Progressing Children’s Rights in Scotland

Response : **Helm**

Helm are a specialist third sector youthwork provider in Dundee with a 20 year track record of successfully engaging with young people who have not thrived in mainstream education.

95% of all young people engaging in our alternative education programmes are care experienced, with lived experience of childhood adversity and most of whom are looked after at home or are in kinship care.

We work with 200 young people every year, using trauma informed, young person centred, and rights based practice. We experience great engagement with young people at Helm, and working together routinely achieve their goals year on year, including SQA accredited qualifications, college places, jobs and apprenticeships.

More information is available on our website [www.helmtraining.co.uk](http://www.helmtraining.co.uk). Our vision is a Scotland where all young people dare to dream.

The changes we support and want to work together to help achieve in Scotland are :

* The **full incorporation of the UNCRC into domestic law**
* An **improved and fully inclusive mainstream education offer in Scotland**, in which childhood experiences will no longer be the key determining factor in achieving good educational and life outcomes
* The **routine empowerment of children and families with lived experience of adversity to exercise their right to be listened to and help shape change** in systems which affect their day to day lives and futures
* The **expected active sharing of evidence based approaches in education throughout Scotland and internationally**, sharing best practice in what works to successfully engage children and families with lived experience of adversity

We are most appreciative of the opportunity to respond to this consultation, which is very relevant to our work. We are also happy to take part in any further discussions to explain or expand on points made.

**Question 1 – High Level Contents of the Action Plan**

**Do you agree that the Action Plan should include:**

i. Identified strategic actions intended to secure transformational change in how children and young people experience their rights.

**Yes**

ii. A summary of specific initiatives being taken forward across all Scottish Government portfolios that captures what we will do in the next 3 years to secure better or further effect of the UNCRC principles.

**Yes**

iii. A number of key policy specific actions identified through the consultation process that are not currently being taken forward through other Scottish Government initiatives.

**Yes**

Where you answered ‘No’ to any of the above questions – please provide your reasons why you did not agree.

**Proposed Strategic Actions**

Question 2: Do you agree that the 4 proposed strategic actions are appropriate and will help to take forward the principles of the UNCRC?:

i. Development of a dynamic Participation Framework for Children and Young People.

**Yes**

ii. Ambitious delivery, through co-production, of the 3 year children’s rights awareness programme.

**Yes**

iii. Progressing the comprehensive audit on the most effective and practical way to further embed the principles of the UNCRC into policy, practice and legislation, including the option of full incorporation into domestic law.

**No**

We support the full incorporation of the UNCRC into domestic law. While we understand detailed work is required to achieve this in an appropriate way, and it is necessary to take time to do this well, we believe the **appropriate strategic outcome of the action plan in this respect should therefore be the full incorporation of the UNCRC into domestic law,** as opposed to current wording above which only includes this as a possible option. This is particularly of importance to issues affecting young people aged 16 and 17, who are children and therefore should be able to have full rights as children under the UNCRC (Article 1), but for whom significant conflict and confusion arises in our current care, welfare, housing, justice and child protection systems, all of which have different approaches for those aged 16+.

If full incorporation is therefore not a clear outcome for this action plan, we believe there will continue to be **significant and unacceptable gaps in the way Scotland is able to properly care for, support and protect all its children, especially those who have lived experience of adversity**.

iv. Evaluation of the Child Rights and Wellbeing Impact Assessment (CRWIA).

**Yes**

**Question 3: Are there ways in which the proposed strategic actions listed above could be further strengthened? – please specify.**

**Development of a dynamic participation framework**

We agree that reaching and listening to the most vulnerable and hardest to reach young people is challenging and we agree that this group are often excluded from participation as this action plan accurately notes. In particular we want to point out that many young people in this group are typically not at school, nor are they easily reached in eg. residential care. They are typically disengaged from mainstream education, not at school, and living in looked after at home or kinship care arrangements. This group of young people are of course however a key group for whom the implementation of the UNCRC can really impact on and improve their day to day lives.

We would therefore like to see this action strengthened by a **commitment to work in active partnership with alternative education providers, who are commissioned to engage successfully every day with this group of young people. Ideally a strategic plan for this work will also be co-produced with young people working in these programmes.**

Alternative education providers are a mix of local authority, independent and third sector organisations, and are easily identifiable as they will typically be commissioned by local authorities across Scotland to provide education for young people up to the age of 16. Helm is an example of a third sector alternative education provider and we will be happy to work in partnership to facilitate the design and implementation of this work.

**Ambitious programme of awareness of children’s rights**

We believe that this action could be strengthened by **resourcing and directing all schools in Scotland to work towards the Gold Standard UNICEF Respecting Rights Award (RRA) throughout the 3 year period of focus of this action plan.**

This will raise awareness of rights across all school pupils and all education professionals in Scotland in a recognised, structured, demonstrable and measurable way. This will crucially at the same time (and for the same small investment) bring about further positive changes in school culture. And this in turn will enable all children and young people, regardless of circumstances or experience of adversity, to feel more fully included and engaged in their education.

**When schools have achieved this award, data shows (perhaps unsurprisingly) that this also brings related improvements in engagement, behaviour and attainment in schools (see UNICEF evaluation data).**

By including this strategic direction in the national action plan, **rights related work can at the same time therefore also play an important part in addressing the attainment challenge in Scotland.**

This approach has also already been called for and supported by teachers in Scotland – please see for example a motion passed at the Scottish Secondary Schools Association 2016 congress.

**This is a whole school approach, which is also significant because it by definition does not target or stigmatise any one group of pupils. It has been shown to result in :**

* improved teacher-pupil relationships
* improved behaviour and engagement
* improved attainment
* raised teachers’ awareness of the right of all pupils to have an environment and an education which works for them, and increased ability to understand and listen to the views of those who need adaptations made to a conventional system to achieve this
* recognising the small but important culture changes which could make a significant difference to young people’s school experiences, and their ability to thrive in mainstream education

We believe this action could also be further strengthened by **also** **revising all teacher training frameworks to routinely include the outcomes of :**

* An understanding the UNCRC
* An understanding of how individual teachers can support their school to work towards gaining the RRA

**Question 4: Are there additional or alternative strategic actions that the Scottish Ministers should consider? – please specify.**

**N/a**

Question 5: Are there any specific actions – not currently being progressed within a wider Scottish Government action plan, framework or other initiative, - that should be considered for inclusion within the Action Plan?

**Yes**.

We firstly set out below the situation which we believe requires further national prioritisation and progression, and we note how this situation illustrates the distance we still have to travel to provide mainstream education services which enable Scotland to fully comply with the UNCRC. We then propose a key national strategy which we believe is missing form current initiatives and therefore which we propose should be included in this action plan.

**Situation and the distance we still must travel**

Outcomes for Scotland’s most vulnerable young people who experience adversity growing up still stubbornly remain significantly behind those of their peers, despite a very concentrated period of many years of positive co-ordinated national focus, the development of the GIRFEC approach, and sustained investment and effort.

We now know outcomes remain particularly low for young people who are looked after in kinship care or at home. In this situation, children and young people may remain living in family circumstances which are chaotic and complex. The families of looked after children may not be particularly likely to engage positively with services, and our over-stretched social work and health services experience and report significant challenges in providing this group of vulnerable young people with appropriate support (see the concerning recent CELSIS study “Overseen but often overlooked”, 2015)

Over 9,000 children and young people were the subject of compulsory supervision orders last year in Scotland, the largest proportion of whom became looked after at home or in kinship care. Our national data shows unequivocally that these young people struggle to thrive in our education system. National data also shows that this group of vulnerable young people continue to face challenges as they grow, and are much less likely than their peers to have good life chances in Scotland as they move into adulthood. This group of young people are at highest risk of unemployment or in work poverty, offending, imprisonment, drug and alcohol addiction, mental health and physical health issues, and are also most likely to struggle when they become parents with the challenges of raising a family. They therefore are at high risk of themselves becoming parents of children whose lives will be impacted by the impact of their parents’ childhood experiences, sustaining a cycle of adversity.

**What we already know about the root causes and best practice**

**ACE studies**

There is a wealth of undisputed research evidencing exactly *why* children and young people with experience of adversity will struggle to learn and thrive in conventional educational systems, and are at much higher risk of growing up to have many serious health challenges as well as poor life chances. These are collectively known as Adverse Childhood Experience (ACE\*) studies. This work has recently become much better known and shared in Scotland, and we now have a clear common language to use to discuss these issues, consider what we believe our responsibilities are, and decide what we think our national responses should be. The Scottish Parliament has debated the issue in early 2018, the First Minister has now recognised the serious health crisis represented by ACEs, and Scotland has pledged to become an ACE Aware nation.

*\*ACEs include experience as a child of neglect or loss, physical, emotional or sexual abuse, having a main carer with poor mental health or addiction, losing a parent or significant adult through death or imprisonment, and witnessing domestic violence.*

**Trauma informed practice**

Children with ACEs can however engage well in education and working towards their futures, using flexible, rights based and person centred approaches. There are examples of good practice in Scotland and internationally which provide clear evidence of the approaches which can work to enable children and young people with experience of ACEs to engage successfully in their education. This is becoming better known as “trauma informed practice”.

This practice, which shares some values and principles also enshrined in “rights respecting” and “nurturing schools” approaches, is not however common practice in most schools, and is very rare at secondary level in Scotland. While pockets of great practice exist, in mainstream and alternative provision, most children in Scotland will not experience the benefits of this whole school approach in their secondary education.

Specialist providers in Scotland (like Helm for example) consistently however achieve success with rights-based, trauma-informed approaches, in nurturing environments, and can demonstrate track records of engagement, achievement and progression with young people who were disengaged and categorised as at risk by schools. Many good international examples of effective practice also exist. There is however no sustained national programme or strategy to look at and learn from this effective practice. There is no current active national consideration of how to listen to those who know from experience what needs to change, or how to embed lessons from effective approaches into routine mainstream provision, enabling these children to thrive in our schools.

**Why we must change our education systems if we are serious about children’s rights**

The UNCRC articles 28,29 and 39 specifically state **the rights of children to an education which works for them, and the right of children affected by trauma to receive the support they need**.

**All Scotland’s vulnerable children – including all those who are “looked after” – have been *by definition* affected by trauma in their lives.** Many more are also known to be “on the edges of care”, and although excluded from national data, are nevertheless also seriously affected by traumatic experiences. And there is now a significant and growing number of children in Scotland’s schools who have come to us to escape horrific situations in their home countries, which most of us cannot imagine. Most children and young people in all of these groups will have experienced the constant exposure to traumatic events over a formative period which results in what medical specialists term “toxic stress”. This exposure over time causes visible, measurable changes in a child’s brain chemistry and development. This exposure unsurprisingly dramatically impacts on the ability of a child to thrive in a conventional education setting. Without appropriate care and support for the children and their caregivers in which trauma informed education plays a central part, we are as a nation preventing these children from exercising these rights, and allowing them to remain at high risk of suffering significant mental health issues, commonly observed behavioural challenges, increased risk-taking activities, serious physical health issues in later life, and poor life chances.

**The need to listen and start enabling children and young people and their families to be at the heart of change**

We all believe in our society that education is by far the most effective means we have to improve the life chances and deliver the best possible outcomes for everyone – and that is why in Scotland we invest in and support universal education for all children. Schools in Scotland have always been and remain rightly a source of national pride, we have many fantastic teachers and great school leaders, and most children in Scotland achieve well and transition successfully from a good school experience into stable happy adult lives.

***But*** we have unequivocal evidence that schools do not work for everyone. We know that our mainstream system works least well for those who actually need it most, *and* we know why.

We believe our schools must therefore start to understand and learn from effective trauma informed practitioners in Scotland and internationally, if they are to change successfully to meet the needs of all children and young people.

We also believe that they equally importantly must learn how to really listen to young people and their families.

*And* our schools must be enabled and supported by Scottish Government to take definitive steps to change their practice and culture and become places which facilitate learning and life chances for all our children.

It is only through this route we believe that young people most at risk will be enabled to engage with education which works for them, and take control of their own lives, breaking the cycle of adversity which can otherwise affects generations in the same families and become entrenched in some of our communities.

**If therefore we are serious about addressing children’s rights in Scotland we must provide our most vulnerable children with an education system which listens to them and works for them**. Only then will early life experience stop being the single factor which determines outcomes for children and young people in Scotland.

**Can we afford to change our approach to education ?**

Changing our approach to education to ensure that it becomes fully inclusive of young people with ACEs is not a cost, it is an **investment** in Scotland. There is a significant body of data showing the huge economic cost to Scotland (as well as the unacceptable waste of young lives) when children do not thrive in education. The Financial Scrutiny Unit briefing on Youth Unemployment commissioned by Scottish Parliament (2012) for example, estimated each cohort of young people not able to become economically active costs the country £2 billion.

Therefore *even if respecting children’s rights was not a national priority*, and to which this action plan shows commendable national commitment, there is an **overwhelming national business case, particularly in this climate of austerity** to redesign and appropriately resource our current education systems to ensure that all our children can thrive and achieve well in our schools, and make good transitions into adult life.

**Specific additional action proposed for this action plan**

* We propose this action plan is amended to **include the development of a national strategy to embed effective trauma informed, rights respecting practice in all schools in Scotland**
* The strategy should be **co-designed** with those children, young people and families in Scotland who know how and why our mainstream education does not currently work for them
* This strategy should be **developed in partnership with alternative education practitioners** in Scotland who have effective track records of engaging and achieving successfully with young people and families with lived experience of adversity, who can share best practice as well as facilitate the involvement of children and families in their programmes in the co-design of this strategy
* The strategy should also be **informed by learning from effective international practice**
* The inclusion of this strategy in this way is required to address **the core rights of all children in Scotland to an education which works for them** (UNCRC Articles 28 and 29) , linked to the **right of all children with experience of trauma to appropriate support** (UNCRC Article 39) and **respect for the views of the child** (UNCRC Article 12)