

# UNCRC – What could it mean for Corporate Parents?

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Useful Resources



EQUALITY | RESPECT | LOVE

# What is the UNCRC

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The **United Nations Convention on the Rights of the Child (UNCRC)** is an international agreement setting out the civil, political, economic, social and cultural rights of every single child.

- You can read the full convention [here](#).
- You can read a summary [here](#).

In addition to the main body of the CRC, there have been three optional protocols added to it at later years.

- Protecting children in armed conflict
- Protecting children from sale, prostitution and pornography
- Allowing children to submit complaints, appeals and petitions



# What is the UNCRC

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The **United Nations Convention on the Rights of the Child (UNCRC)** consists of 54 articles, that can be summarised under so-called '3 Ps'.

## Provision

ensuring child's growth and development

## Protection

protection from exploitation, abuse, violence and neglect

## Participation

Inclusion in decision-making and taking child's views seriously



# The International Human Rights Framework

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## Universal Declaration of Human Rights (Adopted by the UN in 1948)

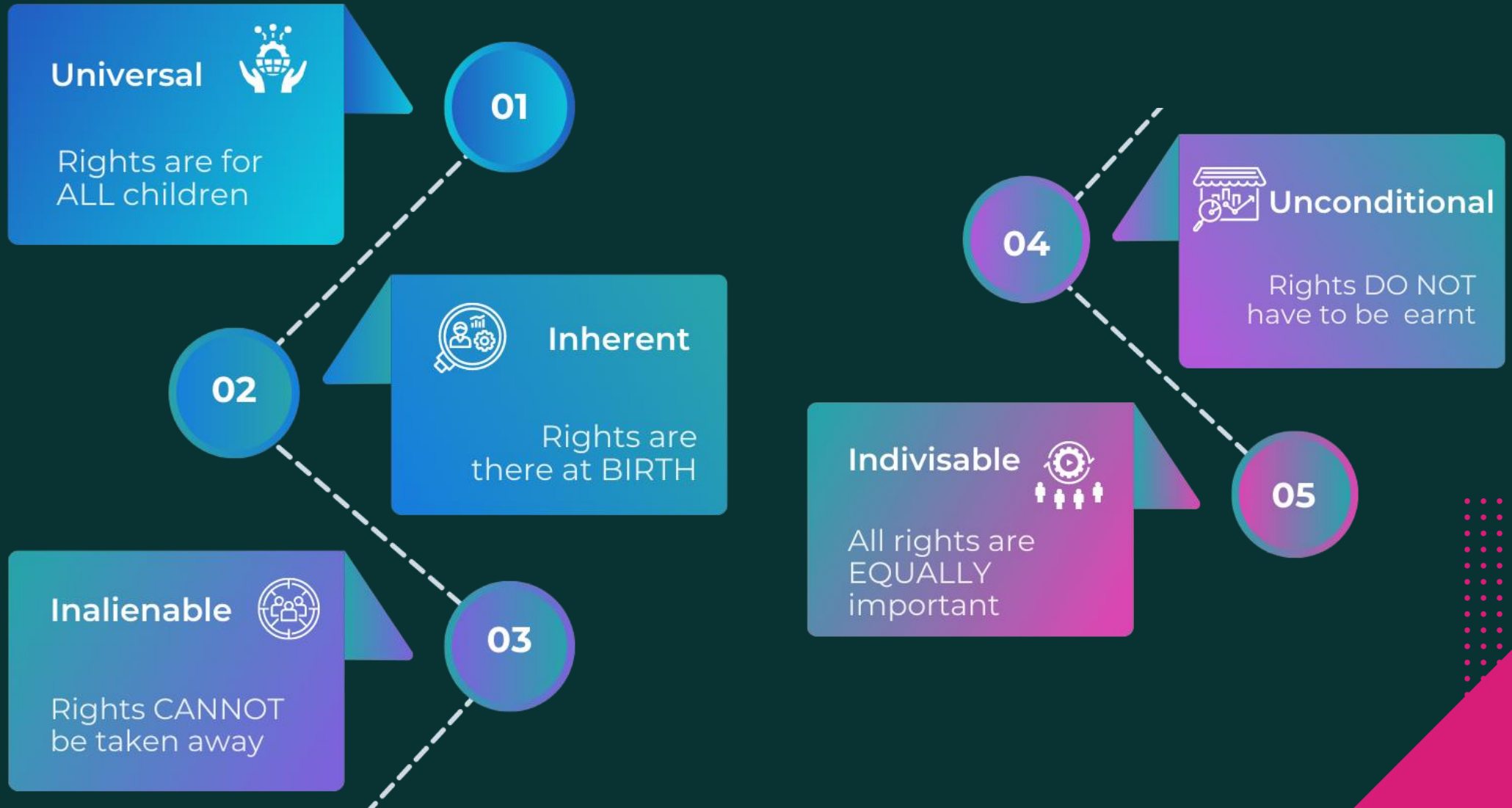


Nine core human rights treaties, including:

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Convention on the Rights of the Child

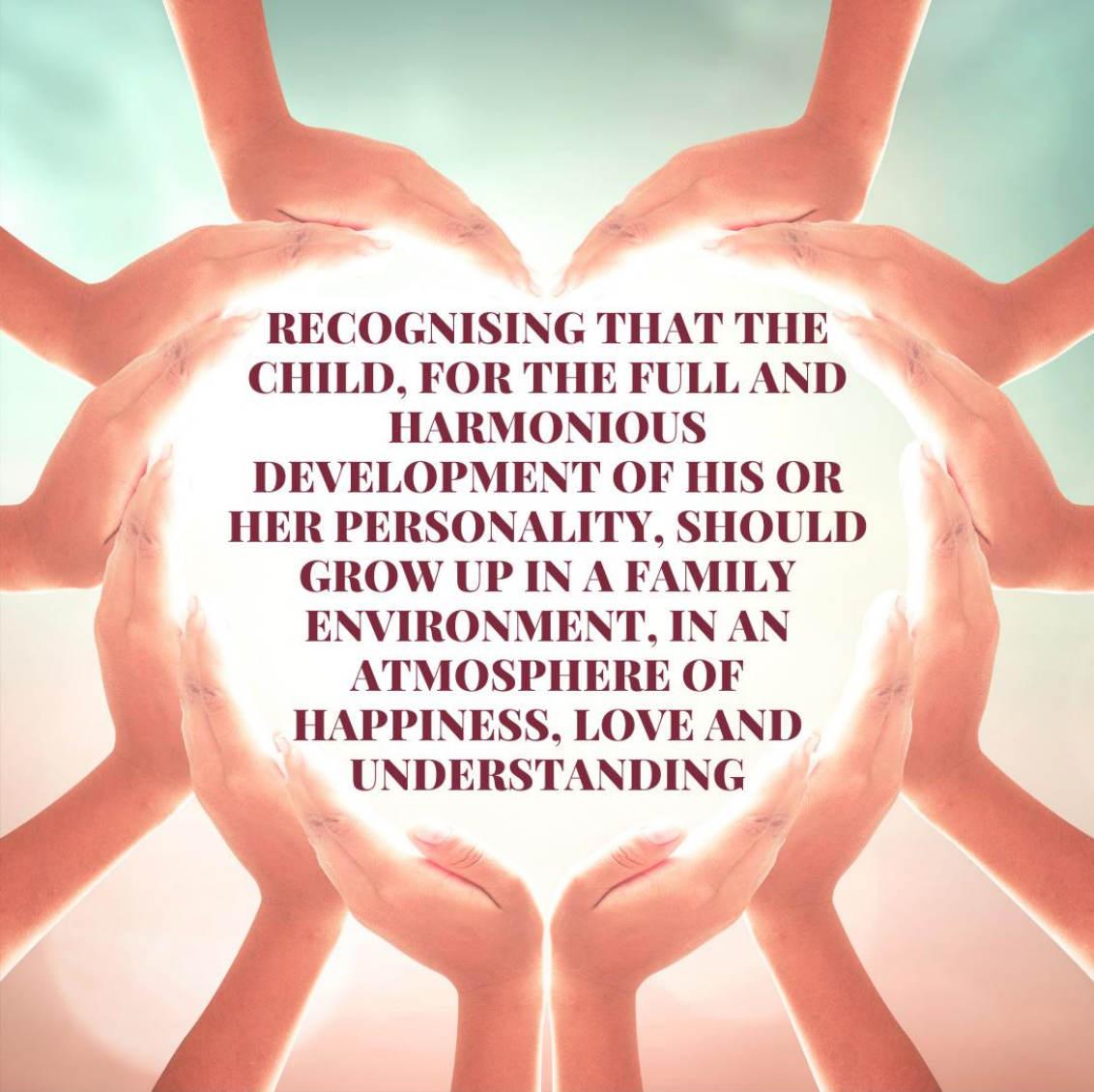


# The principles of Children's Rights



# The Preamble of the UNCRC

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**RECOGNISING THAT THE  
CHILD, FOR THE FULL AND  
HARMONIOUS  
DEVELOPMENT OF HIS OR  
HER PERSONALITY, SHOULD  
GROW UP IN A FAMILY  
ENVIRONMENT, IN AN  
ATMOSPHERE OF  
HAPPINESS, LOVE AND  
UNDERSTANDING**



# UNCRC – General Principles

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Best interest of the child



Life, survival and development



Respect for children's views



Non-discrimination

The general principles of the UN Convention on the Rights lay the foundation of the document – as they set basic values underpinning all other articles.

- You can read the advice and guidance of the Scottish Government on children and young people's participation – [here](#).
- You can also explore the [Lundy Model of Child Participation](#).





Although children's rights are indivisible and Care Experienced children and young people are entitled to every single right listed under the UNCRC, there are certain articles of the convention that specifically uphold the rights of children in the care system, some of which are listed below:

- Non-discrimination (Article 2)
- Best interest of the Child (Article 3)
- Separation from parents (Article 9)
- Parental responsibilities and state assistance (Article 18)
- Children unable to live with their family (Article 20)
- Review of treatment in care (Article 25)
- Adoption (Article 21)
- Juvenile justice (Article 40)





# The UNCRC and the Promise

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**Scotland must respect, uphold, champion and defend the rights of children and recognise that their rights are most often realised through relationships with loving, attentive caregivers. Scotland must fully incorporate and uphold the UNCRC.**

**Scotland must implement the rights of the child in a way that does not reinforce a focus on policy, process and procedure but supports the ability of children and those around them to connect and develop relationships and cultures that uphold their rights as a matter of course.**

Read more about the Plan 21-24 – which lists Children’s Rights as one of its fundamentals - [here](#).



# UNCRC Incorporation Bill



The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill passed unanimously by the Scottish Parliament in March 2021



The UK Supreme Court decides that certain provisions of the Bill would be outside the legislative competence of the Scottish Parliament



The Bill will now return to the Scottish Parliament so that the Court's concerns are further considered

- Read the United Nations Convention on the Rights of the Child implementation: introductory guidance published by Scottish Ministers – [here](#).
- Read an accessible resource on The UN Convention on the Rights of the Child: a guide for children and young people – [here](#).



# Rights-based Approach to Practice



# Corporate Parenting

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An organisation's performance of actions necessary to uphold the rights and safeguard the wellbeing of a looked after child or care leaver, and through which physical, emotional, spiritual, social and educational development is promoted.

*Scottish Government, Statutory Guidance (2015)*

- What Care Experienced people expect from Corporate Parents – [Chloe's perspective](#).
- [The list of Corporate Parents](#) under Children and Young People (Scotland) Act 2014.
- [Statutory guidance](#) on Part 9 (Corporate Parenting) of the Children and Young People (Scotland) Act 2014.
- [Video Resource](#) on Corporate Parenting.





# Corporate Parenting Duties



Be **alert** to matters which, or which might, adversely affect the wellbeing of looked after children and care leavers.



**Assess** the needs of those children and young people for services and support.



**Promote** the interests of those children and young people.



Seek to provide looked after children and care leavers with **opportunities** to participate in activities designed to promote their wellbeing.



Take action to help looked after children and care leavers **access** opportunities and make use of the services and access support they provide.



Take any other action you consider appropriate for the purpose of **improving** the way in which you exercise your functions in relation to looked after children and care leavers.

# Principles of the Rights-based Approach

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***P***

***ARTICIPATION***

***A***

***CCOUNTABILITY***

***N***

***ON-DISCRIMINATION***

***E***

***MPOWERMENT***

***L***

***EGALITY***





# Children's Rights and Wellbeing Impact Assessment (CRWIA)

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- The Child Rights and Wellbeing Impact Assessment (CRWIA) is the approach that officials use in order to provide Ministers, stakeholders and the public with evidence that proper consideration has been given to the impact that a policy/measure will have on children and young people up to the age of 18.
- Section 1 of the Children and Young People (Scotland) Act 2014 – requirements from Scottish Ministers.
- Section 2 of the 2014 Act requires local authorities, health boards and other public bodies to report every three years on the steps they have taken to secure better or further effect of the requirements of the UNCRC.
- Schedule 1 of the 2014 Act provides the list of public authorities to which section 2 applies.



# Additional Resources

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- You can access more information on the professional, independent advocacy services we provide to Care Experienced children and young people – [here](#).
- You can find out about the support we provide to Corporate Parents – [here](#).
- You can read the Briefings and evidence responses we have submitted around the UNCRC (Incorporation) (Scotland) Bill - [here](#).
- You can read the 'Navigating the World of Rights' Report published by WC?S – [here](#).
- Find the 'State of Children's Rights in Scotland' Report published by Together – [here](#).
- Find out more about My Rights, My Say – [here](#).
- Read more about Activate Your Rights and access the resources – [here](#).



# Please keep in touch

If you would like more bespoke training for your organisation please contact the Training and Education team at

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