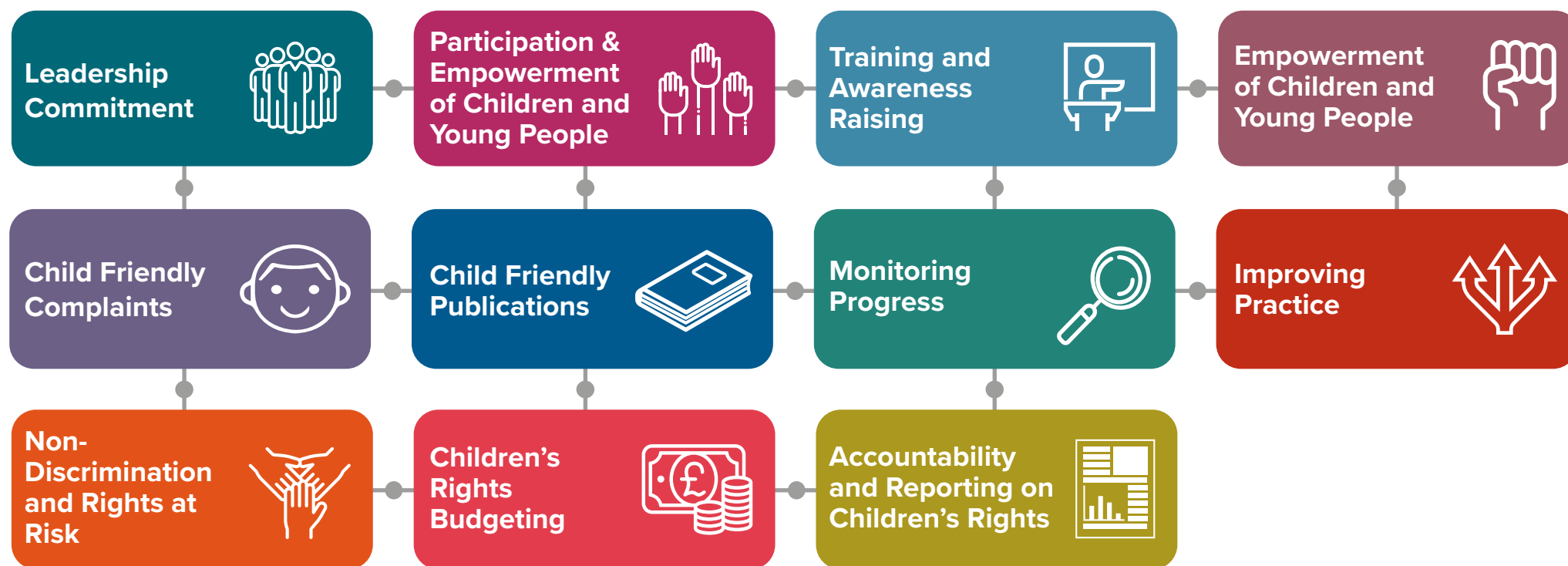
The Theory of Change focuses on four key areas where change needs to happen to ensure children can realise their rights in Scotland. For each of these four change processes, the Theory of Change has outcome maps that lay out the drivers and actors for change. The four change processes are:

- **Policy** - policy adaptation, coordination, administrative integration and budgetary consideration
- **Capacity** - building cross-sector capacity and capability to integrate rights-based ways of working



- **Culture** - changing attitudes, norms, values and everyday actions
- **Empowerment** - ensuring a system of information, advocacy, complaints, redress and effective remedy for children and young people

This resource takes forward the Theory of Change and outlines a number of key steps that will enable public bodies and their partners to demonstrate their commitment to children's human rights and further embed children's human rights across their organisation including their values and organisational culture. Each step represents a key aspect of work to embed children's rights as follows:



This Framework should be used alongside the [statutory and non statutory guidance](#) produced by the Scottish Government. This guidance includes a guide to checking compatibility with the UNCRC requirements set out in the Act.

## How this framework can be used

This framework can support your organisation to ensure that you have the core building blocks in place to help you to meet the requirements of the UNCRC legislation. It focuses on the organisational capacity and core elements needed to progress your approach to children's rights.

The Framework should be used alongside the statutory guidance produced by the Scottish Government.

This framework can be used:

- As a light touch self assessment framework that can help you to assess where you are currently at in your approach to embedding children's rights
- To create an action plan to develop or progress your work on children's rights, recognising that each organisation will be at different stages of their approach
- To access existing resources and information that can support the development of different elements/ pillars of work
- To engage with colleagues across the organisation or with partners on this agenda and to identify where shared approaches will be beneficial
- To identify what resources, skills and knowledge exist across the organisation that can support this work

### UNCRC Skills and Knowledge Framework

The UNCRC Skills and Knowledge Framework provides access to resources and training on children's rights and on taking a children's human rights approach. The resources can be used across a wide range of sectors, giving users an enhanced understanding of how they can respect, protect and fulfil children's rights.

The Training Plan which accompanies the Framework, will help those staff in public authorities responsible for developing and delivering training, to plan and deliver appropriate training for staff members on children's rights and taking a children's human rights approach. This will support public authorities to embed children's rights in public services.





## 5 Help and Support to Use the Resource

### All public bodies

Further resources, information and guides are available to support your work on the [UNCRC In Scotland #childrensrights Knowledge Hub](#) site. This is an online community of people working in Scotland on UNCRC implementation and progressing children's rights. It is free to join and all resources are free to access.

### Local authorities

The Improvement Service can support you to use this framework in a way that suits your organisation in your approach to the UNCRC. Please get in touch with us to discuss the support you need. We can also signpost you to other organisations who have resources, skills and knowledge to support your work.

### Contact

Rebecca Spillane, UNCRC Implementation Manager

Email: [rebecca.spillane@improvementservice.org.uk](mailto:rebecca.spillane@improvementservice.org.uk)

Twitter: [@beckyporty](https://twitter.com/beckyporty)

Website for more information: <https://www.improvementservice.org.uk/products-and-services/inequality-economy-and-climate-change/uncrc-implementation-project/resources>

### Other public bodies

Further information and support is available from the Children's Rights Unit at the Scottish Government. This includes access to a range of published guidance on the UNCRC Act.

Email: [UNCRCIncorporation@gov.scot](mailto:UNCRCIncorporation@gov.scot)

Web: [www.gov.scot/policies/human-rights/childrens-rights/](http://www.gov.scot/policies/human-rights/childrens-rights/)

## Case Study: Getting Ready for the UNCRC in East Lothian Council

East Lothian Council has an established UNCRC Working Group chaired by the Executive Director for Education and Children's Services. Members are drawn from across all council services and are the identified 'children's rights champion' for their service area. Each member is expected and encouraged to share information between their service area and the UNCRC group. The group have undertaken training and have a good understanding of children's rights and the UNCRC. The Improvement Service attended one of the UNCRC Group meetings to share more information about the 'Getting Ready for the UNCRC' resource and how it can be used to support their work. They decided to use the Framework and opted to undertake a full self-assessment using the electronic survey. Once each service area had completed the self-assessment, the Improvement Service analysed the feedback and shared this with the group, allowing them time to digest the findings and begin to identify the next steps. From here, the group have worked collectively to develop their Children's Rights Action Plan, using the categories from the Framework to structure their approach. Feedback from the self assessment is also informing their Children's Rights Report 2020-2023.

Lesley Brown, Chair of the Group said:

*"This process was not onerous but gave a really accurate view of where we are in terms of our readiness for incorporation and also a steer on what we need to do next. We have used the results of the self-assessment to create a Corporate UNCRC action plan and our Champions are using the results to create their own service level actions. Overall the tool was very helpful, straightforward to use and has been very helpful in helping pinpoint exactly what we need to do."*

# The Framework: Key Steps to Take to Implement the UNCRC

## 1. Leadership and Corporate Commitment



### Key considerations

- Leaders at all levels can confidently speak about the importance of children's human rights and can convey this message to others in a way that is meaningful.
- Corporate and Strategic level plans make an explicit commitment to children's human rights, including the participation of children and young people in decision making e.g. Council Plan, Corporate Business Plan.
- Corporate commitments are embedded into service level priorities, budgeting and planning at all levels of the organisation.
- Strategic partnerships e.g. Community Planning Partnerships, continue this commitment into a shared vision and purpose.
- You have a plan which outlines your commitment to children's rights, and the actions that you are taking to progress these (with particular emphasis on areas where children's rights are not being realised).
- Your procurement and commissioning processes ensure that children's rights are considered when awarding contracts to those who provide services on your behalf.

### What's already happening?

### What needs to happen?



## 2. Participation of Children and Young People



### Key considerations

- Children and young people have a voice and meaningful participation in decisions that affect their lives, directly and indirectly, including in policy-making, budgetary decision-making, and in reviewing your processes and practices.
- There is a range of ways for all children and young people to meaningfully participate and barriers to participation are identified and removed.
- You build relationships with children and young people in ways that allow them to feel comfortable sharing their views and ideas e.g. youth groups.
- You provide feedback to children and young people and staff on the outputs and impact of children's involvement (both what changes happen as a result of their involvement and what doesn't change and the reasons why).

### What's already happening?

### What needs to happen?

### 3. Empowerment of Children and Young People



#### Key considerations

- You regularly review and remove any barriers that children and young people may face when trying to participate/engage with services.
- All children, young people and their parents/carers have access to independent advocacy and accessible advice to support them in their understanding of their rights.

#### What's already happening?

#### What needs to happen?

## 4. Child Friendly Complaints Procedure



### Key considerations

- A child friendly complaints procedure is in place, is regularly reviewed and is working well for children and families.
- Complaints and feedback are constructively received and reviewed to inform future improvement in processes, services and participation.
- Your approach to complaints on the basis of children's rights is consistent with other local authority areas in Scotland, by following the principles set out by the Scottish Public Services Ombudsman

### What's already happening?

### What needs to happen?



## 5. Training and Awareness Raising



### Key considerations

- Children, young people and their parents/carers have the opportunity to learn about their rights and how they should be upheld.
- You support local communities to understand children's rights.
- You support colleagues at all levels of your organisation to understand children's rights, their responsibility to protect and advance children's rights and how to adopt and model a children's rights-based approach through their work.

### What's already happening?

### What needs to happen?

## 6. Improving Practice - Tools and Resources to Support your Work



### Key considerations

- You make use of tools that can support you to advance children's rights and support colleagues to use those tools to review policy and practice and adopt a children's rights-based approach.
- You regularly review your existing policies and procedures to ensure that they are compliant with the UNCRC and that you are identifying and removing barriers that prevent children accessing their rights.

### What's already happening?

### What needs to happen?

## 7. Publishing Child Friendly/Easy Read Information



### Key considerations

- You publish information in child friendly/easy-read ways including your Children's Rights Report. Consider different age levels when thinking about how you publish information.
- You provide children with accessible information on how to provide feedback about services and access redress in case of issues.

### What's already happening?

### What needs to happen?



## 8. Measuring Progress



### Key considerations

- You collect disaggregated information about children and young people that can help to improve your understanding on how well rights are being upheld and inform your approach and action.
- You have a clear set of indicators which can help you to monitor how you are protecting and progressing children's rights and adapt your plan as needed.
- You are aware of those who are most at risk of their rights being breached.

### What's already happening?

### What needs to happen?

## 9. Children's Rights Budgeting



### Key considerations

- You can demonstrate that you have taken children's rights into account when making decisions about the allocation of budgets/resources across the organisation e.g. a children's rights and wellbeing impact assessment is completed.
- The process of budget development includes transparency and the participation of children and young people.
- Explicit budget lines can be identified which specifically support children's rights e.g. tackling child poverty or inequality.

### What's already happening?

### What needs to happen?

## 10. Accountability and Reporting on Children's Rights



### Key considerations

- You understand how well your organisation is doing to protect and advance children's rights. This includes understanding what activities are underway and what action is needed to further advance this work.
- You are fulfilling your duty under the UNCRC (Incorporation) (Scotland) Act 2024 to report on how you are progressing and securing the advancement of children's rights.
- Children and Young People can find out about the work you are doing to uphold their rights

### What's already happening?

### What needs to happen?

## 11. Non Discrimination/Rights at Risk



### Key considerations

- The organisation has an explicit commitment to equality of opportunity and a proactive approach to tackling inequality on the grounds of age, disability, race, religion or belief, gender reassignment, sex, marital status, pregnancy or maternity or sexual orientation.
- Every child is treated fairly and protected from discrimination
- Children and young people who need additional support to overcome barriers or difficulties are proactively identified and can access this support, including inclusive communication practice.
- The organisation actively identifies children and young people at risk of not accessing their rights and take steps ensure their rights are protected

### What's already happening?

### What needs to happen?

## Resources to Support Your Work

### Leadership and Corporate Commitment

[United Nations Convention on the Rights of the Child implementation: introductory guidance](#)

[Understanding the UNCRC for Public Bodies](#)

[Understanding the UNCRC For Elected Members in Scotland](#)

Theory of Change – [full report](#) and [summary](#)

[Theory of Change for Making Children's Rights Real in Scotland; Evidence Paper no. 1 – Policy](#)

[Scottish Government approach to Children's Human Rights](#)

Scottish Government (2021), [Children's Rights and the UNCRC in Scotland: An Introduction](#)

### Participation of Children and Young People

[Children in Scotland: Meaningful Participation of Children and Young People](#)

[Children's Parliament Investigates: Professionals Make Rights Real](#)

[Scottish Youth Parliament: 'The Right Way' resources](#)

[Rights Right Now Report 2022](#)

[Lundy Model of Child Participation](#)

General Comment 12 (2000) [The Right of the Child to Be Heard](#)

[Golden Rules for Participation: Children and Young People's Commissioner](#)

[Voice of the Infant Guidelines](#)

[Starcatcher: Voice of the infant](#)



## Empowerment of Children and Young People

[Dignity in School Hub Resources](#)

Chapter 6, [Together's State of Children's Rights Report](#)

[Reach](#) – resources for young people to help them understand their right to be included, listened to and involved in decisions about support for learning

[My Rights, My Say](#) – resources for young people aged 12- 15 and resources for teachers to help young people access their rights

[Theory of Change for Making Children's Rights Real in Scotland; Evidence Paper no. 4 – Empowerment](#)

## Child Friendly Complaints Procedure

[UNICEF Child Friendly Complaint Mechanisms](#)

[Scottish Public Services Ombudsman Child Friendly Complaints Guidance](#)

## Training and Awareness Raising

[Understanding the UNCRC for Public Bodies](#)

[Understanding the UNCRC For Elected Members in Scotland](#)

[Resources for Schools and School Communities](#)

[Children's Parliament Resources](#)

[Theory of Change for Making Children's Rights Real in Scotland; Evidence Paper no. 2 – Capacity](#)

[Theory of Change for Making Children's Rights Real in Scotland Evidence Paper no. 3 – Culture](#)





## Improving Practice - Tools and Resources to Support your Work

[PANEL Principles](#)

[Fair Process](#)

[Children's Rights Wellbeing Assessment](#)

Chapter 8, [Together's State of Children's Rights Report](#)

## Publishing Child Friendly Information

[Save the Children: How to Write a Child Friendly Document](#)

Chapter 3, [Together's State of Children's Rights Report 2022](#)

[Creating Child Friendly Versions of Written Documents](#)

## Measuring Progress

[SHANNARI Indicators](#)

[Equality and Human Rights Commission – further links](#)

## Children's Rights Budgeting

Chapter 7, [Together's State of Children's Rights Report 2022](#)

[Children in Scotland: Children's Wellbeing Budgets 2020](#)

[UNICEF Public Finance for Children](#)

## Accountability and Reporting on Children's Rights

[Statutory Guidance on Part 3 of the UNCRC Act](#)

## Non Discrimination

[Children and Young People's Commissioner Advice on Article 2](#)

[Equality and Human Rights – Equality Impact Assessment](#)





## Appendix 2: Suggested Self Assessment Process

Each organisation will have their own arrangements for who is leading the work to meet the UNCRC requirements. It is important to remember that the UNCRC applies across all policy areas that impact the lives of children and young people. The self-assessment process works best where you have a range of services working together to understand the current activities and processes in place. Children and young people can also be involved in the self-assessment process.

**Agree who will undertake the self-assessment process and the time line for the assessment to take place. Ensure that everyone involved understands the importance of meeting the requirements of the UNCRC Act.**

**Each service area (or relevant Working Group) works through the self-assessment questions (or the selection you have chosen to complete) and records what the current activity is and what gaps emerge.**

**The feedback from the self-assessment is considered to identify and then prioritise the actions that are needed to be taken to improve practice.**

**A UNCRC Action Plan is drafted to progress the actions that have been identified as required.**

**The UNCRC Action Plan is signed off appropriately and work begins to progress actions.**

## Appendix 3: Sample Action Plan Template

### 1. Leadership and Corporate Commitment

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

### 2. Participation of Children and Young People

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

### 3. Empowerment of Children and Young People

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

### 4. Child Friendly Complaints Procedure

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

## 5. Training and Awareness Raising

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

## 6. Improving Practice - Tools and Resources to Support your Work

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions



## 7. Publishing Child Friendly Information

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

## 8. Measuring Progress

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

## 9. Children's Rights Budgeting

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

## 10. Accountability and Reporting on Children's Rights

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

## 11. Non-Discrimination & Rights at Risk

Outcome	Actions Required	Responsibility	Resources	Timeline	Comments e.g. link to other actions

