

# Child Rights and Wellbeing Impact Assessment (CRWIA)

## Post-school education, research and skills system: Purpose and Principles

January 2022

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## Introduction

As set out in Part 1 of the Children and Young People (Scotland) Act 2014, Scottish Ministers must keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration. Undertaking a CRWIA helps Ministers to fulfil this duty.

There are two key considerations when undertaking a CRWIA:

**Participation:** The United Nations Convention on the Right of the Child (UNCRC) sets out that children have the right to participate in decisions which affect them. When assessing the impacts of the policy/measure, you are recommended to consult with children and young people. You can do this directly, through organisations that represent children and young people or through using existing evidence on the views and experiences of children where relevant. Participation of children and young people should be meaningful and accessible.

**Evidence:** You are recommended to gather evidence when assessing the impact of the policy/measure on children's rights and also for measuring and evaluating the policy/measure. If you identify any gaps in the evidence base, you can discuss how you will address these with analytical colleagues.

### 1. Which articles of the UNCRC does this policy/measure impact on?

List all relevant Articles of the UNCRC and Optional Protocols. While all articles of the UNCRC are given equal weight and are seen as complementing each other, the four general principles of the UNCRC (non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight) underpin all other rights in the Convention, and should always be considered in your assessment. Please refer to [Annex 1](#) for UNCRC Article set out in Clusters and [Annex 2](#) for General Comments on the Articles.

1.1

[Article 2:](#) non-discrimination

[Article 3:](#) best interests of the child

[Article 12](#) : respect for the views of the child

[Article 23:](#) rights of disabled children

[Article 28](#) : right to education

[Article 29:](#) aims of education

[Article 31:](#) right to leisure, play and participation in cultural and artistic activities

[Article 32](#) : child labour

## 2. What impact will your policy/measure have on children's rights?

Positive/Neutral/Negative

- 2.1 The Purpose and Principles for post-school education, research and skills (Purpose and Principles) intends to have a positive impact on children's rights.

## 3. Will there be different impacts on different groups of children and young people?

Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?

- 3.1 The high-level strategic intent termed the Purpose and Principles is being designed to provide a decision making framework for reform of the post-school education, research and skills system to improve the outcomes for young people. This strategy will therefore affect children nationally, predominantly between the ages of 16-18yrs, who after compulsory education, are accessing the system at college, university, engaged in CLD (youth work), skills development or training through work. At this stage we are not anticipating intended negative impacts on any areas of children's rights or any group of children and young people. However, this is a highly complex and interlinked system and careful consideration will be given to impacts on children and young people as specific policy decisions are made. The Purpose and Principles is a high-level framework under which will sit detailed policies and measures. Our intention is that detailed Impact Assessments will be developed in the future as needed to examine the direct and indirect impacts of specific policy decisions as they are defined and implemented. Monitoring and evaluation plans will also be established to check that outcomes are maintained or improved and that any unintended outcomes are identified and tackled promptly.

## 4. If a negative impact is assessed for any area of rights or any group of children and young people, can you explain why this is necessary and proportionate? What options have you considered to modify the proposal, or mitigate the impact?

If options to modify the policy/measure are included here, include associated resource implications where relevant.

- 4.1 See question 3.

## 5. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

- 5.1 The Purpose and Principles for the post-school education, research and skills system is a high-level strategy that is part of a broader reform programme. Its implementation will lead to policy decisions about post-school education, skills and research that will directly impact Children and Young People namely those who are or will be within the post-school education system e.g. at college, university, engaged in CLD (youth work), skills development or training through work. The strategy aims to have an overall positive impact on children's rights to education and skills development and we want to ensure that children's rights are protected.
- 5.2 The Purpose and Principles is based on a lifelong learning ethos, however for the purpose of this CRWIA we are only considering 1) young people after compulsory education<sup>1</sup>, 2) young people between the age of 16 and 18 and 3) only considering education, research and skills development provision outwith a school setting. There has been significant success in this sector in improving access to education for more disadvantaged learners through policies such as widening access to higher education<sup>2</sup> and a range of grants and bursaries. The Purpose and Principles aims to build on this existing good practice to enable a range of education and skills opportunities for young people to make a meaningful contribution, irrespective of socio-economic disadvantage or protected characteristics.
- 5.3 To ensure the UNCRC articles impacted by this policy will be further implemented in Scotland, we intend to use this CRWIA to support the development of future specific policy decisions. The following outlines how the eight wellbeing indicators (SHANARRI) outlined in the Getting It Right For Every Child approach are considered through the Purpose and Principles. This strategy will promote the wellbeing and rights of a child and will ensure that every young person impacted is [protected without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.](#)
- 5.4 The Purpose and Principles have been developed through putting the learner at the centre of the approach and ensuring that the best interests of learners, including young people, are protected, as outlined in [Article 3](#). The approach taken ensures that the voices of young people have been listened to, respecting the views of young people and engaging through the Purpose and Principles and other linked parts of the educational reform workstreams with actors who work with them e.g. teachers, parents, carers, Young Scot, Developing the Young Workforce and the Scottish Youth Parliament. This further supports the implementation of [Article 12](#) '*Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously*'.
- 5.5 The Purpose and Principles ensures that the diverse needs of young learners and young people working in the system are able to access the post-school education, research and skills system including people across different

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<sup>1</sup> It is worth noting that many colleges do a lot of work with schools providing teaching for primary and secondary children. The Purpose and Principles does not cover this activity.

<sup>2</sup> [Commissioner for Fair Access - gov.scot \(www.gov.scot\)](http://www.gov.scot)

locations with protected characteristics and their intersectionalities, and who experience socio-economic disadvantage. The Purpose and Principles aims to ensure that every young person in Scotland will be able to realise their full potential and thrive through access to education. In this case, we focus on high quality post-school education, research and skills development. The Purpose and Principles aims to set the right policy context strategic environment to ensure that young people are offered high quality education with appropriate support. The Purpose and Principles will aim to continue to support young people in poverty and young people identifying as disabled, into education, research and skills development. This will build on the support already provided in the system, for example in response to the current cost crisis, as part of their role as community anchors, colleges and universities are providing havens of warmth and food for students in poverty and offering pastoral support and accommodations for disabled students and those with additional support needs, while community learning and development works with some of the most disadvantaged in our society, all contributing to ensuring young people grow up healthy. Through this, we intend to further protect the rights of disabled children outlined in [Article 23](#) to ensure that the system is inclusive and supports the rights of young people identifying as disabled who are part of it.

- 5.6 Every child has the right to an education as outlined in [Article 28](#) and the right to leisure, play and participation in cultural and artistic activities in [Article 31](#). Access to educational opportunities are part of the government's efforts to break the impact of growing up in poverty where we know that health and outcomes are poorer than for the population as a whole. Evidence shows that better skills can lead to better quality and more satisfying work which is associated with better wellbeing, boosting both physical and mental health. The Purpose and Principles aims to enable young people to access and succeed in a full range of post-school education, research and skills as part of their learner journey, protecting a child's right to education. The Purpose and Principles aims to set a strategic environment which is inclusive, widens access and removes barriers to participation for young people following compulsory education. The Purpose and Principles aims to deliver a system that is agile and responsive to the needs of all people within it, including young people. The Purpose and Principles aims to enable the system to be supportive and equitable encouraging all within the system to collaborate to deliver in the best interests of Scotland's young people.
- 5.7 [Article 32](#) outlines children's rights regarding child labour. The Purpose and Principles applies to apprenticeships which allow young people to gain work experiences or be paid to work and study at the same time <sup>3</sup>. The Purpose and Principles intends to promote the rights of young people and protect their rights regarding child labour. As part of the strategy's development, officials have engaged with delivery bodies e.g. SDS and institutions, with young apprentices (from 16 yrs of age) and apprentice assessors to support the development of this work. The Purpose and Principles ensures that the post-school education, research and skills system is trusted to deliver for all young

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<sup>3</sup> [Apprenticeships | Skills Development Scotland](#)

learners in the system, whilst protecting their rights, and that it is agile and responsive to enable young people to fulfil their potential. It will also aim to develop young people who have a range of skills and are offered good advice so that they can be responsible for their contribution to society.

- 5.8 Our intention is that detailed Impact Assessments will be developed in the future as part of the programme of reform to examine the direct and indirect impacts of specific policy decisions on children's rights as they are defined and implemented.

## 6. How have you consulted with relevant stakeholders, including involving children and young people in the development of the policy/measure?

This would include public or targeted consultations with children and young people, their parents/carers and the children's workforce. To make an informed assessment of the impact, the views of the children and young people who will be affected by the policy/measure should be considered fully. If the policy/measure has changed as a result of consultation with stakeholders, please set this out.

- 6.1 During the development of the Purpose and Principles, we have specifically engaged with the Scottish Youth Parliament, Young Scot, Developing the Young Workforce and college and university student representatives and learners, to ensure that young people within the post-school education research and skills system have been listened to and involved as part of the development process. We are actively engaging with colleagues who are consulting young people through the National Discussion on Education, Skills Delivery Landscape Review and the Hayward Review on Qualifications to ensure that we integrate the views of young people without too many separate consultation asks.
- 6.2 To ensure responses and contributions could be gathered from a diverse group, a discussion guide was published alongside the Interim Purpose and Principles in December 2022. This included an easy read and Gaelic version, recognising the diverse needs of individuals, including young people.
- 6.3 As future detailed policy decisions are made based on the implementation of the Purpose and Principles through the programme of reform, we recommend that relevant policy teams give further consideration to the specific impacts on children and young people.

## 7. What evidence have you used to inform your assessment?

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc. In particular, look at what existing evidence tells you about children and young people's views and experiences of the relevant service(s); and/or what it tells you about children and young people's views of the policy proposal. Identify any gaps in the evidence base, and set out how you will address these.

- 7.1 The Purpose and Principles will lead to policy decisions for the post-school education, research and skills development system. This will impact on young

people from all backgrounds who engage with the post-school education, research and skills system throughout their lifelong learning journey. However, we also need to ensure that all young people have the option to engage with this system and that a decision not to engage is based on what is right for them rather than barriers in the system.

- 7.2 According to the [Summary Statistics](#) for Attainment and Initial leaver destinations around 51,000 pupils left school in 2019/20; 11% of these left in S4 aged 15-16; 26% left school in S5 aged 16-17 and 63% left after S6 aged 17-18. Over three quarters of school leavers will enter into the post-school education, skills and research system. The number of school leavers is projected to rise towards 60,000 over the next 10 years.
- 7.3 The latest college data, [College Statistics 2020-21](#), shows that there are far fewer full-time enrolments for ages 15, 16, and 17 years compared to a decade ago, with 31.3%, 23.8% and 11.2% decreases in enrolments for each age group respectively. Pupils in these age groups are more likely to stay at school until S6. There are also fewer 15, 16, and 17 year-olds in the Scottish population than ten years ago.
- 7.4 We know that there are a range of different groups that are likely to face a range of different barriers and advantages in the post-school system. For example, according to the [Pupil Census](#), in 2021 there were 705,000 pupils in school. Around 123,000 pupils (17.5%) were from a minority ethnicity; 233,000 had an Additional Support Need including declared disability with levels of ASN much higher for children living in the most deprived quintile. As of [31 July, 2021](#), 14,946 children in Scotland were Looked After or on the Child protection Register (1.5% of Scotland's under 18 population). Just over 5,000 children were refugees or asylum seekers. Around 160,000 school pupils lived in a remote town, accessible rural and remote rural area; 5,000 were at a Gaelic medium school. In 2016-2016 there were around 8,000 children aged 12-17 in the [criminal justice system](#).
- 7.3 Latest [data](#) also shows that 26% of children in Scotland were living in relative poverty with 10% in persistent poverty, which means they have lived in relative poverty for three or more of the last four years. Long-term poverty is likely to lead to worse outcomes for children and young people.
- 7.4 The Purpose and Principles aims to set a strategic environment within which inclusive and fair policies are developed and implemented. As part of its development, we have consulted widely and included detailed engagement with some groups who are likely to face additional barriers including young people in remote rural and island areas; young people with learning disabilities and young people who would not normally consider entering the system. As future detailed policy decisions are made based on the implementation of the Purpose and Principles through the programme of reform, we recommend that relevant policy teams give further consideration to the specific impacts on children and young people. These policy specific impact assessments will be able to consider the detailed impacts for specific defined groups and their intersectionalities.



## 8. How will the impact of the policy/measure be monitored?

As part of the normal decision making process, the implementation of the policy/measure should be monitored. Please set out plans for measuring the impact of your policy/measure, including how it will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area. Wellbeing is defined by eight wellbeing indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

- 8.1 As part of the Purpose and Principles, we will be setting out system level outcomes that have been informed by logic modelling that will allow us to monitor our progress. These strategic outcomes will drive performance in the system. They will influence the development of a National Impact Framework which the Scottish Funding Council (SFC) will use to hold colleges and universities accountable<sup>4</sup> as well as link to the implementation and monitoring of the National Strategy for Economic Transformation<sup>5</sup> and to the implementation of SFC and Skills Development Scotland's collaborative work through the [Shared Outcomes Framework](#). There is a raft of data already being collected across the system which can be utilised to monitor activity and outcomes. There is a known need to improve comparability of some of this data and to undertake some additional evaluative activity, as programmes are implemented. As specific policy decisions are made in the future as part of the reform programme, further consideration will be given to measuring and monitoring impacts on children and young people and any unintended consequences will be identified with steps taken to rectify them.

## 9. How will you communicate to children and young people the impact of the policy/measure on their rights?

Providing information to children and young people on how their rights will be impacted helps to ensure that policy making is transparent. Are you publishing a child-friendly or accessible CRWIA?

- 9.1 An easy read, Gaelic and accessible version of the Interim Purpose and Principles and Final Purpose and Principles was published in December 2022. This was to allow engagement and communication with children and young people about this strategy.

## 10. Sign & Date

Policy Lead Signature & Date of Sign Off: Sarah Wotton 20 April 23

Deputy Director Signature & Date of Sign Off: Naureen Ahmad 4 July 23



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<sup>4</sup> This was set out in SFC's [Review of Coherent Provision and Sustainability](#).

<sup>5</sup> <https://www.gov.scot/publications/scotlands-national-strategy-economic-transformation-delivery-plans-october->

## Annex 1 – UNCRC Article Clusters

### [CRC Clusters \(unicef-irc.org\)](http://unicef-irc.org)

#### I General measures of implementation

[Article 4](#) implementation obligations

[Article 41](#) respect for existing standards

[Article 42](#) making Convention widely known

[Article 44\(6\)](#) making reports widely available

#### II Definition of a child

[Article 1](#)

#### III General principles

[Article 2](#) non-discrimination

[Article 3\(1\)](#) best interest to be a primary consideration

[Article 3\(2\)](#) State's obligations to ensure necessary care and protection

[Article 3\(3\)](#) standards for institutions services and facilities

[Article 6](#) the right to life, survival and development (see also: [VI Basic health and welfare](#) )

[Article 12](#) respect for the views of the child

#### IV Civil rights and freedoms

[Article 7](#) right to name, nationality and to know and be cared for by parents

[Article 8](#) preservation of child's identity

[Article 13](#) freedom of expression

[Article 14](#) freedom of thought, conscience and religion

[Article 15](#) freedom of association and peaceful assembly

[Article 16](#) protection of privacy

[Article 17](#) child's access to information, and role of mass media

[Article 37\(a\)](#) right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

#### V Family environment and alternative care

[Article 5](#) parental guidance and child's evolving capacities

[Article 18\(1\) and \(2\)](#) parental responsibilities and State's assistance

[Article 9](#) separation from parents

[Article 10](#) family reunification

[Article 11](#) illicit transfer and non-return

[Article 27\(4\)](#) recovery of maintenance for the child

[Article 20](#) children deprived of their family environment

[Article 21](#) adoption

[Article 25](#) periodic review of placement and treatment

[Article 19](#) protection from all forms of violence

[Article 39](#) rehabilitation and reintegration of victims of violence (see also: [VIII - Special protection measures](#) )

## VI Basic health and welfare

[Article 6](#) right to life, survival and development (see also: [III - General principles](#) )

[Article 18\(3\)](#) support for working parents

[Article 23](#) rights of disabled children

[Article 24](#) right to health and health services

[Article 26](#) right to social security

[Article 27\(1\)-\(3\)](#) right to adequate standard of living

## VII Education, leisure and cultural activities

[Article 28](#) right to education

[Article 29](#) aims of education

[Article 31](#) right to leisure, play and participation in cultural and artistic activities

## VIII Special protection measures

### **A - Children in situations of emergency**

[Article 22](#) refugee children

[Article 38](#) children and armed conflict

[Article 39](#) rehabilitation of child victims (see also: [V Family environment and alternative care](#) )

### **B - Children involved with the system of administration of juvenile justice**

[Article 40](#) administration of juvenile justice

[Article 37\(a\)](#) prohibition of capital punishment and life imprisonment

[Article 37\(b\)-\(d\)](#) restriction of liberty

[Article 39](#) rehabilitation and reintegration of child victims (see also: [V Family environment and alternative care](#) )

### **C - Children in situations of exploitation**

[Article 32](#) child labour

[Article 33](#) drug abuse

[Article 34](#) sexual exploitation

[Article 35](#) sale, trafficking and abduction

[Article 36](#) other forms of exploitation

### **D - Children belonging to a minority or an indigenous group**

[Article 30](#)

[Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict](#)

[Governments](#) should ensure that children under 18 who are members of the armed forces do not take a part in combat. Any recruitment of children under 18 must be voluntary and carried out with the full consent of the child's parents/carers. The UK Government has entered interpretive Declarations to this Optional Protocol. The UK would not exclude the deployment of under 18s who are members of the armed forces in direct combat if there is a genuine military need; it is not practicable to withdraw them before deployment; or doing so would undermine the operational effectiveness of their unit. The minimum age at which children may join the UK armed forces is 16 years, with parental consent required.

[Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography](#) [Governments](#) must prohibit the sale of children, child prostitution and

child pornography, and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

## Annex 2 – General Comments

General Comments are non-legally binding interpretive aids issued by the UN Committee on the Rights of the Child to provide State parties with assistance regarding the interpretation of an article or issue relating to the UNCRC, and what actions governments should take to ensure its implementation. New General Comments appear at irregular intervals.

### [Treaty bodies Search \(ohchr.org\)](#)

1. [The aims of education \(2001\)](#)
2. [The role of independent National Human Rights Institutions in the protection and promotion of the rights of the child \(2002\)](#)
3. [HIV/AIDS and the rights of children \(2003\)](#)
4. [Adolescent health and development in the context of the Convention on the Rights of the Child \(2003\)](#)
5. [General measures of implementation on the Convention on the Rights of the Child \(2003\)](#)
6. [Treatment of unaccompanied and separated children outside their country of origin \(2005\)](#)
7. [Implementing child rights in early childhood \(2005\)](#)
8. [The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment \(2006\)](#)
9. [The rights of children with disabilities \(2006\)](#)
10. [Children's rights in juvenile justice \(2007\)](#)
11. [Indigenous children and their rights under the Convention \(2009\)](#)
12. [The right of the child to be heard \(2009\)](#)
13. [The right of the child to freedom from all forms of violence \(2011\)](#)
14. [On the right of the child to have his or her best interests taken as a primary consideration \(2013\)](#)
15. [On the right of the child to enjoyment of the highest attainable standard of health \(2013\)](#)
16. [State obligations regarding the impact of the business sector on children's rights \(2013\)](#)
17. [On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(2013\)](#)

18. [On harmful practices \(Joint General Comment with the Committee on the Elimination of Discrimination against Women\) \(2019\)](#)
19. [Public budgeting for the realisation of children's rights \(2016\)](#)
20. [Implementation of the rights of the child during adolescence \(2016\)](#)
21. [Children in street situations \(2017\)](#)
22. General principles regarding the human rights of children in the context of international migration [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
23. State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
24. [General comment No. 24 \(2019\)](#) on children's rights in the child justice system
25. [General comment 25 \(2021\)](#) Children's Rights in relation to the digital environment.