

# Child Rights and Wellbeing Impact Assessment (CRWIA)

## For the Structure of the School Week consultation

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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.

VII Education, leisure and cultural activities

Article 28 right to education

Article 29 aims of education

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

Positive and Negative

### 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?

All school age children and young people affected.

- Impact of 4 longer days/ 1 shorter day
- Impact on people of certain faiths – festivals and customs
- Attendance
- Rural areas – even longer days with added travel time, door to door time
- Cost of activities
- Inequalities – no transport following activities
- Pupils need interactions for positive mental health – concern this proposal may reduce interactions
- Schools are social places; in rural places pupils may feel more isolated
- Clashes with other clubs and activities on the shorter day
- Parents' work patterns might not change to match needs
- Childcare – expensive
- Anti-social behaviour – other citizens feel safer when pupils are in school, boredom, nothing to do
- Routine changes – one day is totally different
- Attendance – ½ day not a lot to miss, longer day- don't want to be in school
- Digital learning – technology not reliable, laptops not working, access to digital devices
- Later start – teenagers working better later
- Cost of activities may deter participation
- Seasons – winter dark
- LGBTQ+ pupils may require support which might not be available at home
- Digital learning not a replacement for being in a class
  
- Enhanced curriculum for all pupils
- Increased range of opportunities for young people
- School/life balance
- Development of skills
- Increased vocational options
- Targeted activities for care experienced young people
- Increased family time
- Time for leisure, recreation and hobbies
- Childcare careers
- Voluntary work
- Environmental impact of the John Muir Award project – improving local wild spaces
- Promotes digital learning
- Promotes physical activity and sport
- Digital learning – opens up study options and increases schools interacting

### Primary

- Safeguarding issues
- Childcare required
- Concentration levels
- More dependent on parents/carers
- Clubs and activities might not be of interest
- Bigger costs attached to primary aged pupils

### Secondary

- Senior curriculum enhanced with work experience opportunities and Foundation Apprenticeship courses
- Greater interaction with local communities
- Increased responsibility for younger siblings
- Periods need to be long enough to feel worthwhile
- Longer days don't feel too much
- Early start may result in pupils missing more is late to school

### Pupils (ASN)

- Smooth transition to change required/ change unsettling
- Support/ supervision may be required at home
- Some pupils may require food/medication at a certain time
- Change in routine may disadvantage people with disabilities

## 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.

Consider safeguarding risks at all stages of design
Consider the length of the 4 days for various groups
Ensure that there is an increased range of activities available – free/ low cost
Individual plans (Education, Health) may be required for some learners. Transitions need to be planned for a range of learners
Communication strategy for employers Timings of the school day carefully considered so that impact on secondary employment is limited
Careful monitoring of attainment for Care Experienced Young People should continue

Enhanced monitoring of time keeping and attendance for Care Experienced Young People
Public transport timetable considered when shape of school day is decided
Continue to raise awareness of safe and appropriate use of technology for young people and parent/carers
Consider aligning times for primary and secondary where possible

## 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.

Children and young people were considered at each stage of the consultation and were given opportunities to share their opinions and be part of the full process. Children and young people were consulted with at the start of the process, their voices were heard during the data collection stage, they participated in impact assessment discussions and communications will be shared with children and young people as part of the reporting to stakeholders and communities.

## 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.

Questionnaires – secondary, primary p4-7, primary p1-3

Community drop in events (16 locations)

Youth Council

Mailbox

Focus groups

## 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.

Questionnaires

Drop in feedback

Youth Council

Mailbox

Focus groups

## 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.

Wellbeing data – referrals/ attendance/ exclusion

Annual reviews

Curriculum plans – Foundation Apprenticeship courses - uptake/ awards

Education, Skills and Thriving Communities Improvement plan

## 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?

Child friendly materials - Plan on a page, consultation feedback will be discussed in schools with staff sharing outcomes, feedback will be shared with parents and carers, website will be updated with outcomes, D&G Communications Unit will share outcomes. All of these will be required to be accessible to children and young people ranging from 5 to 18.

## 10. Sign & Date

Policy Lead Signature & Date of Sign Off: Alison Chambers

Deputy Director Signature & Date of Sign Off: Dr Gillian Brydson

## Annex 1 – UNCRC Article Clusters

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