

Agenda Item	13.
Report No	EDU/10/26

The Highland Council

Committee: **Education**

Date: **25 February 2025**

Report Title: **Promoting and Realising Children's Rights**

Report By: **Assistant Chief Executive - People**

1. Purpose/Executive Summary

- 1.1 This report provides a background to the requirements of the UNCRC (Incorporation) (Scotland) Act (2024) and a summary of some of the work being undertaken in Highland to support its implementation in terms of promoting and realising children's rights.
- 1.2 A more comprehensive report will be written as part of the reporting process for Scottish Government, covering a wider range of actions and this will be available by summer 2026.

2. Recommendations

- 2.1 Members are asked to:

- i. Note the requirements of the UNCRC (Incorporation) (Scotland) Act (2024) and also how it impacts on the work of Elected Members¹
- ii. Agree to continue to consider children's rights in all decisions made by the Education Committee.
- iii. Note some of the work ongoing to ensure children's rights are recognised and realised across Highland.

3. Implications

- 3.1 Resource

There is no additional resource implication associated with this summary report.

- 3.2 Legal

There are legal responsibilities for the local authority in relation to the UNCRC (Incorporation) (Scotland) Act (2024) but these are known about and being addressed as appropriate.

¹ <https://storymaps.arcgis.com/stories/34211b28fb1d4a5ca6517170f3c7c8f3>

3.3 Risk
There is a risk of legal and reputational damage should officers and members of Highland Council not comply with the above legislation, but the greater risk is that not meeting the rights of children leads to poor decision making, poor planning and also disadvantages and discriminates against children and young people.

3.4 Health and Safety (risks arising from changes to plant, equipment, process, or people)
There are no Health and Safety Risks associated with the content of this report.

3.5 Gaelic
The UNCRC applies equally to children in GME as it does to all others.

4. Impacts

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 This is an update report and therefore an impact assessment is not required.

5. Background

5.1 Children and young people have long been considered to require special attention in respect of their rights because of their particular vulnerabilities and their reliance on adults. The UN [Convention on the Rights of the Child](#) (UNCRC) provides this. It is a core international human rights instrument which was ratified by the UK Government in 1991.

5.2 The UNCRC articulates these fundamental rights within the framework of children's lives and experiences and has now been incorporated into Scots Law through the UNCRC (Incorporation) (Scotland) Act (2024). This act requires statutory bodies to ensure children's rights are promoted and supported in all the work they do. It also requires Local Authorities, Health Boards and others to report every 3 years on the work being undertaken to promote and realise children's rights and the plans in place to further the rights of children over the next reporting period. The first of these reports will cover the period from July 2024 to March 2026.

5.3 A 'child' is defined in Article 1 of the UNCRC as anyone under the age of 18. Children's rights therefore cover every aspect of a child's or young person's life from birth up to the age of 18, and exist wherever the child is: at home, at school, in any institution, and in the community. Even though children are autonomous rights holders, they are often dependent on others to give effect to their rights because they:

- Have limited political and social power
- Are dependent on adults for food, shelter, clothing, care and protection
- Are subject to rules that do not apply to other population groups

- Are vulnerable to ill treatment, coercion and control by adults
- Are key users of public services, though not often asked to contribute to the planning, design, development, delivery and evaluation of those services
- Are often excluded from or unable to access effective complaints mechanisms when things go wrong.

5.4 They are rights holders whose ability to enjoy their rights can therefore be impeded by attitudinal and structural barriers that need to be identified and changed. Therefore within the context of a large statutory organisation such as Highland Council, the ways in which we ensure children's rights are upheld requires to be planned and evidenced and this report provides a summary of some of the work being undertaken in Highland to ensure this is the case.

6. UNCRC

6.1 The UN Convention on the Rights of the Child (UNCRC) is a universally agreed set of minimum standards setting out the range of rights ALL children should enjoy. The different articles are interdependent – civil, political, economic, social and cultural rights all have equal status and are indivisible. Governments are expected to do all they can to implement the UNCRC – to make sure all law, policy and decisions which impact on children from birth to 18 comply with their human rights. The general measures of the Convention include measures which give legal effect to the UNCRC, as well as 'non-legal measures' – for example, awareness raising, training, budgeting – or other processes that can be used to progress implementation of the Convention.

6.2 Every child and young person under the age of 18 has rights, no matter who they are, where they live or what they believe in. Fundamental to those rights is the notion that children are entitled to expect appropriate care, protection and consideration from adults. The UNCRC is based on four key principles that are underpinned by four "special" articles:

- Article 2 – All rights belong to all children without discrimination or exception
- Article 3 - The best interests of the child should be the first consideration for actions that affect them
- Article 6 – All children have the right to life, survival and development
- Article 12 – All children have the right to participate and to have views taken into account.

6.3 The UNCRC provides the Council with a platform to help us determine if we are improving and promoting the wellbeing of children. It provides an overarching framework within which all policy that affects children and young people should be developed, and within which child wellbeing sits. As such the Convention compliments the Getting It Right For Every Child (GIRFEC) wellbeing indicators, which are Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included (SHANNARI) and also the recommendations of The Promise, particularly for care experienced children and young people.

7.1 The (UNCRC) (Incorporation) (Scotland) Act (2024) introduces a reporting duty for listed authorities (including local authorities), requiring them to publish reports every three years on their actions related to the UNCRC. These reports must detail steps taken to ensure compliance with the UNCRC and outline future plans for enhancing children's rights. A child-friendly version of the report must also be published. While evidence and data on progress across Highland will be gathered across all Highland Council service areas, reporting on progress has been tasked to the Children's Rights and Participation Improvement Group, which is a sub-group of the Integrated Children's Services Board.

7.2 Reporting on children rights in Highland will be informed by gathering data and examples of activity as evidence from partners across the region. This evidence can support an evaluation of where we are in terms of our requirements and aspirations as a local authority and Community Planning Partnership but will also provide next steps in relation to our overall plan.

7.3 Elected Members have already declared their wish to be 'ACE Aware' (Highland Council, 2018)² and 'Trauma Informed' (Highland Council, 2022)³. Members on the Education Committee have also agreed to consider children's rights in decisions they will make with regards to children and young people (Highland Council, 2023)⁴. The evidence gathered for the report will provide some measure of the progress we have made with these aspects over recent years and how they impact on children and young people.

8. Actions Taken to Deliver Better or Further Effect to Children's Rights

8.1 Within Highland, several strategic plans provide the planning landscape for children and children's rights, planning across services, organisations and community partners:

- The [Highland Delivery Plan](#) with Service Plans for People, Place and Community linking directly to the delivery outcomes.
- The [Highland Outcome Improvement Plan](#) (HOIP) with [The Child Poverty Action Plan](#) providing direct support for a section of the HOIP.
- The [Integrated Children's Services Plan](#) (ICS) with a number of subgroups responsible for the Children's Rights and Participation Plan, The Child Protection Plan and the Plan for The Promise.

8.2 A Joint Strategic Needs Assessment informs the Integrated Children's Services Plan, drawing data from across the Community Planning Partnership to inform the actions included within the ICS Plan. This process is nearing completion for the creation of the updated plan, due to be completed later this year.

8.3 One key source of data we have comes from children themselves through the Highland Lifestyle Survey. This is a survey that has been completed by pupils in P7, S2 and S4 ever 2 years since 2009. Since 2019 the survey has included specific questions on Children's Rights and the Wellbeing Indicators (See Appendix 1).

² Highland Council Committee (13 December 2018), Item 5 – Adverse Childhood Experiences https://www.highland.gov.uk/meetings/meeting/4063/highland_council/attachment/74970

³ Highland Council Committee (June 2022) Press release. https://www.highland.gov.uk/news/article/14651/highland_council_to_implement_trauma_informed_practice

⁴ Highland Council Education Committee (23 November 2023), Item 6 – Children's Rights and Participation https://www.highland.gov.uk/meetings/meeting/4887/education_committee

Because the survey is completed every 2 years, we have self-report trend data for this age cohort and how their views have changed over time. However, we also have trend data for the same cohort of pupils as they increase in age from P7 to S4. This makes this particular data set quite unique and able to be used to track the impact of service delivery changes over time as experienced and reported by Highland children themselves.

8.4 This data shows that over the past 6 years, children have increasingly become more aware of their rights. Rights are talked about in our schools, with an increasing number of children reporting that lessons on children's rights are not just a one-off event. In large part, children perceive that their key rights are met, however this does not sit at 100% yet and so there is still work to do, especially around listening to their views.

8.5 For the first time this year, data has also been pulled for those children who are (or have been) care experienced and living away from home (see appendix 2). The numbers of these children form a much smaller data set than our Highland Wide cohort, but on every measure, children report that we are doing less well at ensuring their rights and wellbeing needs are met. This is an important baseline to work from in relation to the work we are undertaking in implementing the requirements of The Promise.

9 **Right to have views heard (Article 12)**

9.1 Views of children should be systematically embedded in our systems to ensure their voices are listened to and heard in relation to education, schools and early learning settings. This has been a significant priority in Highland over recent years but has built on the work that has been undertaken over some time.

9.2 As part of the GIRFEC process, practitioners have been supported to use the Better Meetings guide to help make meetings child and young person friendly – Better Meetings – Social Work Practitioner's Guide 2 This guidance helps practitioners consider how to include children in all planning processes that affect them, where sometimes in the past they have been considered too young or not able to engage or contribute for some other reason.

9.3 Between October 2023 and April 2024, engagement in various forms took place with over 800 children and young people between the ages of 4 and 26, as the basis to the creation of the Highland Children's Participation Strategy. Six key themes were identified through the thematic analysis of the data collected which formed the recommendations within the strategy.



9.4 As part of this work, we have curated some resources for practitioners to support them in gathering the views of children and young people at all ages and developmental stages:

- [Highland Council Psychological Service - Gathering the views of Children and Young People](#)
- [CALA - Consulting Our Youngest Children Toolkit](#)
- [Highland AHPs - Getting the Views of Children and Young People](#)

9.5 Since creating the strategy, the group has moved into implementation with a suite of innovative, rights-based resources designed *for* children, *by* children. These include an ethics framework, consent tools, a practitioner [participation guide](#), and the “[Library of Voices](#)” a digital platform amplifying children’s views and reducing consultation fatigue. These resources are widely available on our dedicated website: <https://www.childrensrightshighland.co.uk/>

9.6 We have also worked with children to create some talking points around capacity and consent in line with the UNCRC Incorporation Act and to support of our Child Friendly Complaints process. These ([Participation ROCCS](#)) relate to a number of ‘Myths’ that adults may believe with counter statements and scenarios written by children and young people. These myths and counter comments have been used in training to engage practitioners in discussion, to both raise awareness and dispel some of the closely held beliefs in a way that is non-threatening to practitioners. An example of these statements is reproduced below:



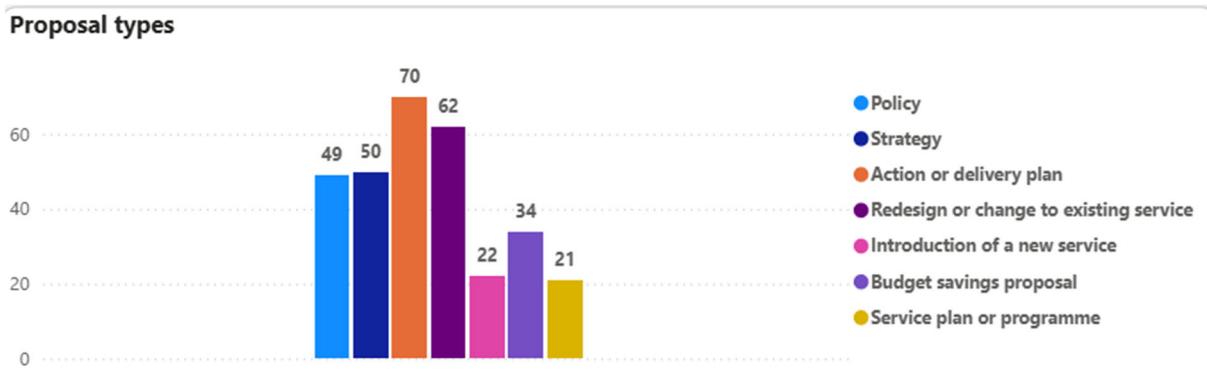
9.7 A new “Voice & Influence Process” is being piloted to embed children’s input directly into the governance of the Integrated Children’s Services Board ensuring their voices inform strategic planning. This process enhances rather than replaces existing Highland children and young people boards or groups. While youth boards remain vital, they often require significant support and may not represent the full diversity of children across Highland. The “Voice & Influence Process” offers a wider, more accessible route for any child or young person to raise issues or contribute ideas, supported by trusted adults. Submissions will be reviewed by the Integrated Children’s Services Board (ICSB), and insights gathered through this process will inform the Integrated Children’s Services Plan alongside formal participatory work captured in the Library of Voices.

9.8 The work on Voice and Participation is unique to the extent that it has been created by children and enables access to those central decision-making processes within the Community Partnership. The depth of engagement with children has been recognised as best practice by COSLA and the National Improvement Service and recognised by Laura Lundy (professor of Children's Rights, University of Belfast), who recently posted: "If you work in a local authority that is keen to carry out meaningful child participation, you could learn a lot from the amazing work of the Scottish Highland Council. They have produced a suite of really useful tools and resources to support their ongoing work." ([Lundy, 2025](#))

10 Best interests as a primary consideration (Article 3)

Children's Rights and Wellbeing Impact Assessment (CRWIA)

10.1 Following a decision by the Highland Council (Highland Council, 2024)⁵ we have now adopted a format for Children's Rights Impact Assessments as part of the Integrated Impact Assessment process. New or adapted policies and procedures should be impact assessed using the new process. Details of our [completed assessments](#) are available online. This process actively engages services that would generally not focus on children in discussion about children's rights. All significant service changes and all Committee Reports are now screened and where appropriate, a full impact assessment for the relevant area should be completed. In the first 12 months of using Integrated Impact Assessments, 239 Assessments had been completed. At the time of writing (Jan 2026) 362 Assessments have been started, with most relating to service redesign or service planning as can be seen in the graph below, representing the [completed assessments](#):



10.2 The purpose of carrying out an CRWIA is to ensure that when developing policies, planning services or taking financial decisions, we are not adversely affecting or discriminating against any of the different groups within our communities and we are promoting equality and considering the needs in detail of our younger people. It is a tool to help us make sure our policies, and the way we carry out our functions, translate the UNCRC and specifically Article 3 (giving priority to children's best interests) into practice in a concrete and structured way. This ensures that the services provided fulfil the requirements of anti-discrimination equalities legislation and the United Nations Convention on the Rights of the Child.

10.3 An example of how a Children's Rights approach has been supported by the completion of CRWIA when a new Waste Management process was being put in

⁵ Highland Council Committee (27 June 2024), Item 14 – Integrated Impact Assessments
https://www.highland.gov.uk/meetings/meeting/5003/highland_council

place, has been highlighted by the National Improvement Service and can be accessed [here](#).

Training

- 10.4 It is important that training and awareness raising of children's rights is available across all council staff and that all employees are aware that they have a role to support this agenda. As such a range of training opportunities have been made available to staff and will continue to be offered in a variety of ways.
- 10.5 Children's Rights training is mandatory for every manager in Highland Council and anyone who could be asked to complete an Impact Assessment for a programme, project, policy change or committee report. This training is part of the Traineasy suite of modules and draws from resources made available by Together Scotland and the Improvement Service. A further, more detailed module is also available on the platform for any member of staff to complete. To highlight the passing of the UNCRC Incorporation Act in 2024, all Highland Council Elected Members were sent the link to the Together Alliance for Children's Rights' 'Guide for Elected Members'⁶, to support understanding of their responsibilities as Children's Rights holders within the local authority.
- 10.6 Children's rights training is arranged for Rights Respecting Schools (RRS) leads via one of the central officers who organises inhouse training in schools in line with the UNICEF RRS guidance and assessment process. This programme has also provided a clear opportunity to share information directly with children about their rights.
- 10.7 Children's rights are also at the heart of wellbeing and subsumed into the GIRFEC approach that underpins all our practice in terms of Child Protection, Additional Support Needs and Health and Wellbeing work. All training in these areas is underpinned by the UNCRC. The Council promotes an e-module on GIRFEC, for completion by all practitioners working with children and families and also provides monthly multi-agency training of the GIRFEC process and practice model using a workshop style to model and shape best practice across agencies.

11 Future actions to ensure continuing compatibility with UNCRC requirements.

- 11.1 Further work will continue on the implementation of the Children's Participation Strategy, that will involve younger children and those often unable to have their voices heard (those with ASN, speech difficulties, very young children). Resources are available to support practitioners in 'how' to gather views of these groups (see section 9.4), but often we still use more traditional methods. Research is clear, that where children and young people are involved in shaping decisions that affect them, those decisions are almost always better⁷⁸.
- 11.2 Any work undertaken in relation to children's rights will consider various groups of in Highland and promote the need to consider how we specifically target the needs of

⁶ <https://storymaps.arcgis.com/stories/34211b28fb1d4a5ca6517170f3c7c8f3>

⁷ Lundy, L., Murray, C., Smith, K. & Ward, C. (2024). Young children's right to be heard on the quality of their education: Addressing potential misunderstandings in the context of early childhood education. *British Educational Research Journal*, 00, 1-15. <https://doi.org/10.1002/berj.3968>

⁸ Lundy, L., & McEvoy, L. (2009). Developing outcomes for educational services: a children's rights-based approach. *Effective Education*, 1(1), 43-60. <https://doi.org/10.1080/19415530903044050>

those children with a profile that makes it particularly difficult for them to realise their rights eg younger children, care experienced children, children with disabilities etc.

- 11.3 Subject experts on CRWIA sit within the Psychological Service and are available to support conversations with any member of Highland Council staff who may need a discussion about children's rights in relation to their specific service change or proposal. The number of CRWIAs completed as part of the IIA process will continue to be monitored.
- 11.4 Training is ongoing, but there is a need to monitor the groups who might need more specified and deeper training regarding children's rights, to ensure the articles of the UNCRC are fully understood and embedded into practice.
- 11.5 Work with children to support a more child friendly complaints process is ongoing but not yet completed. We do have a process in Highland, but this would benefit from being better informed by children themselves.
- 11.6 The roll out of the reviewed GIRFEC guidance has enabled key messages regarding the UNCRC to be shared with practitioners. This is linked to a better uptake in training on UNCRC, Equalities and Solution Focused Meetings. An assessment of the impact of such training in relation to changes in practice is planned.
- 11.7 A review of policies and practitioner guidance is planned to ensure that within education and children's services (in the first instance), these reflect the requirements of the UNCRC (Incorporation) (Scotland) Act (2024), especially in relation to consent and participation.

Designation: Assistant Chief Executive - People

Date: 8 February 2026

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Background Papers:

Appendices: Appendix 1 – Highland Lifestyle Survey Data – 2025
Appendix 2 – Lifestyle Survey Data including Care Experience

Appendix 1

Highland Lifestyle Survey Data – Trends on Children’s Rights and Wellbeing

	2019	2021	2023	2025
Are you aware that all children and young people have rights?				
Yes	89.18%	89.64%	93.4%	95.40%
No	3.81%	3.59%	2.38%	1.51%
Don't Know	7.01%	9.91%	4.21%	3.01%
Does anyone in school talk to you about your rights?				
Yes	43.63%	52.38%	65.9%	78.64%
No	56.37%	47.62%	34.10%	21.36%
So far during this school year, have you been involved in any lessons about children's rights?				
Never	45.08%	41.90%	27.55%	20.50%
Once	23.30%	25.70%	25.08%	23.29%
Twice	10.64%	11.05%	12.72%	14.54%
More than twice	20.98%	21.35%	34.65%	41.67%
To what extent do you feel the following rights are being met at least partly:				
Your right to education	95.13%	95.33%	96.09%	96.38%
Your right to relax and play	91.86%	90.85%	91.05%	92.61%
Your right to have a view and have it listened to	90.93%	90.63%	91.38%	91.52%
Your right to be safe from violence	93.47%	92.69%	92.71%	92.65%
Your right to the best possible health	94.38%	93.33%	94.71%	94.91%
Are you familiar with the term 'wellbeing'?				
Yes	85.76%	90.25%	90.72%	92.35%
No	5.37%	3.21%	2.61%	2.22%
Don't Know	8.87%	6.54%	6.68%	5.43%
Does anyone in school talk to you about your wellbeing?				
Yes	55.89%	59.94%	63.61%	66.40%
No	21.02%	19.22%	17.02%	14.24%
Don't Know	23.09%	20.85%	19.37%	19.36%
So far during this school year, have you been involved in any lessons about wellbeing?				
Never	29.17%	21.12%	14.80%	14.96%
Once	29.32%	25.38%	27.47%	25.32%
Twice	14.18%	15.09%	17.52%	18.09%
More than twice	27.34%	38.41%	40.22%	41.64%
Do you generally feel:				
Safe	83.30%	81.51%	77.61%	79.92%
Healthy	76.78%	76.81%	77.77%	80.11%
Active	78.56%	78.68%	81.07%	83.35%
Nurtured	73.38%	74.62%	74.89%	80.07%
Achieving	71.23%	66.58%	67.21%	68.54%
Respected	64.79%	67.38%	64.08%	66.92%
Responsible	69.89%	66.90%	68.32%	71.63%
Included	71.24%	72.14%	69.40%	72.34%

Appendix 2

Highland Lifestyle Survey Data (2025) relating to Care Experienced Children

Questions	Currently CExp		Previously CExp		Highland
	Number	%	Number	%	%
Your right to relax and play is fully/partly met	49	83	177	88.5	92.6
Your right to have a view listened to is fully/partly met	50	85	172	86	91.5
Your right to be safe from violence is fully/partly met	52	88	177	88.5	92.7
Your right to the best possible health is fully/partly met	48	81.4	179	89.5	95
Are you familiar with the term "Wellbeing"? Yes	49	83	168	84	92.4
Does anyone talk to you about Wellbeing?	31	52.5	116	58	66.4
Have you had more than 2 lessons this year on Wellbeing?	22	37.3	74	37	41.6
Do you generally feel safe?	37	62.7	143	71.5	80
Do you generally feel healthy?	46	78	142	71.5	80
Do you generally feel active?	46	78	150	75	83.4
Do you generally feel nurtured?	40	68	144	72	80
Do you generally feel you are achieving?	29	49	111	55.5	68.5
Do you generally feel respected?	29	49	113	56.5	67
Do you generally feel responsible?	32	54	115	57.5	71.6
Do you generally feel included?	34	57.6	119	59.5	72.3