

Submitted: 27/07/2020

Q3

Please provide the name of the organisation you represent

Savlesen Mindroom Centre

Q7

The general measures of implementation are measures used by governments to ensure children's rights are respected and realised throughout all their work, including within spending decision. The UN Committee is clear that responsibility for realising children's rights should be co-ordinated across the whole of government, and not just limited to departments with an obvious impact on children. Topics discussed during the webinar included: Law reform Child rights impact assessments Child rights budgeting Raising awareness and understanding of children's human rights Supporting professional training and development Good governance and children's involvement in decision-making You might want to think about these or other examples when answering the following questions. Would you like to answer questions on general measures of implementation?

Yes

Page 4: 1. General Measures of Implementation**Q8**

Q1.1 - What examples of promising practice can you provide in terms of how national and local government put in place measures to embed a rights-based approach into legislation, policy and practice?

The Scottish Government has undertaken to incorporate the UNCRC in all legislation as appropriate. The Scottish Government funds a rights based advocacy service (My Rights My Say) for children and young people with additional support needs to ensure they have their views heard in certain official processes.

Q9

Q1.2 - Are you aware of any significant steps forward - or regressions - in the measures put in place by government or public bodies to embed children's rights?

During COVID-19 the rights of children and young people under additional support for learning legislation have been suspended which means that local government cannot be held to account for failure to implement children's rights in this area.

Transition planning is an area of weakness both nationally and locally and this directly impacts on children's rights.

The Children and Young People Commissioner for Scotland is a strong advocate for children's rights.

Q10

Q1.3 - What legislative and policy changes need to happen at local and national government level in relation to general measures of implementation to ensure the protection of children's rights?

Children's rights impact assessments should be more widely used to ensure a rights based approach is taken from the outset.

Local and National budgeting decisions should all include targeted funds to support the implementation of children's rights.

Provision of free independent advocacy services for children and young people to ensure their views are taken account of in all relevant processes.

Q11

Q1.4 - What are the top three children's rights issues that Together should highlight as the priority issues for the UN Committee's examination in relation to general measures of implementation? Why have you chosen these?

1. Many children with learning difficulties and other disabilities do not receive an education that is directed toward the development of the personality, talents, physical and mental abilities of the child or young person to their fullest potential. We know that many children and young people with learning difficulties are not well supported at school and some miss out on years of education whilst their families battle to secure something suitable.
2. Children and young people's right to be heard in official process should be a starting point not an add on or afterthought. We are aware of a lack of free independent advocacy services for children and young people, especially those who have additional support needs or communication difficulties.
3. Creating equality of opportunity for all children and young people especially those with additional support needs. From our experience of running a supported work placement project we know that children and young people with ASN are much less likely to be offered the range of opportunities that their peers who don't have ASN have access to. Because transition planning is patchy children and young people who need the most support to progress are most likely to be offered fewer opportunities in life.

Q12

Q1.5 - Are there any other issues related to general measures of implementation that you would like to raise?

Children and young people who have hidden disabilities such as Autism, Dyslexia or ADHD are often discriminated against because there is a lack of awareness about how such conditions can impact on behaviour. More awareness and understanding is required. For example the wearing of face coverings during the Covid-19 pandemic has highlighted the need for a better system of recognition (for example the sunflower lanyard option).

Page 5: 2. Civil Rights and Freedoms

Q13**Yes**

Civil rights and freedoms enshrine children's rights to identity, to express themselves and to access information. Topics discussed during the webinar included: The impact of coronavirus on children's civil rights and freedoms Religious education in school Non-discrimination You might want to think about these or other examples when answering the following questions. Would you like to answer questions on civil rights and freedoms?

Page 6: 2. Civil Rights and Freedoms

Q14

Q2.1 - How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police, are ensuring the protection of children's civil rights and freedoms?

Everyone has tried extremely hard to be mindful of children's civil rights and freedoms during Covid-19. However, in the prioritisation of children of key workers other vulnerable children requiring support have suffered a loss of services. Some families that we support who are extremely vulnerable have been left alone and with no respite. Even families who would normally receive statutory supervision or services have suffered this loss.

Q15

Q2.2 - Are you aware of any significant steps forward - or regressions - in the measures put in place by government or public bodies in relation to civil rights and freedoms?

Access to learning during the Covid-19 pandemic has been patchy with some families receiving good communication from their child's school while other have had little or no contact.

The pandemic has ironically been an equaliser because the families of children with disabilities experience reduced opportunities for example parents and carers who cannot progress in employment due to their caring duties and the lack of services for their children; many families who wouldn't ordinarily experience or understand this have come to be in the same position due to the pandemic.

Q16

Q2.3 - What legislative and policy changes need to happen at local and national government level to ensure children's civil rights and freedoms are protected?

Discrimination law is a very complicated area and it should be possible for people to point out instances of discrimination without the need to pursue complex and lengthy legal processes. At a policy level local and national government should have much greater awareness of the way that direct and indirect discrimination can arise.

Exclusion from school disproportionately impacts on children with additional support needs and very often this is a prime example of discrimination in practice.

Q17

Q2.4 - What are the top three children's rights issues that Together should highlight as the priority issues for the UN Committee's examination in relation to civil rights and freedoms? Why have you chosen these?

1. Exclusion from school: Exclusion from school disproportionately impacts on children with additional support needs and very often this is a prime example of discrimination in practice.
 2. Children with ASN should have equality of access to activities and opportunities. We act for families who want their children to be able to participate fully in the range of activities that are accessible to their peers but who struggle to find appropriate provision.
 3. Children and young people with ASN should experience acceptance and respect to the same extent as their peers. In our work we come across many examples where there is a lack of acceptance and respect leading to stigmatisation and stereotyping.
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Q18

Respondent skipped this question

Q2.5 - Are there any other issues related to civil rights and freedoms that you would like to raise?

Page 7: 3. Violence Against Children

Q19

Yes

Children have the right to be protected from violence, physically or mentally. Topics discussed during the webinar included: Restraint Violence against women and girls, and support services for children and young people Sexual exploitation and abuse Bullying You might want to think about these or other examples when answering the following questions. Would you like to answer questions on violence against children?

Page 8: 3. Violence Against Children

Q20

Q3.1 - How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police, are ensuring children are protected from violence?

There has been a recent spotlight on restraint in schools and new guidance which is welcome.

Bullying at a local authority level (for example in schools) is often poorly dealt with leaving children vulnerable to further victimisation and a loss of self-esteem. National campaigns such as "Respect Me" have done well to highlight the issues but often do not translate into improved practice.

Q21

Q3.2 - Are you aware of any significant steps forward - or regressions - in the measures put in place by government or public bodies in relation to ensuring children are protected from violence?

See answer to Q3.1 above.

Another positive step has been the Children (Equal Protection from Assault) (Scotland) Act 2019.

Q22

Q3.3 - What legislative and policy changes need to happen at local and national government level to ensure children are protected from violence?

Strengthened anti-bullying policies at a local level with monitoring and reporting of outcomes.

Enhanced safeguarding and child protection training would help to protect children against ongoing violence.

Social work budgets should be increased to enable much more preventative work to be done with families so that social work isn't involved only because things have reached a crisis and children have already suffered harm. There should be a greater focus on early intervention.

Q23

Q3.4 - What are the top three children's rights issues that Together should highlight as the priority issues for the UN Committee's examination in relation to violence against children? Why have you chosen these?

1. Prevention and early intervention rather than reactive services: Children need to be protected before experiencing harm.
2. Bullying should be taken more seriously as an issue. In our experience children with ASN are frequent victims of bullying which can often lead to school refusal, school phobia and have lasting negative consequences.
3. Restraint and Isolation within schools should never be used as a way to manage the behaviour of vulnerable children and young people. Our experience of working with children with learning difficulties shows that "behaviour is communication" and there should be much greater understanding of the way in which children who are traumatised or distressed might act in different circumstances. Practitioners who have better and more appropriate training are much more likely to recognise this and support appropriately without resorting to restraint or seclusion.

Q24

Respondent skipped this question

Q3.5 - Are there any other issues related to violence against children that you would like to raise?

Page 9: 4. Family Environment and Alternative Care

Q25

Yes

Every child has the right to enjoy a supportive, nurturing home environment regardless of their circumstances. Topics discussed during the webinar included: Childcare and parental leave Children deprived of a family environment Children affected by parental imprisonment Young carers You might want to think about these or other examples when answering the following questions. Would you like to answer questions on family environment and alternative care?

Page 10: 4. Family Environment and Alternative Care

Q26

Q4.1 - How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police, are ensuring children's rights are protected in relation to family environment and alternative care?

While everyone seems generally committed to children's rights there's a lack of resources to manage this effectively.

Q27

Q4.2 - Are you aware of any significant steps forward - or regressions - in the measures put in place by government or public bodies in relation to family environment and alternative care?

Ongoing funding of young carers services is positive. There simply isn't enough provision of respite services for families of children with ASN and disabilities. In the pandemic childcare provision was extremely sparse and this put families under extra strain.

Q28

Q4.3 - What legislative and policy changes need to happen at local and national government level to ensure children's rights are protected in relation to family environment and alternative care?

Children who have ASN and those who are care experienced have enhanced rights in legislation yet they still consistently have much poorer outcomes than other children. This means that there is a disconnect between the legislation and what happens in practice and local and national policy needs to meet the standards set in legislation. Otherwise children and young people's rights exist in theory only.

Q29

Q4.4 - What are the top three children's rights issues that Together should highlight as the priority issues for the UN Committee's examination in relation to family environment and alternative care? Why have you chosen these?

1. Greater flexibility around working arrangements for parents of children with ASN and disabilities: From our experience parents and carers of children with ASN often struggle with their employment due to the demands of their caring responsibilities. If employers were encouraged to adopt more flexible practices this would help more parents and carers to remain in paid employment.
2. More inclusive services for children and young people with ASN and disabilities: The families we support often suffer disproportionately from isolation and loneliness due to a lack of amenities and activities that they and their family can join in with.
3. A range of formal and informal respite services for families of children with ASN and disabilities: Because these services are generally in short supply family life can become extremely stressful for every family member including non-disabled siblings who may be required to take on the role of a young carer.

Q30

Respondent skipped this question

Q4.5 - Are there any other issues related to family environment and alternative care that you would like to raise?

Page 11: 5. Disability, Basic Health and Welfare

Q31

Yes

Every child has the right to health and health services, benefits and an adequate standard of living. Special consideration must be given to disabled children. Topics discussed during the webinar included: Learning disability Physical disability Children in hospital Mental health Child poverty Environmental health You might want to think about these or other examples when answering the following questions. Would you like to answer questions on disability, basic health and welfare?

Page 12: 5. Disability, Basic Health and Welfare

Q32

Q5.1 - How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police are ensuring the protection of children's rights in relation to disability, basic health and welfare?

There is very good legislative provision for children with ASN and disabilities but there is a problem with how this translates into practice. There is a significant lack of resources to provide adequate support especially in the school sector.

Q33

Q5.2 - Are you aware of any significant steps forward - or regressions - in the measures put in place by government or public bodies in relation to disability, basic health and welfare?

A significant step forward in relation to education of children with ASN and disabilities has been the Additional Support for Learning Review carried out by Angela Morgan and we look forward to the Scottish Government response and subsequent implementation. Overstretched CAMHS services have lead to children with mental health issues not receiving adequate intervention or support to enable them to participate fully in all aspects of citizenship.

Q34

Q5.3 - What legislative and policy changes need to happen at local and national government level to ensure children's rights in relation to disability, basic health and welfare are protected?

There needs to be a greater focus on disability equality particularly so that children with hidden disabilities don't get left behind.

Mental health services should be given parity with physical health services.

Q35

Q5.4 - What are the top three children's rights issues that Together should highlight as the priority issues for the UN Committee's examination in relation to disability, basic health and welfare? Why have you chosen these?

1. Mental health services should be given parity with physical health services.
 2. Children who have neurodevelopmental conditions such as Autism and ADHD should not be excluded from receiving CAMHS services: We frequently come across children who are referred to CAMHS but who are not offered treatment for depression and anxiety because their ill health is ascribed to their diagnosed condition.
 3. Children and young people who are struggling or at a disadvantage should not need a diagnosis or label to be able to access support: From our experience families do find it useful to have a "label" as this can assist with accessing services but it shouldn't be necessary because it highlights differences and all children should be treated equally. In addition, those who don't receive a label or diagnosis struggle to secure support.
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Q36

Q5.5 - Are there any other issues related to disability, basic health and welfare that you would like to raise?

Families of children with ASN and disabilities feel that they have to "fight" for services and support and this suggests that the rights of these children and young people are still not being fully observed.

Q37

Yes

Every child has the right to an education that meets their needs and improves their attainment, and the right to leisure, cultural and play activities. Topics discussed during the webinar included: Educational attainment Additional support for learning Rest, leisure and play You might want to think about these or other examples when answering the following questions. Would you like to answer questions on education, leisure and cultural activities?

Page 14: 6. Education, Leisure and Cultural Activities

Q38

Q6.1 - How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police, are ensuring the protection of children's rights in relation to education, leisure and cultural activities?

The legislation is strong and supportive in this area but a lack of resources means that in practice children with ASN and disabilities do not receive equal support and access to leisure activities as their peers.

Q39

Q6.2 - Are you aware of any significant steps forward - or regressions - in the measures put in place by government or public bodies in relation to education, leisure and cultural activities?

The extension of the ASL legislation for 12-15 year olds has been a positive step forward.

There is a lack of provision of free independent advocacy services for children and young people particularly for those with ASN or disabilities which means that their voices are not always heard when material decisions are being made about them.

We support the focus on presumption of mainstreaming in principle but, due to a lack of resources, this has the potential to harm and not help those it was intended to support. What we mean by this is that some young people are placed in educational settings where they are bound to fail.

Q40

Q6.3 - What legislative and policy changes need to happen at local and national government level to ensure children's rights in relation to education, leisure and cultural activities are protected?

To support the presumption of mainstreaming schools need enhanced capacity to support individuals to succeed.

The requirement for leisure and cultural activities to be accessible to everyone should be monitored and reported and should be a condition of public funding that accessibility to all is guaranteed.

Q41

Q6.4 - What are the top three children's rights issues that Together should highlight as the priority issues for the UN Committee's examination in relation to education, leisure and cultural activities? Why have you chosen these?

1. Accessibility: Every school or leisure or recreational activity should be capable of being adapted for children with ASN and disabilities including those with neurodevelopmental conditions. In our experience accessibility is often narrowly defined as physical access but children with for example Autism or ADHD need the support of trained professionals who have a good awareness and understanding of these conditions.
2. Proper provision of additional support to enable learning: While we can advise families of their children's rights to support at school we also have to caution that very often local authorities cannot provide the support that would allow their child to fulfil their potential.
3. We should value participation as much as attainment and provide a way for this to be recognised: From our experience children and young people with ASN and disabilities may not achieve the goals and benchmarks set for their peer group but should nevertheless be supported to achieve to their own fullest potential.

Q42

Q6.5 - Are there any other issues related to education, leisure and cultural activities that you would like to raise?

Many families of children with learning difficulties remove their children from school education because their child is not receiving adequate support to learn or achieve their potential. This impacts on the whole family and the rights of the children in that family.

Page 15: 7. Special Protection Measures

Q43**No**

The UNCRC lays down the rights of children subject to special protection measures, such as children who are in custody or detention, who are migrants, refugees or asylum seekers or who are victims of torture, trafficking, sexual exploitation, drug abuse or child labour. Topics discussed during the webinar included: Refugee, migrant and asylum-seeking children Child justice system Child victims and witnesses of crime Children in armed conflict You might want to think about these or other examples when answering the following questions. Would you like to answer questions on special protection measures?

Page 16: 7. Special Protection Measures

Q44**Respondent skipped this question**

Q7.1 - How well do you feel the Scottish Government and public bodies including local authorities, education, health, social work and the police, are ensuring the protection of children who are subject to special protection measures?

Q45

Respondent skipped this question

Q7.2 - Are you aware of any significant steps forward - or regressions - in the measures put in place by government or public bodies in relation to special protection measures?

Q46

Respondent skipped this question

Q7.3 - What legislative and policy changes need to happen at local and national government level to ensure the rights of children subject to special protection measures are protected?

Q47

Respondent skipped this question

Q7.4 - What are the top three children's rights issues that Together should highlight as the priority issues for the UN Committee's examination in relation to special protection measures? Why have you chosen these?

Q48

Respondent skipped this question

Q7.5 - Are there any other issues related to special protection measures that you would like to raise?
