Child Rights and Wellbeing Impact Assessment (CRWIA)

for the National Outcomes

Disclaimer

This **draft** document is an **initial assessment** of the impact of the National Outcomes and Scottish Government will continue to review and update this document where required during the strategic decision-making process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

CRWIA Stage 2 – Assessment of Impact and Compatibility

Summary:

This CRWIA examines the current National Outcomes, assessing to what extent they support the UNCRC.

Detail is then provided on how this assessment and data from the statutory Review of National Outcomes has informed the development of revised National Outcomes.

The existing National Outcomes can be seen as having a positive impact on children's rights and wellbeing. Proposed changes to the National Outcomes will build on and strengthen that positive impact.

1. What evidence have you used to inform your assessment? What does it tell you about the impact on children's rights? (Guidance Section 2.2)

The National Outcomes are underpinned by the Community Empowerment (Scotland) Act 2015, which sets down the requirement for Scottish Ministers to determine National Outcomes. The Act places a duty on public authorities and any other person carrying out functions of a public nature to have regard to the National Outcomes in carrying out their functions. The Act also states that Scottish Ministers must review the National Outcomes regularly – with a review required to commence within five years of the date on which the current National Outcomes were published.

When reviewing the National Outcomes, Scottish Ministers must consult with representatives of communities in Scotland and must also consult the Scottish Parliament on proposed changes.

The current set of National Outcomes were published in June 2018 and a statutory review commenced in 2022, with an extensive consultation and evidence gathering exercise taking place. The substantial amount of data gathered has informed proposed changes which will ensure the NPF remains ambitious and forward looking for the coming five years.

This assessment has been informed by this evidence, which includes individual responses to an online consultation, evidence submitted by stakeholders, data collected at stakeholder workshops, and evidence analysed as part of a desk-based research exercise.

Overall, this evidence shows a high level of support for the existing 'Children and Young People' (CYP) National Outcome. For example, 93% of respondents to the online consultation expressed satisfaction with the current CYP Outcome.

Some changes were proposed, however. These included being more explicit about particular groups of children who have additional challenges; more explicitly reflecting a rights based approach (UNCRC); aligning more fully to other policies, including GIRFEC; adding early years care; the importance of support during

transitions; tackling isolation in islands and rural communities; challenges of being a generation 'born digital'; and participation in decision making.

Identify any gaps in the evidence base, and set out how you will address these.

N/A

Evidence from stakeholders/Policy Colleagues (Guidance Section 2.2)

An extensive programme of stakeholder engagement – within Scottish Government and externally – was carried out as part of the Review process.

A number of stakeholders with an interest in children's rights and wellbeing engaged with the process.

The Children's Parliament were commissioned to prepare a report considering the National Outcomes through the lens of their work programme over the period 2018 to 2023. Other documentation reviewed as part of the desk based research included 'All Learners in Scotland Matter' the final report from the national discussion on education and 'From Scotland's Young People', the Scottish Youth Parliament's Manifesto 2021-2026.

We worked with the Scottish Youth Parliament to design and host a workshop for MSYPs.

Organisations which responded to the consultation and/or call for evidence included:

- The Promise (consultation response)
- Scottish Out of School Care Network (call for evidence)
- Sistema Scotland (call for evidence)
- Families Outside (call for evidence)
- Intandem (call for evidence)
- Stirling's Strategic Planning Group for Children (call for evidence)
- SSSC (call for evidence)
- Social Work Scotland (call for evidence)
- Children in Scotland (call for evidence)

Additionally, the Expert Advisory Group, which guided the review process, includes representation from Young Scot and Children in Scotland.

3. Evidence from children and young people (Guidance Section 2.2)

Data gathered includes evidence on the specific needs of children and young people and feedback on how the National Outcomes could better reflect their rights and wellbeing.

The Children's Parliament was a key partner in the development of the current CYP National Outcome. Their report, 'What Kind of Scotland' was published in 2018 to

support the 2016-2017 review which developed the current set of National Outcomes.

To ensure that all aspects of wellbeing of children up to the age of 14 were considered in the current review, a new report was commissioned. The report: 'Reviewing the National Outcomes for Scotland through the lens of Children's Parliament's programme of work from 2018 to 2023' reflects on the work of the Parliament since the last review of the National Outcomes.

The report examines 47 projects and programmes that have engaged with children between 2018 and 2023 and reflects on 10 of the 11 National Outcomes as currently expressed, highlighting what is known from children's lived experience as well as their hopes and ambitions for their own childhoods and those of future generations.

The report has been published as part of the wider Review statutory report which was laid in the Scottish Parliament on 1 May 2024.

To ensure we also captured the voices of 14-25 year olds, we submitted a proposal to the Scottish Youth Parliament for a consultation workshop to be co-designed and hosted with MSYPs. This online participatory session captured the views of MSYPs on whether the current National Outcomes still reflect what matters to young people.

Analysis of the evidence

Using evidence detailed above, please answer the following questions on how this relevant proposal will impact children.

4. How have the findings outlined in questions 1-3 influenced the development of the relevant proposal? (Guidance Section 2.2)

Evidence collected as part of the statutory review of National Outcomes has informed the development of revised National Outcomes.

This includes: more explicitly referring to children's rights; acknowledging that being loved, safe and respected are positive outcomes in their own right; highlighting that education and learning happens in a range of settings; acknowledging the importance of mental health and making explicit reference to commitments made to care experienced children and young people.

These proposed changes will be elaborated on throughout the assessment.

5. Assessing for compatibility against the UNCRC requirements (Guidance Section 2.2)

Complete the below matrix, placing a tick against each article which is relevant to your existing legislation or decision or relevant proposal. Further on in the form you will be able to explain these answers in more detail.

UNCRC Articles

Please click on the triangle to expand and collapse the text for a full definition of each article.

What impact does/will your relevant proposal have on children's rights (Please tick positive, negative or neutral)

| Article 1 Definition of the child | Positive | Negative | Neutral ⊠ |
|---|-------------|----------|--------------|
| Article 2 Non-discrimination | | | |
| Article 3 Best interests of the child | \boxtimes | | |
| Article 4 Implementation of the Convention | \boxtimes | | |
| Article 5 Parental guidance and a child's evolving capac | cities 🗆 | | \boxtimes |
| Article 6 Life, survival and development | \boxtimes | | |
| Article 7 Birth registration, name, nationality, care | | | \boxtimes |
| Article 8 Protection and preservation of identity | | | \boxtimes |
| Article 9 Separation from parents | | | \boxtimes |
| Article 10 Family reunification | | | \boxtimes |
| Article 11 Abduction and non-return of children | | | \boxtimes |
| Article 12 Respect for the views of the child | \boxtimes | | |
| Article 13 Freedom of expression | | | \boxtimes |
| Article 14 Freedom of thought, belief and religion | | | \boxtimes |
| Article 15 Freedom of association | | | \boxtimes |
| Article 16 Right to privacy | | | \boxtimes |
| Article 17 Access to information from the media | | | \boxtimes |
| Article 18 Parental responsibilities and state assistance | \boxtimes | | |
| Article 19 Protection from violence, abuse and neglect | \boxtimes | | |
| Article 20 Children unable to live with their family | \boxtimes | | |
| Article 21 Adoption | | | \boxtimes |
| Article 22 Refugee children | | | \boxtimes |
| Article 23 Children with a disability | \boxtimes | | |

| Article 24 Health and health services | \boxtimes | | |
|--|---------------|---------|-------------|
| Article 25 Review of treatment in care | | | \boxtimes |
| Article 26 Social security | \boxtimes | | |
| Article 27 Adequate standard of living | \boxtimes | | |
| Article 28 Right to education | \boxtimes | | |
| Article 29 Goals of education | \boxtimes | | |
| Article 30 Children from minority or indigenous groups | | | \boxtimes |
| Article 31 Leisure, play and culture | \boxtimes | | |
| Article 32 Child labour | | | \boxtimes |
| Article 33 Drug abuse | | | \boxtimes |
| Article 34 Sexual exploitation | | | \boxtimes |
| Article 35 Abduction, sale and trafficking | | | \boxtimes |
| Article 36 Other forms of exploitation | | | \boxtimes |
| Article 37 Inhumane treatment and detention | | | \boxtimes |
| Article 38 War and armed conflicts | | | \boxtimes |
| Article 39 Recovery from trauma and reintegration | | | \boxtimes |
| Article 40 Juvenile justice | | | \boxtimes |
| Article 41 Respect for higher national standards | | | \boxtimes |
| Article 42 Knowledge of rights | | | \boxtimes |
| First optional protocol | Positive Ne | egative | Neutral |
| Article 4 | | | \boxtimes |
| Article 5 | | | \boxtimes |

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

| Article 6 | | \boxtimes |
|-----------|--|-------------|
| Article 7 | | \boxtimes |

| Second Optional Protocol | | |
|--------------------------|--|-------------|
| Article 1 | | \boxtimes |
| Article 2 | | \boxtimes |
| Article 3 | | \boxtimes |
| Article 4 | | \boxtimes |
| Article 6 | | \boxtimes |
| Article 7 | | \boxtimes |
| Article 8 | | \boxtimes |
| Article 9 | | \boxtimes |
| Article 10 | | \boxtimes |
| Article 11 | | \boxtimes |

6. Impact on children and young people (Guidance Section 2.2)

In relation to the UNCRC articles that you have ticked above, please **explain how** your relevant proposal will impact or currently impacts on individual or groups of children. Please give consideration to groups who may be considered at greatest risk of not having their right fulfilled.

While all of the National Outcomes are universal and therefore apply to all children and adults, the Children and Young People (CYP) Outcome is clearly the most relevant, and can be seen as positively impacting children's rights and wellbeing in several ways.

The CYP Outcome, along with several other National Outcomes, both current and revised, are assessed as having a positive impact on children's rights and wellbeing in line with the below Articles:

• Article 2 – Non-discrimination

The National Outcomes do not discriminate against any specific groups of children, specifically referencing 'all children and young people' within the CYP Outcome.

• Article 3 – Best interests of the child

The National Outcomes should inform all decision-making by public bodies in Scotland, and the CYP Outcome ensures that children's best interests will be prioritised.

A new proposed National Outcome for Care recognises that 'for some, such as young carers, caring and being cared for happen at the same time. The right

support is available for young carers to ensure they can be children first and foremost'.

• Article 4 – Implementation of the convention

The CYP Outcome specifically mentions protecting children's rights. The language has been enhanced in the revised extended definition to ensure children's rights are front and centre in the CYP Outcome.

• Article 6 - Life, survival and development

The CYP Outcome extended definition emphases the importance of providing the conditions for children to be healthy and active, with the revised version recognising the parity of mental and physical health.

• Article 12 – respect for the views of the child

The current CYP Outcome states 'we include and involve children in decisions about their lives and world' and the proposed version adds 'provide opportunities for them to participate in decision making processes'.

• Article 18 – parental responsibilities and state assistance

The current CYP Outcome mentions providing support for families when needed The revised version builds on this to emphasise that 'families are supported as needed to raise their children in a nurturing and safe environment'.

Article 19 – protection from violence and abuse

The current CYP Outcome states that 'our communities are safe places. The revised version enhances this by acknowledging the importance of online safety: 'our communities – both physical and virtual – are safe places where children and young people are valued and treated with kindness'.

• Article 20 - Children unable to live with their family

The proposed revised CYP National Outcome recognises that children who are care experienced require a nurturing and safe environment.

Further, a new Care Outcome aims to 'improve the lives of children [...] by ensuring high quality care' and to ensure that 'children looked after in the care system feel loved and nurtured throughout their lives and have everything they need to thrive.'

• Article 23 – Children with a disability

The revised CYP Outcome recognises that every child and young person is an individual and that some children may face barriers that require special consideration. The current version emphases the importance of providing the conditions for children to be healthy and active, with the revised version recognising the parity of mental and physical health.

• Article 24 – Health and health services

The CYP Outcome extended definition emphases the importance of providing the conditions for children to be healthy and active, with the revised version recognising the parity of mental and physical health.

Additionally, the revised Health National Outcome emphasises the importance of 'facilities that enable good health and access to healthcare [being] available in communities, including recreation and leisure, local health services and support services'.

• Article 26 – Social security

The revised CYP Outcome states that 'families are supported as needed'.

Additionally, the revised Reducing Poverty Outcome states 'we support families who need it, to become financially secure so that children do not grow up in poverty'.

• Article 27 – Adequate standard of living

The proposed revised CYP National Outcome builds on the existing Outcome by emphasising that we need to 'do all we can to ensure [children and young people] grow up in an environment of happiness, love and understanding, through which they can flourish'.

Additionally, the proposed Wellbeing Economy and Fair Work National Outcome aims to 'reduce poverty and inequality and improve health and living standards across all of Scotland'. We are proposing renaming the current Poverty National Outcome to Reducing Poverty and specifically calling out the need to 'tackle deep-seated and multi-generational child poverty'.

A new National Outcome is being proposed for Housing to reflect evidence that it is foundational to everyone's wellbeing and of the importance of a secure, affordable, safe and suitable home to improving progress across other National Outcomes. The proposed Outcome states that 'housing meets everyone's needs, throughout all stages of life'.

• Article 28 – Right to education; Article 29 – Goals of education

The current CYP National Outcome states 'Our schools are loving, respectful and encouraging places where everyone can learn, play and flourish.' The revised version enhances this by acknowledging that early years provision is also key to children's learning and development and learning can happen in non-formal settings: 'we enhance life chances through access to schools, early years provision and other activities that are caring, respectful and encouraging places where everyone can learn, play and flourish'.

Additionally, the revised Education and Learning National Outcome states 'we provide excellent education for all our children and young people through an education system that meets everyone's needs and prepares them for the future'. It also emphasises that schools need to 'support good mental health and wellbeing and are inclusive places that can respond to diverse needs'. It also acknowledges that learning can happen in 'many ways and settings'.

• Article 31 – Leisure, play and culture

The revised CYP Outcome emphasises that children and young people should have access to 'caring, respectful and encouraging places where everyone can learn, play and flourish'.

Additionally, the revised Culture Outcome extended definition emphasises that culture 'flourishes, bringing social and economic benefits through broad ranging activities that are accessible to all'.

7. Negative Impact/Incompatibility (Guidance Section 2.2)

If negative impact is identified in Question 5 above, can you elaborate on this and explain why impact is or will be negative?

No negative impacts have been identified.

Are there any potential concerns about compatibility with the UNCRC requirements? Please explain these here.

There are no concerns about UNCRC compatibility.

8. Options for modification or mitigation of negative impact or incompatibility (Guidance Section 2.2)

What options have been considered to modify the existing legislation or decision or relevant proposal in order to mitigate negative impact or potential incompatibility issues?

No negative impacts or incompatibilities were identified within the existing National Outcomes. Nonetheless, feedback on how they can better support children's rights and wellbeing has been taken on board in the development of revised Outcomes, as described throughout this assessment.

9. Positive impact: Giving better or further effect to children's rights in Scotland (Guidance Section 2.2)

If positive impact is identified in Question 5, please reflect on and explain how your relevant proposal currently **protects, respects and fulfils children's rights** in Scotland or will do so in future.

Your assessment may reveal that the policy/measure not only complies with the Articles of the UNCRC but takes things further and helps progress the realisation of children's rights in Scotland – i.e. gives better or further effect to the UNCRC in Scotland.

The National Performance Framework (NPF) is Scotland's wellbeing framework, outlining a vision for national wellbeing and improved quality of life, with 'increased wellbeing' part of its purpose. Statutory National Outcomes reflect the values and aspirations of the people of Scotland.

The NPF combines measurement of how well Scotland is doing in economic terms with a broader range of societal wellbeing measures. The National Indicators incorporate a range of data – from social attitudes and perceptions to economic and environmental statistics – to paint a broad picture of Scotland's performance.

The NPF is not a policy or legislative measure, but rather a framework for collaboration and planning of policy and services across the whole spectrum of Scotland's civic society, including public and private sectors, voluntary organisations, businesses and communities. The NPF therefore impacts the way that all Scottish Government policies, legislation and decisions are shaped.

The existing National Outcome with the most direct positive impact on children and young people is 'Children and Young People' which states 'we grow up loved, safe and respected so that we realise our full potential'. The extended definition of the Outcome states:

'We do all we can to ensure our children grow up in an atmosphere of happiness, love and understanding. We enhance their life chances through our early years provision and by supporting families when they need it. We ensure childhood is free from abuse, tobacco, alcohol, drugs, poverty and hunger. Our children are not left worried or isolated. We include and involve children in decisions about their lives and world, and protect their rights, dignity and wellbeing.

Our communities are safe places where children are valued, nurtured and treated with kindness. We provide stimulating activities and encourage children to engage positively with the built and natural environment and to play their part in its care. We provide the conditions in which all children can be healthy and active. Our schools are loving, respectful and encouraging places where everyone can learn, play and flourish. We provide children and young people with hope for the future and create opportunities for them to fulfil their dreams.'

The Outcome explicitly emphasises protecting children's rights. It also illustrates specific ways that we aim to do this, reflecting a number of UNCRC articles, as outlined in Section 6 above.

Guided by the evidence gathered during the Review, we have built upon the solid foundations provided by the existing National Outcomes, and the Children and Young People Outcome in particular, to propose changes that aim to improve children's wellbeing and progress the realisation of children's rights in Scotland.

The proposed revised text of the CYP National Outcome is 'we grow up loved, safe and respected and every single one of us can realise our full potential'. The proposed extended definition reads:

We uphold the human rights of all children and young people and do all we can to ensure they grow up in an environment of happiness, love and understanding, through which they can flourish. We recognise that children and young people are not simply future adults but human beings in their own right. We treat every child and young person as an individual and acknowledge that some children may face barriers that require special consideration. We involve children and young people in decisions about their lives and world and provide opportunities for them to participate in decision making processes.

Children and young people have strong, healthy relationships with their caregivers, family and wider social network. Families are supported as needed to raise their children in a nurturing and safe environment, and we ensure the same for those children who are care experienced.

We enhance life chances through access to schools, early years provision and other activities that are caring, respectful and encouraging places where everyone can learn, play and flourish.

Our communities – both physical and virtual - are safe places where children and young people are valued and treated with kindness. We provide the conditions in which all children can be healthy and active, both mentally and physically. We provide children and young people with hope for the future and create opportunities for them to fulfil their dreams. We are committed to a childhood for every child that fully prepares them to live a full life.

10. Impact on Wellbeing: does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland? (Guidance Section 2.2)

Please tick all of the wellbeing indicators that are relevant to your proposal.

| Wellbeing Indicator | Will there be an improvement in wellbeing in relation to this indicator: yes/no |
|---|---|
| Safe - Growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect. | Yes |
| Healthy - Having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices. | Yes |
| Achieving - Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community. | Yes |
| Nurtured - Growing, developing and being cared for in an environment which provides the | Yes |

| physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity. | |
|---|-----|
| Active - Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community. | Yes |
| Respected - Being involved in and having their voices heard in decisions that affect their life, with support where appropriate. | Yes |
| Responsible - Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision. | Yes |
| Included - Having help to overcome inequalities and being accepted as part of their family, school and community. | Yes |

Post Assessment Review and sign-off

11. Communicating impact to children and young people (Guidance Section 2.2)

How will you communicate to children and young people the impact that the relevant proposal is having or will have on their rights?

A communications plan will be developed for the publication of the revised National Performance Framework, following the period of parliamentary scrutiny. The plan will consider all relevant audiences, including children and young people.

Providing information to children and young people on how their rights are being or will be impacted helps to ensure that policy-development is transparent. Are you publishing a child-friendly or accessible CRWIA?

An accessible version of the CRWIA will be published.

12. Planning for the review of impact on child rights (Stage 3) (Guidance Section 2.2)

As part of the decision making process, plans for reviewing the impact on child rights need to be developed.

- How is the impact of the relevant proposal on child rights being monitored or how will it be monitored in the future?
- When will you review your CRWIA and complete Stage 3?

The statutory Review report has been laid in the Scottish Parliament. Parliamentary committees will now scrutinise the Review process and the proposed changes to the National Outcomes. It is likely that they will also review the impact assessments undertaken as part of the Review, including this one.

The National Outcomes are regularly reviewed as there is a statutory requirement to begin a review within five years of publication of each set of Outcomes. It may be appropriate for Stage 3 of the CRWIA to be completed during the next Review, alternatively, this Stage 2 assessment may be updated.

Additionally, evidence gathered during the Review has indicated that better implementation of the NPF is needed and requires a cohesive, coordinated approach and continuous learning and improvement across the Scottish Government, the wider public sector and beyond. We have committed to publishing an Implementation Plan alongside the revised National Performance Framework that will set out the actions we will take to ensure that the NPF is used effectively and consistently to support decision making and delivery. This will be a further opportunity to consider how the NPF can support children's rights and wellbeing.

Work is also underway to review and revise the current set of National Indicators, which help measure Scotland's progress towards the National Outcomes. As with the development of the new National Outcomes, this process will consider the evidence from the Review, including that relating to children's rights and wellbeing.

13. Compatibility sign off statement (Guidance Section 2.2)

This relevant proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Lesley Thomson, 2 May 2024

Deputy Director Signature & Date of Sign Off: David Fleetwood - 15th May 2024

SGLD Sign Off: Yes 🛛 No 🗌

Once signed off, please send to <u>CRWIA@gov.scot</u> and publish on gov.scot or relevant Executive Agency website.