

Children's Rights: Consultation on incorporating the United Nations Convention on the Rights of the Child into our domestic law in Scotland

1. Introduction

Connect is a long-standing independent parents' organisation and the only Scottish charity which is dedicated to parental engagement in education. We provide membership services to Parent Councils and PTAs, as well as offering advice and information to individual parents about any aspect of the education of their child or the wider education system. We support education professionals in developing their skills and understanding around effective partnership working with families and the wider community.

Connect welcomes the Scottish Government's commitment to incorporate the United Nations Convention on the Rights of the Child into Scots law. It is vital that children are central to all matters concerning them, that they can defend their rights, and that their families can support them in this. We are pleased to submit this response, however the timescale of this consultation taking place over the summer holidays has made wider consultation with parents difficult. We also are concerned that the technical nature and legal focus of the consultation paper will discourage many parents from submitting their views.

While we feel we are not qualified to comment on all the technical details of incorporation, we wish to comment on the following aspects of the consultation:

2. The UNCRC should be directly incorporated rather than rewritten.

It is important any legislation reflects the role of parent as the first defender of their child's rights: the purpose is not to cut parents out but to help them to support their children. The UNCRC as written says that the state must respect the rights and responsibilities of parents to support and guide their child to exercise their rights, and direct incorporation would ensure that this and the other rights are clearly set out. We are concerned that the timescales involved would not allow for meaningful consultation on rewriting the UNCRC into a Scottish suite of rights. The wording of the UNCRC has been successfully directly incorporated by other countries: we believe an alternative approach to be over complicated and necessarily excessively time consuming.

We understand some aspects of the UNCRC come under reserved powers and so are outwith the Scottish Parliament's jurisdiction to legislate. However, the Incorporation Advisory Group (brought together by the Children's Commissioner for Children and Young People and Together (Scottish Alliance for Children's Rights)) created an example Bill which would allow the UNCRC to be incorporated as written, to the extent allowed by devolved powers.¹ This would also future proof against any further changes to the Scotland Act. Statutory guidance could provide further clarity on what rights come under devolved powers and could be updated when necessary.

¹ <https://www.togetherscotland.org.uk/media/1200/childrens-rights-scotland-bill-2019.pdf>

3. Communicating to parents what incorporation means for them and their child.

We welcome the Government's commitment to non-legislative activities to further children's rights. We would recommend the Government commit to raising awareness of the UNCRC among parents, whose role is clearly defined in the UNCRC.

This will require a comprehensive and sustained communications programme targeting parents and those with parenting responsibilities to:

- explain what the UNCRC is
- what incorporation means
- how this will help them and their child
- what steps parents will be able to take to support their child in defending their rights if they are infringed

Communication will be needed early in the legislative process to give time to reassure parents and encourage further support for incorporation.

Our focus is on parents in the context of schools and early learning centres: this provides a platform for sharing messages but it is also important to reach the parents from pre-birth and across the widest range of contexts. Government should look to spread information through other points of contact, such as health centres, libraries and other community hubs, and a wide media campaign. Parents will want to know what difference this will make to their child, and how it will help them, through plain speaking, jargon free communication on what this means for them. It is also of utmost importance they receive consistent information from national and local government.

4. Conclusion

Incorporation should work in practice as another lever for children, or their parents on their behalf, to access what they are entitled to. The Government and other public bodies need to consider children's rights in all related decision making from the outset, and then comply with the UNCRC when these decisions are put into practice. Incorporation must have a meaningful and practical impact.

We would urge the Government to put forward a Bill to Parliament as soon as possible, to allow enough time for robust scrutiny in Parliament. The Children's Commissioner has recommended publication within the year.² The Parliamentary Committee scrutiny process would allow for further consultation with parents, which would take place at a more suitable time of year.

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² <https://www.cypcs.org.uk/policy/incorporation-of-the-un-convention-on-the-rights-of-the-child-/position-paper-uncrc-incorporation-consultation>