

ABERDEEN CITY COUNCIL

COMMITTEE	Education and Children's Services Committee
DATE	24 January 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Children's Rights Reporting
REPORT NUMBER	CFS/23/022
DIRECTOR	Eleanor Sheppard
CHIEF OFFICER	Shona Milne
REPORT AUTHOR	Matt Reid
TERMS OF REFERENCE	1.1.1

1. PURPOSE OF REPORT

- 1.1 This report seeks approval to publish the statutory Aberdeen City Council Children's Rights Report in keeping with Scottish Government non statutory guidance by March 2023.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 approves the publication of the Children's Rights Report in Appendix A;
- 2.2 instructs the Chief Education Officer to present a refreshed Local Authority Plan for implementation of the United Nations Convention on the Rights of the Child to the Education and Children's Services Committee following receipt of the anticipated Statutory Guidance in 2023; and
- 2.3 notes that officers will prioritise compliance with the UNCRC (Incorporation) (Scotland) Bill ahead of the Unicef Child Friendly Cities (CFC) programme.

3. CURRENT SITUATION

- 3.1 Part 1, Section 2 (Duties of Public Authorities in relation to the United Nations Conventions on the Rights of the Child) of the Children and Young People (Scotland) Act 2014 Act places a duty on local authorities, to report every 3 years on the steps they have taken in that period to secure better or further effect within its areas of responsibility the United Nations Conventions on the Rights of the Child requirements (UNCRC).
- 3.2 The report in Appendix A provides a summary of the work undertaken by the Local Authority to better secure children's rights over the last 3 years and also provides a commentary on our readiness for the incorporation of the UNCRC into legislation.

- 3.3 The Scottish Government continue to work to reintroduce the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill to Scottish Parliament, via the Reconsideration Stage. The Reconsideration Stage will include lodging amendments to address the issues the Supreme Court raised in respect of legislative competence.
- 3.4 It is not possible to advise when the provisions within the Bill will commence, including Section 15 (Reporting duty of listed authorities) which sets out the reporting requirements on listed authorities in the future as commencement cannot take place until after the Bill has received Royal Assent.
- 3.5 Commencement of Section 17(2) would repeal Part 1, Section 2 of the 2014 Act and result in changed reporting expectations. In the event that the UNCRC Bill receives Royal Assent before March 2023, the Scottish Government plan to delay the commencement of Section 17(2), to repeal Part 1, Section 2 of the 2014 Act. In effect, the reporting requirements under the 2014 Act will remain and Local Authorities are asked to prepare to publish a report covering the period 1st April 2020 to 31st March 2023, in accordance with the 2014 Act. The report in Appendix A therefore meets the legislative requirements of Local Authorities under the 2014 Act.
- 3.6 Statutory guidance on Part 3 of the UNCRC Bill will be issued as soon as possible after Royal Assent is granted, to ensure listed authorities (including Local Authorities) are supported to meet their reporting requirements. As a result, the report in Appendix A, which fully complies with current non statutory guidance, is likely to change in both focus and presentation when next presented to Committee in 2026. Although current non-statutory guidance does not require Local Authorities to publish a plan of work to ensure compliance with the UNCRC, Officers have made use of an Improvement Service resource and a theory of change report commissioned by Scottish Government to help identify detailed actions to be progressed in order to strengthen our readiness for incorporation. Next steps are presented at the end of the document and will be subject to review following publication of the Statutory Guidance in 2023.

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- 3.7 Considerable progress has been made over the reporting period. Highlights include:
- Improved use of data to help us support the children and families most in need of our help.
 - Establishment of our multi-agency Fit Like Family Wellbeing Hubs.
 - Successful delivery of [holiday programmes](#) in keeping with the self-reported needs of children, young people and families.
 - Establishment of our first Wee Green Forest.
 - Establishment of our Youth Network to improve youth engagement in strategic decision making and increase cohesion between pre-existing participatory groups for children and young people across the city.
 - Improved Integrated Impact Assessment (IIA) to ensure that Officer recommendations which directly or indirectly affect children and young people take account of the UNCRC.

- The introduction of community walkabouts with children and young people working alongside officers and Elected Members to jointly identify and act on concerns in local communities
 - The introduction of Youth Workers, Family Learning and Money Advisors in all schools
 - 65840 free school meal vouchers delivered to eligible families
 - The Provision of 14564 chrome books, 500 Wi-Fi connections with dongles and 210 data only SIMs during periods of school building closure
 - Successful restructure of ASN Outreach services under a single head teacher and the establishment of associated Parent and Pupil Forums
 - Updated child protection practices in keeping with updated national guidance
 - Successful bid to develop a neurodevelopmental pathway with partners
 - Commissioned Mental Health Aberdeen to offer year-round counselling for our children and young people
 - Children and young people have directly influenced city master planning
 - Further development of The Children's Rights Service
 - Appointment of a Pupil Climate Change President
- 3.8 The Local Authority has been proactive in preparing for the incorporation of the UNCRC with the Council Strategy Board maintaining oversight of progress. The publication of statutory guidance in early 2023 will trigger a review of the actions required to ensure preparedness for incorporation.
- 3.9 Work has also continued with multi-agency partners to achieve Child Friendly City status although this has become increasingly challenging now that Officers and partners have a greater understanding of the implications of the United Nations Conventions on the Rights of the Child (Incorporation) (Scotland) Bill. The Child Friendly City Log Frame is focussed on 6 key areas (or badges) and the Local Authority contribution to the programme has helped ensure that children have a greater voice in decision making. Delivery of the programme now however, could hamper our progress in preparing for incorporation given that the actions in the log frame do not clearly align with the areas identified for improvement.
- 3.10 The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill is a landmark Bill that enshrines children's rights to the full extent possible under the current powers of the Scottish parliament. The Bill is a milestone on Scotland's journey towards making rights real for every child. It is written in a way to ensure that there is a proactive culture of children's rights embedded across local and national government and to enable redress if children's rights are breached. The far-reaching breadth of the Bill means that Incorporation should be viewed as the 'gold standard' for local authorities and it is imperative that resource is identified and devoted to ensuring that the local authority has maximum preparedness ahead of the Bill receiving Royal Assent.
- 3.11 Given that Officers are likely to have to respond at pace to Statutory Guidance to ensure compliance with The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, it is proposed that engagement with the Child Friendly Cities programme is paused. This will allow all available resource

to support the Local Authority to be well placed to deliver services in keeping with the UNCRC.

4. FINANCIAL IMPLICATIONS

- 4.1 Engagement with the Child Friendly Cities programme currently costs the Local Authority £20,000 a year and the cost of an Education Support Officer to coordinate delivery of the programme (approximately £60,000). This resource could be allocated to drive readiness for the requirements of The United Nations Conventions on the Rights of the Child (Incorporation) (Scotland) Bill.

5. LEGAL IMPLICATIONS

- 5.1 Failing to adequately prepare for The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill presents a significant risk to the Council in meeting its statutory obligations.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 No environmental implications identified.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Risk of not improving outcomes for learners	Changes to our provision and service delivery will enable primary prevention and early intervention thereby reducing potential risk.	L	Yes
Compliance	Non-compliance with The Promise would place us in a vulnerable position with potential further legislation	Mitigated by services being re-designed to prevent escalation of need.	L	Yes
Operational	Staff feel unable to access the	Mitigated by	L	Yes

	support required by some children and young people.	basing a multi-disciplinary team around the child and the family		
Financial	Risk of not having sufficient resource.	Mitigated by re-designing to test new ways of working to de-escalate risks from expensive specialist services.	L	yes
Reputational	Risk that poor quality of provision will present a reputational risk to the Council	Will be mitigated through the establishment of a set of measures to track impact.	L	Yes
Environment / Climate	None			

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
<p>Aberdeen City Council Policy Statement</p> <p>Delivery of progressive educational programmes</p>	<p>This report highlights how the UNCRC is helping to shape the service delivery model for children and young people.</p>
<u>Aberdeen City Local Outcome Improvement Plan</u>	
<p>Prosperous People - 95% of all our children, including those living in our priority neighbourhoods, will sustain a positive destination upon leaving school by 2026</p> <p>Mitigating the causes of immediate and acute poverty</p> <p>Supporting vulnerable and disadvantaged people, families and group</p> <p>Poverty affecting those with protected characteristics and in specific communities</p>	<p>The detail within this report supports the delivery of Children & Young People Stretch Outcomes 4 to 9 in the refreshed Local Outcome Improvement Plan. This includes the following projects:</p> <ul style="list-style-type: none"> • Increase to 80%, the number of staff who feel confident about how to directly support, or refer a child for support, and signpost to appropriate services by 2022. • Increase the number of care experienced young people accessing a positive and sustained destination by 25% by 2022. • Increase the number of vulnerable learners entering a positive and sustained destination by 7% by 2023. • Increase the number of young people who leave school with a minimum of Scottish Vocational Qualification 3 in literacy and

<p>90% of Children and young people will report that their experiences of mental health and wellbeing have been listened to by 2026. This is reflected in interactions, activities, supports and services</p> <p>Improving health and reducing inequalities.</p> <p>Increasing children's knowledge and understanding of their own physical and mental wellbeing and take an early intervention and prevention approach.</p>	<p>numeracy and 4 other qualifications to 93% by 2023.</p> <ul style="list-style-type: none"> • Increase number of young people who need support in relation to trauma and bereavement having access to such support by 50% by 2023
<p>Regional and City Strategies</p> <p>Regional Cultural Strategy</p> <p>Prevention Strategy</p> <p>Children's Services Plan</p> <p>National Improvement Framework Plan</p>	<p>The pilots will be aligned fully with the Prevention Strategy and will form a critical part of the Children's Services Plan.</p> <p>This pilot features in the Aberdeen City National Improvement Framework Plan for 2022/23</p>

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Required
Data Protection Impact Assessment	Not required
Other	None

10. BACKGROUND PAPERS

None

11. APPENDICES

Appendix A – Children's Rights Report
Appendix B– Child Friendly Cities Log Frame

12. REPORT AUTHOR CONTACT DETAILS

Name	Matt Reid
Title	Education Support Officer
Email Address	matreid@aberdeencity.gov.uk
Tel	01224 523915