

Children's RIGHTS report April 2020- March 2023

This report showcases our progress in respecting and protecting children's rights in our role as a scrutiny and quality improvement support body



Contents

Foreword	3
Acknowledgements	4
Who we are	5
What is the UNCRC?	6
Our commitment to The Promise	6
Purpose of this report	8
Why are we using clusters in this report?	8
Cluster 1: Definition of the Child	8
Cluster 2: General Measures of Implementation	9
Cluster 3: General Principles of the UNCRC	16
Cluster 4: Civil Rights and Freedoms	27
Cluster 5: Violence Against Children	29
Cluster 6: Family Environment and Alternative Care	31
Cluster 7: Basic Health and Welfare	38
Cluster 8: Education, Leisure, and Culture	40
Cluster 9: Special Protection Measures	41
Next steps 2023–2026	43



**Keeping The Promise at
the heart of what we do**



Foreword

I am proud of all we have achieved to respect, uphold, champion, and defend the rights of children and recognise that their rights are most often realised through relationships with loving, attentive caregivers. We want to ensure all children in Scotland grow up feeling loved, safe, and respected and the incredible young inspection volunteers we work with are helping us to do this. Despite the delay in implementing the United Nations Convention on the Rights of the Child (UNCRC) here in Scotland, we continue to make great progress. Please read about what we have achieved over the last three years to protect children and young people's rights and what we plan to do next.

Jackie Irvine
Chief Executive

Upholding, championing, and defending the rights of our children and young people is the foundation of our role as one of Scotland's corporate parents. As we strive to keep The Promise, we believe that all children in Scotland should be raised in loving and safe environments, where their rights are respected and protected. We remain committed to implementing the rights of children in a way that supports the ability of children and those around them to connect and develop relationships and cultures that uphold their rights as a matter of course. Our young inspection volunteers are key to this commitment. I am proud of what has been achieved over the last three years to uphold the principles of the UNCRC. Please read on to hear about this and our plans for the future.

Charlotte Armitage
Board Member



Acknowledgements

We would like to thank everyone who continues to help us to protect and uphold children's rights and those who have shared their achievements and next steps. This includes our young inspection volunteers and our colleagues in:

Scrutiny and Assurance

- Children and young people's services
- Complaints
- Regulatory care early learning and childcare services
- Registration

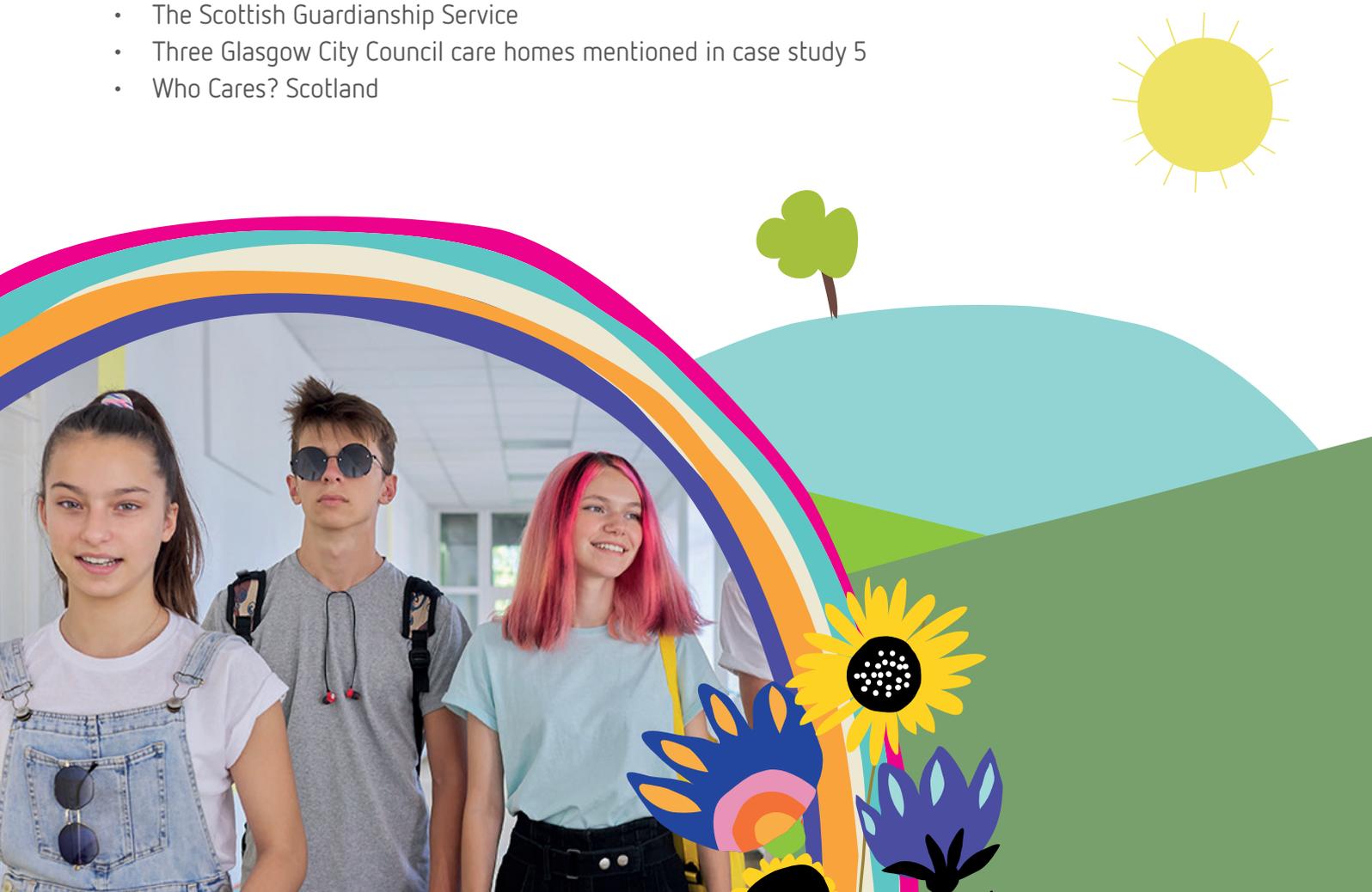
Involvement and equalities

Quality Improvement Keeping The Promise

Professional Standards and Practice

And our work with external organisations including:

- Aberlour
- Children's and Young People's Commissioner for Scotland
- Each and Every Child
- Electoral Commission
- Learning to Understand Needs and Abilities (LUNA)
- LGBT Youth Scotland
- Love Inc (partnership with Aberlour, Includem, Centre For Excellence for Looked After Children In Scotland)
- The Scottish Guardianship Service
- Three Glasgow City Council care homes mentioned in case study 5
- Who Cares? Scotland



Who we are

At the Care Inspectorate, we protect and support children and young people's rights. It is important as we are a 'duty bearer' and the law expects us to do this. In this report we will explain how our work supports the UNCRC.

We work with all care services for children and young people to help them be the best that they can be. We check that they meet the Health and Social Care Standards so that everyone gets the best care, opportunities and future possible. The standards are built upon five principles that set out what good care should look like. These standards are rights based.



Dignity and respect



Compassion



Be included



Responsive care and support



Wellbeing

What is the UNCRC?

Children and young people, have a set of rights laid out in the UNCRC. All children and young people have the same rights, which protect them and give them equal opportunities. All the rights are connected, and all are equally important.

- You can read the full convention [here](#).
- You can read a summary [here](#).
- Additional information is available from the [Children's and Young People's Commissioner Scotland](#).

Our commitment to The Promise

We agree that "All children and young people growing up in Scotland should have their human rights respected, protected and fulfilled." Together Scotland as quoted in the Scottish Government's [Children's Rights and the UNCRC in Scotland guidance](#).

The Independent Care Review helped Scotland make a promise. The Promise call to action is a national strategy and action plan which contributes to the implementation of the UNCRC. Delivering on [The Promise](#) by 2030 is an important part of what we do, and we refer to it throughout this report, including our next steps.

The Promise intends to make Scotland's care system one that is more caring and united. To achieve this, it needs children's services across Scotland to be flexible and able to adapt, to better suit the needs of everyone in and around them. The views and voices of children and young people must influence the change. We are proud of the progress we are making. Highlights of our Promise work, so far include the:

- the internal participation review and recommendations (referred to in clusters 2, 3 and next steps)
- the trauma pledge (referred to in cluster 3)
- the Promise learning and development framework (referred to in clusters, 2,3, 6 and next steps).





People in our organisation are keeping The Promise, by building this into their everyday work. This helps to embed children’s rights further into everything we do.

The Promise understands the importance of early and sustained support for families and to keep children living with their families where safe to do so. There is a reach across to our work in regulating early years care services – identifying early where a child and their family need help and establishing relationships of trust with parents and family members.

As we express in [our corporate plan](#), we want babies, children and young people, and their families with experience of care to:

- experience high quality compassionate care and support
- have improved outcomes (from the services which support them)
- feel that their rights have been respected and realised.

As a corporate parent, we carry out many of the roles a parent would. We have a duty to promote the wellbeing of our children and young people. It is important that, in fulfilling our role as a corporate parent, we enable our children and young people to have their rights protected, realised, upheld, and defended.

Purpose of this report

The Children and Young People (Scotland) Act 2014 requires us to publish a report every three years to show what steps we have taken to put the UNCRC into practice. This report covers our progress during the period 1 April 2020- 31 March 2023 and highlights a range of activities that we have undertaken to protect, promote and defend children's rights.

In our last [report](#) we said between 2020-2023 we planned to focus on these seven areas.

1. Make the changes needed from the Independent Care Review.
2. Continue to support the growth of early learning and childcare.
3. Develop a range of different ways to speak to children and young people and their families.
4. Continue to share information across all areas of the Care Inspectorate in the best way.
5. Work with children and young people, their families and advocacy workers to tell us about concerns. This includes talking to people who have left care services.
6. Work with the Mental Welfare Commission on restrictive practices and good practice in the use of physical restraint and seclusion.
7. Continue to train and develop our workforce in children and young people's issues and rights.

We have made great progress in all these areas. In a change to what we said for number six, we worked with the Scottish Physical Restraint Action Group (SPRAG) to take forward our work on restrictive practices and the use of physical restraint and seclusion. There is more information about this in Cluster five.

Why are we using clusters in this report?

Using the UNCRC clusters is an internationally recognised approach to the implementation, monitoring, and reporting of children's rights and it follows Scottish Government Guidance. It also provides a useful approach to use for this report.

There are [nine UNCRC clusters](#) which cover a wide variety of rights.

Cluster 1: Definition of the Child

Article 1 of the UNCRC defines a child as anyone under the age of 18.

Cluster 2: General Measures of Implementation

Article 4, protection of rights. This cluster deals with structures and resources to implement the UNCRC including legal and non-legal measures.

We use Children's Rights and Wellbeing Impact Assessments (CRWIA) for any new policies or changes to existing ones. This helps to ensure that we have taken account of the UNCRC in our decision-making. The assessment uses the SHANARRI principles (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included) which describe the wellbeing of children and young people and is part of GIRFEC (Getting It Right For Every Child).

The Promise

Our internal Promise workstreams include:

- the methodologies and quality frameworks we use in our children's work
- our participation, engagement and listening practice to have voice at the heart of all our work
- how we support and equip our internal workforce to be Promise skilled and confident.

Since October 2021, we have raised awareness about The Promise within these teams:

- early learning and childcare
- children and young people
- children's strategic inspection.



Promise context to workstream one

'Scotland must fundamentally alter the way in which it inspects services for children and the way it regulates and supports its workforce. Accountability and what is measured has a profound impact on the way professionals behave and services are run. If Scotland is to shift its practice to support, prioritise and nurture relationships, then Scotland must shift its accountability structures'

The Promise page 119

We have worked with colleagues working in our involvement, registration, methodology and corporate parenting activities to make sure that children's rights and participation is included in current and new practices.

Our Promise work provides our workforce with access to a range of good practice information relating to what matters to babies, children, and young people in order to enable best outcomes.

We do this through our:

- dedicated Promise Yammer community, that has 142 members
- Promise workstream pages on our staff intranet
- working alongside individual teams in the organisation.

We get this baseline information from close collaboration with other stakeholders and agencies such as:

- Each and Every Children Initiative
- Our Hearings Our Voice collaborative
- The Promise Scotland team
- Who Cares? Scotland.



Proposed goals of workstream 2 are:

- Our work is guided by a clear and consistently well-implemented participation strategy.
- We value and prioritise time spent listening to children and understanding their experiences.
- Children’s voices can be heard clearly in what we do and when and where we do it, and in what and how we report.
- We demonstrate that we genuinely value the care experienced young people who work with us.

A milestone achievement was the internal review of our current participation activity using the Scottish Approach to Service Design. This included:

- sending out a survey to our workforce to find out more about the current participation methods we use to involve children in our work
- asking specific questions to understand staff confidence levels relating to working in a participative and trauma informed and responsive way with children.

An internal participation review was informed by a ‘community of intent’ group. The group is made up of colleagues from:

- strategic and regulatory inspection
- complaints
- methodology
- professional standards
- quality improvement
- involvement and equalities.

The group’s purpose was to discuss and understand our existing participation practice and inform a review of participation to help identify recommendations.

The review also sought the views of our young inspection volunteers. The recommendations from this review were endorsed by our Senior Leadership Team in February 2023. We have an action plan to help us implement the recommendations from the review. The young inspection volunteers and a new internal ‘Participation Community’ of colleagues from across our children’s teams have begun work to integrate the [Lundy model of participation](#) across our practice.



Proposed goals of workstream 4 are:

- To deliver on the changes required for our workforce to feel Promise confident in their practice as evidenced through our recruitment, induction and continuous professional development opportunities.
- To provide L&D and other supportive mechanisms which helps inspectors, strategic inspectors, and managers to be oriented to understanding children's experiences.
- To develop our workforce skills and confidence in their practice of participation, engagement and listening to infants, children, young people and their families.
- To provide opportunities for inspectors, strategic inspectors, and managers to enhance their skills in working collaboratively with providers to provide support and challenge to improvement.

During 2022, we developed The Promise learning and development framework to support and equip our children's workforce to be Promise skilled and confident. The framework includes contemporary learning on topics such as:

- child development
- participation and engagement
- [trauma informed and responsive practice](#)
- children's rights
- use of language
- permanence (providing stability, including secure and nurturing relationships)
- equalities
- corporate parenting.

This framework will be available to the internal workforce from June 2023.

During 2022 and 2023 Who Cares? Scotland delivered corporate parenting training to our workforce. In March 2023 we invited young people from the Learning to Understand Needs and Abilities (LUNA) project to lead webinars for our workforce on children with disabilities. They shared their lived experiences and signposted colleagues to helpful resources.

We also work with external organisations to influence the national design of children's rights-based approaches. This includes close working with the:

- Promise Scotland team
- Scottish Social Services Council (SSSC)
- National corporate parenting network led by Who Cares? Scotland.

We worked with the SSSC to review our joint Safer Recruitment guidance to:

- better reflect young people's rights
- reduce discrimination towards people with care experience/ people with convictions
- increase the take up of positive action to recruit more young people.

We are also helping the SSSC to review their Codes of Practice and the Scottish Government's Common Core principles so that they are in line with the:

- UNCRC
- Health and Social Care Standards
- The Promise.

The new model focuses on how children should experience rights and respectful relationships.

We have also worked with Scottish Government and the Scottish Human Rights Commission to ensure that the rights of children and young people with care experience are reflected across the [Scottish National Action Plan \(SNAP\)](#). This is reflected in specific actions for duty bearers.

SNAP also reflects our work to:

- reduce the levels of restraint experienced by children and young people
- enhance support for young carers
- improve children and young people's experience of the justice system.

Early learning and childcare

In Early learning and childcare (ELC) we share the Scottish Government's ambition to make Scotland the best place in the world for children to grow up.

All our work contributes to national outcomes to:

- improve education and health for children
- reduce the poverty related attainment gap.

We do this through our scrutiny and quality improvement support work which promotes rights-based, high quality, nurturing care, play and learning experiences for all babies, children, and young people.

After consulting with the early learning and childcare sector and the Children's Parliament in February 2022, we published '[A quality framework for day-care of children, childminding and school-aged childcare](#)' (the framework).

The framework:

- uses rights-based language
- takes account of the Health and Social Care Standards
- includes the principles of the UNCRC.

Inspectors use the framework to provide independent assurance about the quality of care and play and learning, to ensure the rights of children are respected. The sector uses it to for self-evaluation and quality improvement work.

A Short Observation Framework for Inspection (SOFI) observation takes place at every inspection. It provides evidence from a child's perspective of their experience in services and evidence of whether children's rights are protected.

We have supported our inspectors to enable them to be skilled, confident and well supported in carrying out their roles. Training focused on developing knowledge of the framework and the key areas of care:

- play and learning
- the setting
- leadership and care staff team.

Following quality framework training inspectors reported having:

- improved understanding of children's rights
- better understanding of the importance of self-awareness and how powerful rights-based language is.

The training has strengthened professional dialogue and expectations of inspectors having important discussions with care service providers, such as reinforcing the:

- importance of parental engagement
- our values
- role as an advocate for children and families.

The programme gave inspectors greater ability to reflect about issues which may be impacting on children's safety and wellbeing. They were able to place more emphasis on the environment and on care staff skills and knowledge in understanding child development, so they could more quickly identify the need for additional support. Examples of this were through a greater focus on speech and language development in inspection work and in considering families circumstances such as poverty when providing meals and snacks and ensuring positive experiences for children.

In 2022/23, inspectors carried out approximately **1831** ELC service inspections. In every inspection carried out, inspectors sought the views of children and young people through discussion and/or SOFI observations, to enable them to share their experiences and views of the quality of the service provided. Children's views and comments are included in inspection reports that we publish on our website.

Children's experiences and the extent to which they are provided with high quality rights-based care and learning is assessed and evaluated through the inspection process and this information is shared with families and communities through published reports. Where inspectors found that children's experiences and outcomes are compromised by poor quality care and support, we take action to require or to enforce quality improvement so that children's rights are protected and advanced.

Children and young people (regulated services)

Since 2019, we have been revising our methodology for inspections of services for children and young people, to increase the focus on their experiences and outcomes, with new quality frameworks published for:

- [Care homes for children and young people and school care accommodation \(special residential schools\)](#)
- [Fostering, adoption and adult placement services](#)
- [Mainstream boarding school and school hostels](#)
- [Secure accommodation services](#).

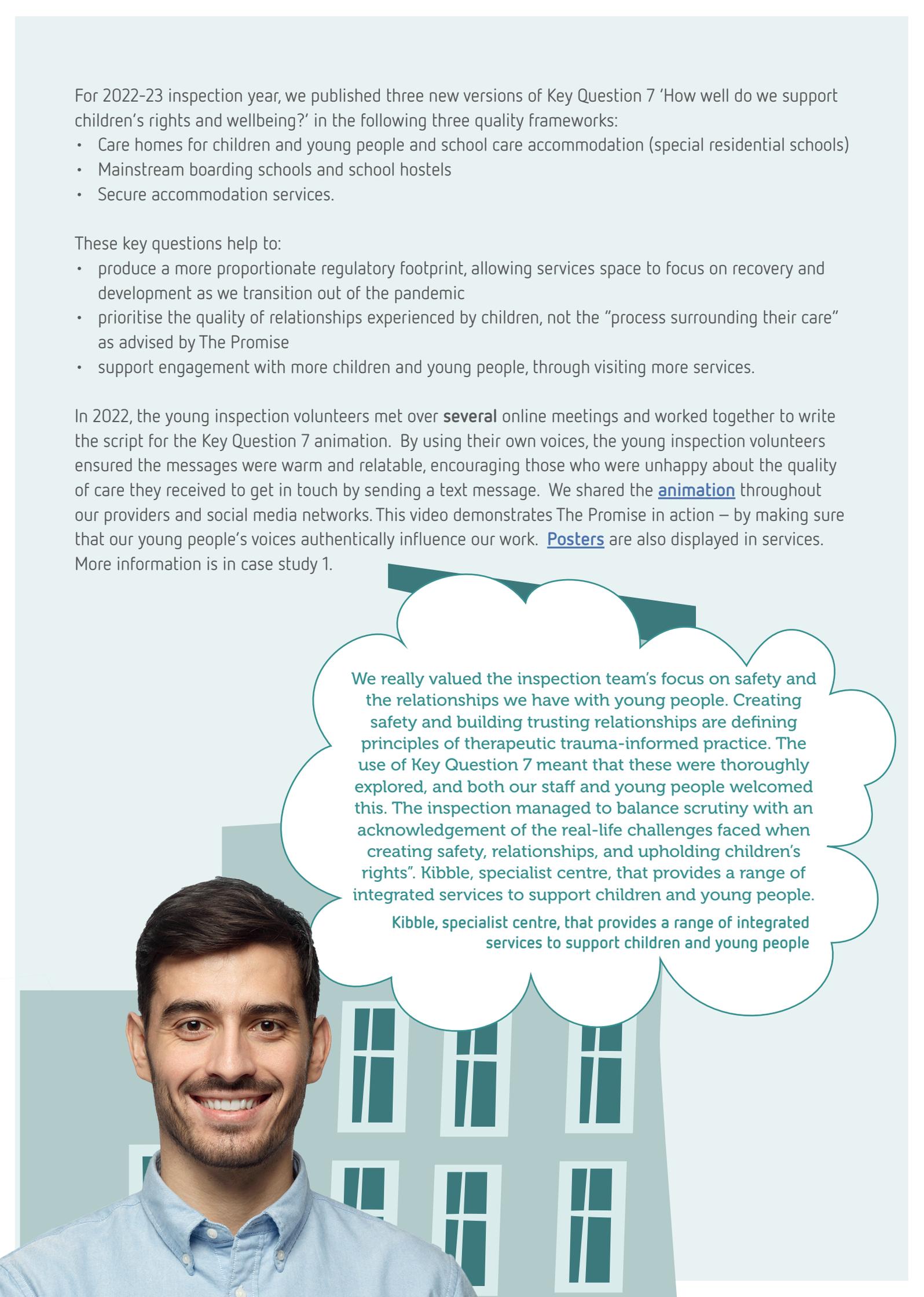
For 2022-23 inspection year, we published three new versions of Key Question 7 'How well do we support children's rights and wellbeing?' in the following three quality frameworks:

- Care homes for children and young people and school care accommodation (special residential schools)
- Mainstream boarding schools and school hostels
- Secure accommodation services.

These key questions help to:

- produce a more proportionate regulatory footprint, allowing services space to focus on recovery and development as we transition out of the pandemic
- prioritise the quality of relationships experienced by children, not the "process surrounding their care" as advised by The Promise
- support engagement with more children and young people, through visiting more services.

In 2022, the young inspection volunteers met over **several** online meetings and worked together to write the script for the Key Question 7 animation. By using their own voices, the young inspection volunteers ensured the messages were warm and relatable, encouraging those who were unhappy about the quality of care they received to get in touch by sending a text message. We shared the [animation](#) throughout our providers and social media networks. This video demonstrates The Promise in action – by making sure that our young people's voices authentically influence our work. [Posters](#) are also displayed in services. More information is in case study 1.



We really valued the inspection team's focus on safety and the relationships we have with young people. Creating safety and building trusting relationships are defining principles of therapeutic trauma-informed practice. The use of Key Question 7 meant that these were thoroughly explored, and both our staff and young people welcomed this. The inspection managed to balance scrutiny with an acknowledgement of the real-life challenges faced when creating safety, relationships, and upholding children's rights". Kibble, specialist centre, that provides a range of integrated services to support children and young people.

Kibble, specialist centre, that provides a range of integrated services to support children and young people

In our discussions with young people about this revised approach, this was particularly important to them. We are continuing to use this methodology in inspection year 2023-24.

We surveyed young people who experience care in 2021 about their preferred ways of engaging with us. Following their feedback:

- we created posters that explain what inspections are. Providers can download our poster for [residential childcare](#) or our poster for [foster care](#) and display this in their service to help young people understand what inspections are and how they can get involved
- our communications team developed a [children and young people's specific webpage](#) in 2021, to increase accessibility of information for young people.

In reviewing our engagement with young people, we moved from using paper-based questionnaires, to electronic surveys (using MS forms), with more accessible questions from 2020 onwards. We view this as an interim step, on the way to having a more visual and accessible way of seeking young people's feedback.

Our methodology team revised our inspection report format, to include a summary which may be more accessible to some young people. Again, we view this as an interim step. Our quality improvement support team have been piloting giving feedback directly to young people following an inspection.

Pre-pandemic, our young inspection volunteers (you can read more about them on page 19) were central to the review of the existing complaints system and the subsequent identification of a text to complain service for children and young people. They worked alongside staff within the complaints team to consider what was not working well for children and young people. The young inspection volunteers considered the following three areas as important to children and young people:

- accessibility
- confidentiality
- rapid response.

This resulted in a service where children and young people can now text if they are not happy about their care. The young inspection volunteers also co-produced a short [video](#) about the text to complain service and designed a [poster](#) that is available to print. There is also an online form, email address and telephone number for filing complaints.

Childrens services (strategic)

In November 2022, we published an update to [A quality framework for children and young people in need of care and protection](#). This refresh ensured that our language reflected the UNCRC and The Promise. We took account of the views of children and young people to inform this work.

Cluster 3: General Principles of the UNCRC

There are four guiding principles of the UNCRC:

- Non-discrimination (article 2).
- Best interests of the child (article 3).
- Life survival and development (article 6).
- Respect for children's views (article 12).

The Promise

Our internal Promise work supports the protection, fulfilment, and promotion of each of these four articles for all babies, children and young people in Scotland. They are implicit in the messages and call to action that is The Promise and at the core of our internal Promise practice development and implementation. Our internal role is to enable this subject knowledge and understanding to be at the heart of practice relating to children's work across the organisation. We include all of the articles in the implementation of our Promise internal participation review recommendations and Promise learning and development framework.

As an organisation, we committed to the National Trauma Leadership pledge in November 2022. This pledge is run by NHS Education for Scotland in partnership with the Scottish Government. This means we have:

- four senior leaders as internal [trauma champions](#)
- a trauma champions' group
- started the process of internal self-evaluation of the extent to which we are a trauma informed and trauma responsive organisation using the Improvement Service's national Trauma Framework as the basis for this exploration
- included the learning materials developed by the National Trauma Training Programme in The Promise learning and development framework available to our workforce. These materials contribute to our workforce becoming part of the national ambition to develop 'a trauma informed and responsive workforce, that is capable of recognising where people are affected by trauma and adversity, that is able to respond in ways that prevent further harm and support recovery and can address inequalities and improve life chances.' National Trauma Training Programme

Early learning and childcare

We are working in partnership with The Promise leads to ensure we design, develop and deliver approaches to early learning and childcare scrutiny and quality improvement support using [The Promise's five foundations](#) as a base.

We have developed practice guidance for inspectors and for the ELC sector which supports the application of children's rights as stipulated within the general principles of the UNCRC. During the reporting period this has included guidance in key areas such as safety, health, and wellbeing.

In partnership with Scottish Government, we published ['My Active World: Move more to nurture happy and healthy children'](#). The aim of the resource is to inspire and motivate those who work with children to increase opportunities for children to be physically active across their day.

During the period following the pandemic, there was a significant rise in the number of serious incidents experienced by children and young people in ELC and school aged childcare settings. Incidents included children:

- leaving premises unattended
- left unattended or left behind by staff when out on trips
- left on transport.

These incidents had the potential to result in significant harm, or risk to life for children.

We developed our 'SIMOA (Safety, Inspect, Monitor, Observe, Act)' campaign to raise awareness of the risks of these incidents occurring in settings and to provide guidance for practitioners so they could identify and reduce the risks. We published information about SIMOA on our website and our inspectors highlight the information through their inspection work. Children of all ages are supported to understand what SIMOA means for them and other children. This means involving them in identifying and considering physical risks. We have been monitoring the data relating to serious incidents in ELC services and early indicators are that these have significantly reduced following the SIMOA campaign being promoted.



Remember
... SIMOA

We are building on the way we involve children and families in our inspection work through an electronic survey which will be accessible to most or all families. Inspectors will analyse the responses and consider the views shared in their inspection work. This will be in addition to the discussion and observation work with children and discussion with families and carers during inspection visits and will increase the voice of children in our work.

We have also shared information with local authorities and large provider groups through our relationship meetings with them. In every inspection since the implementation of the framework in June 2022, inspectors have focused on children's experiences of nurturing care and support and play and learning. This key area includes the extent to which children's rights are respected and promoted through effective use of personal plans.

The framework highlights the importance of involving children and their families in decision making about their care and development. It sets out that staff are skilled at building resilience and identifying and supporting children with any additional support needs and in engaging specialist input where required. Where inspectors find that children's rights are not respected in this area, we can require, and in some cases enforce, improvement. We monitor service action to ensure appropriate action is taken to protect children's rights and improve children's experiences and outcomes.

Children and young people (regulated services)

To better support how we engage with children and young people who have English as a second or foreign language, in 2020 we developed a [poster](#) for services to display. This lets children and young people know that we are happy to book an interpreter to chat with them.

We also collaborated with Happy to Translate, to develop a bespoke app that supports inspectors' initial engagement with children and young people who have English as a second or foreign language when out on inspection.

Children's services (strategic)

In our joint inspections of children's services (with Healthcare Improvement Scotland, Education Scotland, and HM Inspectorate of Constabulary in Scotland) we address four aims:

1. Children and young people are safer because risks have been identified early and responded to effectively.
2. Children and young people's lives improve with high quality planning and support, ensuring they experience sustained loving and nurturing relationships to keep them safe from further harm.
3. Children, young people, and families are meaningfully and appropriately involved in decisions about their lives. They influence service planning, delivery, and improvement.
4. Collaborative strategic leadership, planning and operational management ensure high standards of service delivery.

The first three very much link to the general principles. To gather our evidence, we seek to hear the views of children and young people about their experiences and the impact of services on them.

We are successful in getting to hear the voices of children and young people. That said, we recognise that we need to ensure a range of methods and opportunities are available for children and young people to give us their views and keep our approach under review.

In the strategic children's team, we have been developing our focus on relationship-based care and the direct voice and experience of children in gathering evidence during inspections. To help us, we have developed these resources, with our young inspection volunteers:

- [leaflet](#)
- [young inspection volunteer video](#)
- [joint inspection of services for children and young people at risk of harm East Renfrewshire](#).



Respect for children's views: work we do with young inspection volunteers

Our young inspection volunteers are mostly involved in strategic inspections. They also visit care services with our inspectors to check that they are providing good quality care and discuss with them ways to improve. We work with organisations that support children and young people to develop resources to show services the best way to help children to develop and grow. We also ask young people to get involved in our projects, which helps to build their skills and confidence.

We currently work with eight young inspection volunteers, who visit children and young people's services with us when we inspect. Their ages range from 18-26 and they have all experienced care services themselves. We train and support them to engage with children, families and professionals to help us to further understand how well or not a service is doing. In future, we would love to involve more children and young people in our work. Our young inspection volunteers have spoken to hundreds of children and young people to find out about your experience of care. This is important so that we know what is working well and where things should be better and need to improve in care. What our young inspection volunteers think is important and makes a difference to other young people's lives. Here are some examples of the type of work they do.

Case study 1: Key question 7 - co-designed animation for regulated children's inspections

Over the course of four online and two in person meetings, our group of six young inspection volunteers developed the concepts, script, and key messages for this animation. The group were keen that the language used was jargon free and accessible for the audience. This was a creative and fun process that everyone contributed to. The group was keen to ensure that the film appealed to children of all ages and that the voiceovers included some younger children. It was agreed that using animations would be the best way to engage all ages and the group were careful to select images which were gender neutral, and inclusive. As pet lovers, our volunteers were keen to highlight the benefits that animals can bring to care experienced young people. The group also wanted to give a nuanced approach to the range of emotions felt by those in care settings.

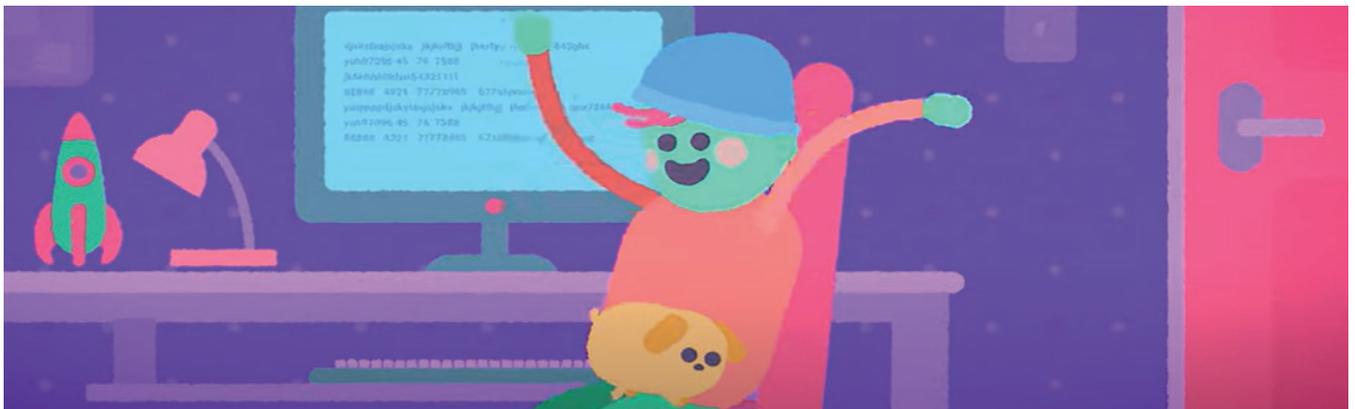
We gathered in Kelvin College, where some of our young inspection volunteers are completing their Community Achievement awards for a premiere of the film and to celebrate this brilliant piece of work. Our young people had this to say about the film and their experiences of working on it:

"I really enjoyed being part of the animation group and voiceover work especially as this is the first time my son has been involved in a piece of work I have done." Toni, young inspection volunteer.

"It was really fun making the film and I enjoyed all the volunteers coming together and doing all the recordings." Rosa, young inspection volunteer.

"I was able to support the other volunteers during the voice recording sessions which reminded me of my own skills and knowledge around voicework." Ashley, young inspection volunteer.

We strongly believe that co-design and co-production are powerful ways of working. Allowing our young people with lived experience of care to influence and inform how we engage with young people in services ensures we communicate with our children and young people in the most genuine voice we can. This [film](#) will enhance our regulatory work and will be shared widely.



Case study 3: PDA Event: Young inspection volunteers supporting the learning and development of Care Inspectorate staff

In December 2022, three of our young inspection volunteers attended the in-person Professional Development Accreditation (PDA) event which focused on the importance of applying the Lundy model framework to ensure good participation practice. They presented their knowledge from the perspective of inspection work to a range of professionals working on their PDA's from ELC, adult care, children and young people and justice.

This event provided the opportunity for our young people to share their experiences, build confidence and to learn about various challenges and opportunities to good participation in many different settings further developing their knowledge and expertise.

"I felt proud to share our work and skills with Inspectors, and I feel I learned lots too. It was a great event." Bronny, young inspection volunteer.

"Although I was nervous with so many inspectors in one room, I am glad I took part, not all professionals know how to help young people to open up." Rosa, young inspection volunteer.



Case study 4: Young People's Voices Group: The Scottish Guardianship Service

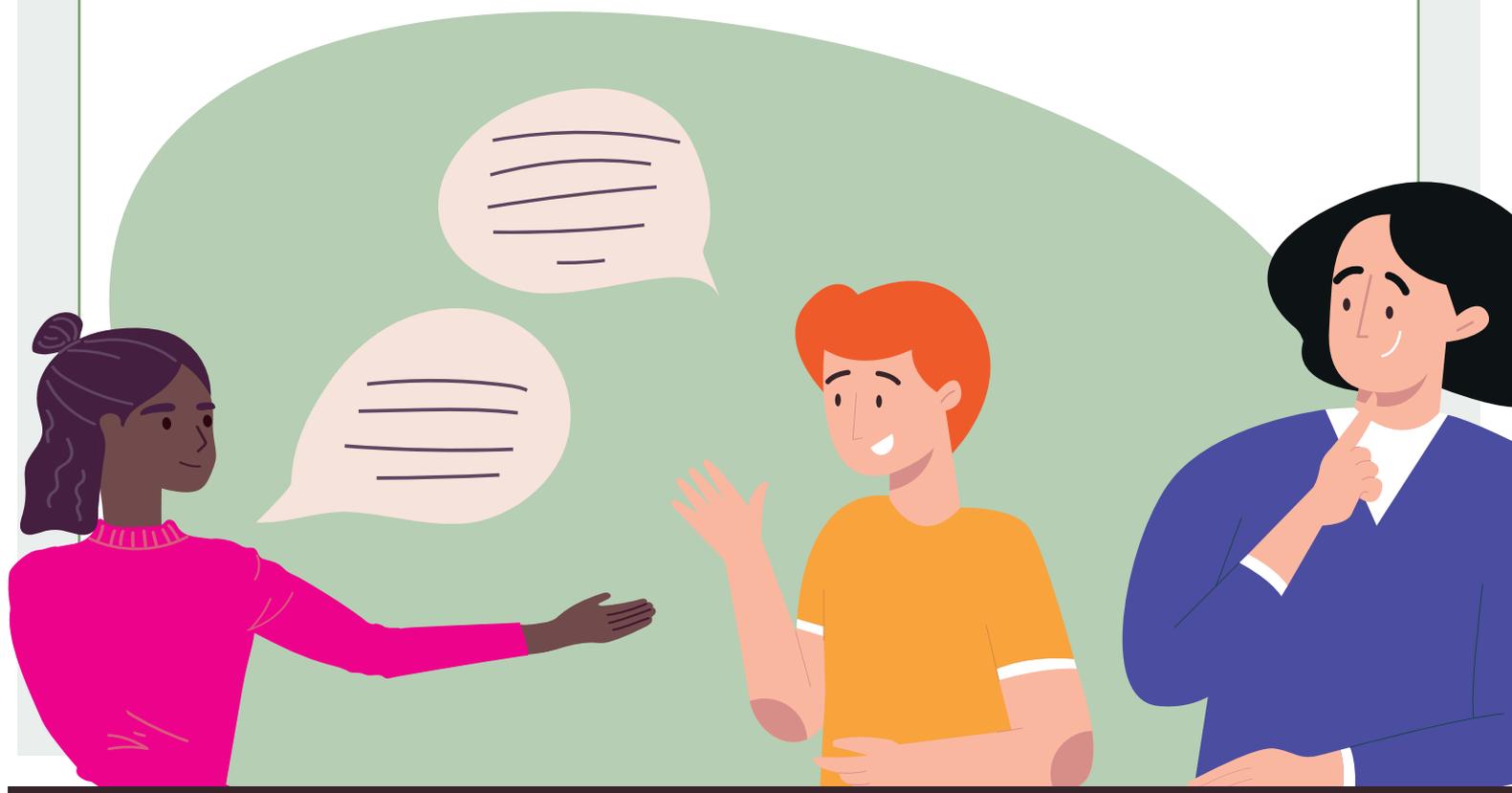
Recently we visited the Young People's Voice's Group to talk about what the Care Inspectorate do and to share the opportunity for their members to apply to volunteer with us.

The Involvement Advisor and young inspection volunteer co-presented to the group and learned about how they as a collective are working to have their voices heard about the care unaccompanied children receive.

"I am glad that we went to meet them, they were so welcoming... they are such wonderful advocates for unaccompanied young people." Shannon young inspection volunteer.

The group shared their recent report on their own experiences of care and individually talked about the support they had received from the guardianship, social workers, and key workers.

Shannon was able to talk about her experiences of care and her passion for working to ensure children and young people's voices are heard on inspection. Shannon also explained the role of young inspection volunteers and described some of the practicalities and training involved. This meeting was an important first step in involving unaccompanied young people in the work of the Care Inspectorate.





UN Convention on the Rights of the Child



Survival



You have a right to life, good food, water, and to grow up healthy

Development



You have a right to an education and time to relax and play

Participation

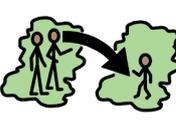
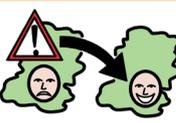
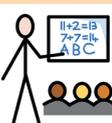


You have a right to say how you feel, be listened to, and taken seriously

Protection



You have a right to be treated well and not be hurt by anyone

 <p>1 Everyone under 18 has these rights</p>	 <p>2 All children have these rights</p>	 <p>3 Adults must do what's best for me</p>	 <p>4 The Government should make sure my rights are respected</p>	 <p>5 The Government should respect the right of my family to help me know about my rights</p>	 <p>6 I should be supported to live and grow</p>
 <p>7 I have a right to a name and to belong to a country</p>	 <p>8 I have a right to an identity</p>	 <p>9 I have a right to live with a family who cares for me</p>	 <p>10 I have the right to see my family if they live in another country</p>	 <p>11 I have the right not to be taken out of the country illegally</p>	 <p>12 I have the right to be listened to, and taken seriously</p>
 <p>13 I have the right to find out and share information</p>	 <p>14 I have the right to have my own thoughts and beliefs and to choose my religion, with my parents' guidance</p>	 <p>15 I have the right to meet with friends and to join groups</p>	 <p>16 I have the right to keep some things private</p>	 <p>17 I have the right to get information in lots of ways, so long as it's safe</p>	 <p>18 I have the right to be brought up by both parents if possible</p>
 <p>19 I have the right to be protected from being hurt or badly treated</p>	 <p>20 I have the right to special protection and help if I can't live with my own family</p>	 <p>21 I have the right to have the best care if I am adopted</p>	 <p>22 If I am a refugee, I have the same rights as children born in that country</p>	 <p>23 If I have a disability, I have the right to special care and education</p>	 <p>24 I have the right to good quality health care, to clean water and good food</p>
 <p>25 If I am not living with my family, people should keep checking I am safe and happy</p>	 <p>26 My family should get the money they need to help bring me up</p>	 <p>27 I have the right to have a proper house, food and clothing</p>	 <p>28 I have the right to an education</p>	 <p>29 I have the right to an education which develops my personality, respect for others' rights and the environment</p>	 <p>30 I have a right to speak my own language and to follow my family's way of life</p>
 <p>31 I have a right to relax and play</p>	 <p>32 I should not be made to do dangerous work</p>	 <p>33 I should be protected from dangerous drugs</p>	 <p>34 Nobody should touch me in ways that make me feel uncomfortable, unsafe or sad</p>	 <p>35 I should not be abducted, sold or trafficked</p>	 <p>36 I have the right to be kept safe from things that could harm my development</p>
 <p>37 I have the right not to be punished in a cruel or hurtful way</p>	 <p>38 I am not allowed to join the army until I am 15</p>	 <p>39 I have the right to help if I have been hurt, neglected or badly treated</p>	 <p>40 I have the right to legal help and to be treated fairly if I have been accused of breaking the law</p>	 <p>41 Where our country treats us better than the UN does we should keep up the good work!</p>	 <p>42 Everyone should know about the UNCRC</p>

1  **Everyone under 18 has these rights**

Under the UNCRC a child means every human being below the age of 18.

Unless under the law of that country majority is attained earlier – for example if I get married at 16.

5  **The Government should respect the right of my family to help me know about my rights**

Governments should respect the rights and responsibilities of parents to guide their children.

As I grow, my family should direct and guide me so that I learn to use my rights properly.

9  **I have a right to live with a family who cares for me**

I should not be separated from my parents unless it is for my own good – for example if a parent is mistreating or neglecting me.

If my parents are separated, I have the right to stay in contact with both of them, unless this might harm me.

In any discussions around separation, I should be given a chance to make my views known.

13  **I have the right to find out and share information**

This includes the freedom to find, get and share information of all kinds.

I can do this by talking, by writing, by creating art or whatever I choose.

I can do this as long as the information is not damaging to myself or others.

17  **I have the right to get information in lots of ways, so long as it's safe**

Television, radio and newspapers should provide information that I can understand.

No one should promote materials that could harm me.

The Government should encourage the production of children's books.

21  **I have the right to have the best care if I am adopted**

If I am adopted, the first concern must be what is best for me.

The same rules should apply whether the adoption takes place in the country where I was born or if I move to another country.

25  **If I am not living with my family, people should keep checking I am safe and happy**

I have the right to have a review of my care if I am looked after by the local authority rather than by my parents.

I have the right to have my situation reviewed regularly.

29  **I have the right to an education which develops my personality, respect for others' rights and the environment**

Education should develop my respect for human rights.

It should develop my personality and talents.

Education should develop my respect for the natural environment.

It should encourage me to respect my parents, my own and other cultures.

33  **I should be protected from dangerous drugs**

The Government should provide ways of protecting me from dangerous drugs.

For example – The Government should make sure I know about dangerous drugs and what they do and that I am protected from coming into contact with them.

37  **I have the right not to be punished in a cruel or hurtful way**

If I break the law, I should not be treated cruelly.

I should not be put in prison with adults.

I should be allowed to keep in contact with my family.

I have the right to get legal help.

41  **Where our country treats us better than the UN does we should keep up the good work!**

If the laws in my country protect me better than the articles of the UNCRC then those laws should stay.

The rights listed in the UNCRC are a foundation on which Governments can build.

2  **All children have these rights**

The UNCRC applies to everyone whatever their race, religion, abilities, whatever they think or say, no matter what family they come from.

Governments should respect and ensure my rights in the UNCRC without discrimination of any kind.

Governments should take measures to make sure that I am protected against discrimination.

6  **I should be supported to live and grow**

I have the right to life.

Governments should ensure that I survive and develop healthily.

10  **I have the right to see my family if they live in another country**

Governments should let families move between countries so that parents and children can stay in contact.

If my family are living in different countries, I have the right to stay in contact with both of them.

14  **I have the right to have my own thoughts and beliefs and to choose my religion, with my parents' guidance**

I have the right to practice my religion and believe what I want.

I have this right as long as I'm not stopping other people from enjoying their rights.

My parents should guide me on these matters.

18  **I have the right to be brought up by both parents if possible**

Both parents share the responsibility for bringing up children.

Parents should always consider what is best for each child.

Governments should help parents by providing services to support them, especially if both parents work.

22  **If I am a refugee, I have the same rights as children born in that country**

If I have come into a country as a refugee, I should have the same rights as children born in that country.

Governments should try to help find the family of any refugee child.

26  **My family should get the money they need to help bring me up**

I have a right to have a standard of living that is good enough to meet my mental and physical needs.

The Government should help families who cannot afford this.

30  **I have a right to speak my own language and to follow my family's way of life**

I have the right to learn and use my own language whether or not these are shared by most of the people in the country where I live.

I have the right to follow the customs of my family whether or not these are shared by most of the people in the country where I live.

34  **Nobody should touch me in ways that make me feel uncomfortable, unsafe or sad**

The Government should protect me from sexual abuse.

Nobody should do anything to my body that I do not want them to do, like touching me or taking pictures of me or making me say things I don't want to say.

If I have been harmed or abused I should get the help I need to recover.

38  **I am not allowed to join the army until I am 15**

I am not allowed to join the army until I am 15.

If my country is at war, I should get special protection.

42  **Everyone should know about the UNCRC**

It is the government's job to make sure that adults and children know about the UNCRC.

They should make sure they do this in an appropriate and active way.

3  **Adults must do what's best for me**

All adults should do what's best for me.

When adults make decisions, they should think how they affect me.

7  **I have a right to a name and to belong to a country**

I have the right to a legally registered name and nationality.

I have the right to know and be cared for by both my parents.

11  **I have the right not to be taken out of the country illegally**

Governments should take steps to stop me being taken out of my own country illegally.

Governments should make agreements with other countries to guarantee this.

15  **I have the right to meet with friends and to join groups**

I have the right to join groups and organisations as long as this does not stop other people from enjoying their rights.

For example – I am free to move around my community and public spaces to meet others.

19  **I have the right to be protected from being hurt or badly treated**

Governments should make sure that I am properly cared for.

I have the right to be protected from violence, abuse and neglect from adults.

23  **If I have a disability, I have the right to special care and education**

I have the right to a full and happy life and adults should support me to be an active participant in my community.

I have the right to special help and care to make sure I can receive education, health care services, and recreation opportunities.

Adults should support me to reach my full potential and individual development and provide opportunities for me to participate in activities with others.

27  **I have the right to have a proper house, food and clothing**

The Government should provide extra money for the children of families in need.

For example – If a family does not have money or is unable to support themselves the welfare state should help the children.

31  **I have a right to relax and play**

I have the right to play, relax, and join in a wide range of cultural, artistic, and other recreational activities.

Adults should think about what I need to make sure I have opportunities to play and relax in my local community and should involve me in planning.

I have a right to play and be with other children in a safe, supportive, stimulating and stress-free environment.

35  **I should not be abducted, sold or trafficked**

The Government should make sure that I am not taken from my family illegally.

I should not be abducted, sold or trafficked.

The Government should make sure that I am not exploited.

39  **I have the right to help if I have been hurt, neglected or badly treated**

If I have been hurt, neglected or badly treated I should get special help to make me feel better.

For example – I have the right to be given support if I want to get better following neglect, abuse, punishment or being involved in a war.

4  **The Government should make sure my rights are respected**

The Government should make sure the rights in the UNCRC are available to me.

For example – The Government can't take away my rights whenever they want to, they have to honour the rights which are set out in the UNCRC.

8  **I have a right to an identity**

My right to a name, a nationality and family ties should be respected.

For example – This means that despite a person's nationality, name or family background, the UNCRC recognises that they are an individual and have a right to be so.

12  **I have the right to be listened to, and taken seriously**

When adults are making decisions that affect me, I have a right to say what I think and be listened to.

I have a right for my views to help inform decisions about what happens to me, at home, in school, in my community and in my country.

Adults should support me so that I can give my views in a way that is best for me to do so.

16  **I have the right to keep some things private**

My letters, diary or phone calls should be private.

The law should protect me from attacks against my way of life, my good name, my family and my home.

20  **I have the right to special protection and help if I can't live with my own family**

If I cannot be looked after by my own family, I must be looked after properly, by people who respect my religion, culture and language.

The Government should make sure that alternative care is available for me.

24  **I have the right to good quality health care, to clean water and good food**

I have the right to good quality health care and to clean water.

I have the right to nutritious food and a clean environment so that I can stay healthy.

Rich countries should help poorer countries achieve this.

28  **I have the right to an education**

I have a right to a primary education, which should be free.

Schools should respect my dignity.

I should be encouraged to reach the highest level of education that I am capable of.

32  **I should not be made to do dangerous work**

The Government should agree a minimum age for when I can start work.

The Government should say how many hours I am allowed to work when I am old enough.

The Government should make sure that adults who don't stick to these rules are fined.

36  **I have the right to be kept safe from things that could harm my development**

I should be protected from any activities that could harm my development.

For example – I shouldn't do work that is unsafe. This means that people who employ me should only do so when I'm old enough. They should only ask me to do things which are safe.

40  **I have the right to legal help and to be treated fairly if I have been accused of breaking the law**

If I am accused of breaking the law, I should get legal help.

Putting children or young people in prison should only happen for the most serious offences.



Case study 5: Care home improvement project: Improving children and young people's involvement in inspection feedback

The senior improvement adviser Technologically Enabled Care (TEC) worked with:

- three Glasgow city council care homes
- the children and young people regulated care team
- the young inspection volunteers.

This was to improve the involvement of children and young people in inspection feedback.

The work is aligned with our commitment to keeping The Promise and aspires to make a key contribution to the outcomes identified within our six Promise workstreams.

The project team tested a face-to-face feedback session with children and young people in a Glasgow city council care home. The test was a hugely positive experience with excellent feedback from the children, young people and staff involved.

The second test built on the first introducing technology to record a feedback video/ audio for children and young people. Through robust evaluation the project has been able to evidence increased levels of involvement in inspection feedback.



Cluster 4: Civil Rights and Freedoms

This cluster focuses on children's civil rights and freedoms including children's right to move freely in public space, to access information and to privacy.

- Birth registration, name, nationality, care (Article 7).
- Protection and preservation of identity (Article 8).
- Freedom of expression (Article 13).
- Freedom of thought, conscience, and religion (Article 14).
- Freedom of association (Article 15).
- Right to privacy (Article 16).
- Access to information and mass media (Article 17).
- Right to education (Article 28).
- Inhumane treatment and detention (Article 37).
- Recovery and rehabilitation of child victims (Article 39).

The Promise

This is implicit at the heart of our Promise development work. Our organisational methodologies and quality frameworks (Promise workstream 1) are measures against which our inspectors assess the extent to which these rights are experienced by the children in services we inspect.

We will continue to prioritise, develop, and resource practice to address these rights in the design and undertaking of our regulatory, scrutiny and quality assurance role on behalf of babies, children, and young people.

Early learning and childcare

In relation to children's right to education, the framework highlights the importance of children's rights being respected and promoted through children having fun as they experience high quality play, learning and development opportunities. And, that children are empowered to be fully involved in their play and learning through the skilled interactions of staff.

In our inspection work we assess how well children's play experiences, indoors and outdoors, develop children's skills in language, literacy, and numeracy. Where we find that children's, development and outcomes are compromised by the quality of their experiences, we require and in some cases have enforced improvement action to be carried out by the service provider.

Our notifications and scrutiny work has highlighted that children's safety is at greater risk when understood outings, transitions and children's natural curiosity and exploration are not fully and supported by staff. To support practitioners to keep children safe, we have regarding trips and outings, transitions and supporting positive mealtime experiences in ELC. We developed, published, and promoted, a range of practice notes for the sector.

In February 2023, we hosted webinars for early learning and childcare settings to reflect together on some of the challenges in the sector and to discuss what the future looks like. An important area highlighted in the webinars by practitioners was family engagement. There is acknowledgement of the importance of the relationship between settings and families. Supporting family engagement in ELC is crucial to raising awareness of the impact on children's learning and development of good partnership between the setting and children's home life in promoting improved learning and enabling children to reach their potential.

Children and young people (regulated services)

In May 2022, we published ['Guidance for children and young people's services on the inclusion of transgender and non-binary young people'](#). This aims to support care services for children and young people to enhance the inclusion of transgender including non-binary young people. There has been a gap in guidance for the children and young people's care sector, which is why we have developed this resource. We know that the sector have queries, as a number of services have approached us asking about how they can best support transgender including non-binary young people. We spoke with care experienced trans young people, and services supporting trans young people, when drafting the guidance and their quotes are included throughout.

Children's services (strategic)

In June 2022, we notified all local authorities and secure care providers in Scotland of our plans to carry out a review to consider the impact of the [Secure Care Pathway and Standards](#) on young people in/ or on the edges of secure care. These standards exist to improve the experiences of children and young people who are in, or on the edges of, secure care. The aim is to lead to better and brighter outcomes for this group of young people. The review we are undertaking is another example of ongoing rights-based Promise work which the strategic scrutiny team has been developing. We will publish our report in September 2023.

We worked with regulated care colleagues to undertake [a review](#) and provide a snapshot of the range and type of restrictions placed on children and young people on Deprivation of Liberty orders in Scotland. Inspectors conducted face to face meetings with nine of the children and young people and had a telephone interview with one young person to inform the review.

Cluster 5: Violence Against Children

This cluster focuses on violence against children including abuse and neglect and the right not to be subjected to inhuman or degrading treatment or punishment.

- Protect from all forms of violence (Article 19).
- Promote physical and psychological recovery (Article 39).
- No child subjected to cruel, inhuman, or degrading treatment (Article 37(a)).
- School approaches to managing behaviour and discipline (Article 28(2)).

The Promise

Our Promise work supports practice development across our children's scrutiny teams to highlight these rights. For examples of specific pieces of work from individual teams such as, attention to trauma informed practice see cluster 3.

Children and young people (regulated services)

We understand that the use of restrictive practices in the promotion of rights, independence and choice for children and young people conflicts with promoting and maintaining a duty of care by taking protective action to keep them safe. We are a member of Restraint Reduction Scotland and have worked with the Scottish Physical Restraint Action Group (SPRAG) to develop a [Self-evaluation tool: The use of restrictive practices](#) which was published in 2022. It is designed to support services to evaluate how well they are doing in using restrictive practices and identify areas where they want to improve.

To support the launch of the self-evaluation tool, we held two webinars in 2022. We worked collaboratively with SPRAG to create definitions in relation to restrictive practices and review our document [Records that all registered children and young people's care services must keep and guidance on notification reporting](#) in 2021. We used these same definitions to create a new notification about restrictive practices in 2022 and replicated the language across our annual returns for 2022. The methodology team is undertaking a review of the impact of the self-evaluation tool.

We were involved in the development of the [Secure Care Pathway and Standards Scotland](#), led by children's services (strategic).

In 2022, we published a [Protocol and procedures for secure accommodation services](#) on the use of registered emergency beds to better support young people's rights and experiences in this area of practice.

We have developed a policy position on 'Depriving and restricting liberty for children and young people in care home, school care and secure accommodation services. This sets out the attitude, expectations, and actions of the Care Inspectorate where children and young people may be deprived of their liberty, where their liberty is restricted, or where this is a risk, through the design and/or care practices of Secure accommodation services; Care homes for children and young people; School care accommodation services.

We are engaging with the 'reimagining secure care' work being undertaken by Children and Young People's Centre for Justice (CYCJ) and with the development of the Children (Care and Justice) Bill. This includes related aspects such as the removal of under 18s from young offenders' institution and increased regulation of secure transport.

We have recently established a positive working relationship with the Scottish Police Authority and are in the early stages of scoping out work such as:

- increasing both the residential childcare and police workforce understanding of trauma
- considering the use of cells and places of safety for young people
- adjusting responses to children who go missing or self-injure.

Childrens services (strategic)

We have been working on:

- a revised protection policy and procedure (currently in draft)
- joint inspections of services for children at risk of harm mentioned earlier under cluster 3
- the development of the national trauma training program
- our role in the implementation of the [national child protection guidance \(2021\)](#).



Cluster 6: Family Environment and Alternative Care

This cluster focuses on the family environment, the right of children to be well cared for if they live apart from their parents, and the right to be protected from all forms of violence and abuse.

- Parental guidance and a child's evolving capacities (Article 5).
- Separation from parents (Article 9).
- Family reunification (Article 10).
- Abduction and non-return of children (Article 11).
- Parental responsibilities and state assistance (Article 18(1-2)).
- Protection from all forms of violence (Article 19).
- Children deprived of a family (Article 20).
- Adoption (Article 21).
- Review of treatment in care (Article 25).
- Adequate standard of living (Article 27).
- Recovery and rehabilitation of child victims (Article 39).

The Promise

Our Promise work supports the development of internal practice that promotes and supports the fulfilment of these rights. The messages of The Promise are that all children grow up respected and loved in safe, loving families where their individual needs are anticipated and responded to positively.

The topics in our Promise learning and development framework focus on the aspects of voice at the centre of decision making, the importance of access to independent advocacy, the importance of living with brothers and sisters if families cannot stay together and the impact of trauma on child development (among other topics) informing what children need and matters to them.

Our work with different teams across the organisation addresses these rights in different ways through the lens of The Promise. For example, we are working with inspectors who assess applicants who wish to register as childminders or new care provisions or vary their registration for how many children they care for.

We supported our early learning and childcare teams to highlight nurseries nurturing relationships with parents as an early learning and childcare priority this year. This supports The Promise priority of early help for children and families who need this to reduce the risk of children not being able to remain with their family.

We jointly developed the [Bairns' Hoose Standards](#) with Healthcare Improvement Scotland, which will be finalised and implemented in June 2023. The aim is to introduce an integrated, holistic system, with all professionals working from the same child-friendly premises and consistent therapeutic support being provided throughout. Children and families frequently report that they experience our current system, in which children have to travel and repeat their story to different professionals, as re-traumatising.

Establishing a network of Bairns' Hoose's should reduce delay and re-trauma and improve how we deal with child protection and justice. With buy-in from social work, health, voluntary sector therapeutic support and aspects of justice, we are on the brink of transformative change in how we collectively respond to children who have been harmed and children under the age of criminal responsibility whose behaviour has caused harm. The Bairns' Hoose will be the key vehicle for upholding the rights of children and families to compassionate and effective intervention and support in line with the UNCRC and Promise principles.

Early learning and childcare

Our framework focuses on engaging with families to support children's care, play and learning, and supports the ambition of The Promise to improve outcomes for care experienced children and their families.

We continue to strengthen and build on our strong connections with the ELC sector through our scrutiny, assurance, and quality improvement activity, sharing and disseminating the best practice documents that we produce.

We have designed a suite of ELC sector practice notes to share. Our most recent publication is '[Growing my potential: Promoting safe, responsive, nurturing care, and learning experiences and environments for babies and young children](#)'. It provides support and guidance to ELC settings, including childminders, caring for children aged one and two years. It is essential that the connections we make through our scrutiny role reflect the realities of children's lives, while supporting continuous improvement and being responsive to the sector.

Children and young people (regulated services)

In 2022, we published [Care Homes for Children and Young People - The Design Guide](#) to support applicants and providers with design, planning and construction considerations for new or converted care homes for children and young people – and ensure that their rights were upheld in this area.

To support with ensuring children's rights were upheld during emergency situations, we published [Guidance for providers of care homes for children and young people on the emergency relaxation of conditions of numbers](#) in 2022.

We have carried out significant work relating to cross border placements and we are involved in the developments around the Children (Care and Justice) Bill.

Distance placements refer to any child who is placed in a care setting outside of their home community. In 2022 we published our report on '[Distance placements: exploration of practice, outcomes, and children's rights](#)'. The report gives emphasis to issues faced by children placed in Scotland from other parts of the UK. These are priorities for our organisation which are set out in both Promise Change Programme One and the Scottish Government's recently published Implementation Plan.

The report found that a combination of inadequate planning, poor practice, and limited resources is resulting in some children facing further trauma and negative outcomes. The report highlights concerns about placements to inappropriate settings, away from family, friends, and familiar support networks. The potential discriminatory impact on children living in Scotland and not included in the Scottish care system, is also discussed.

The report found that children often arrived in placements with no clear idea of their rights or anyone to advocate for them. Children were reportedly transported at night, with no familiar adults and no information of their destination, and host authorities were at times unaware young people had been placed in their area until serious issues arose. In response to the findings, we have issued recommendations for use within the organisation, to care providers and to the Scottish Government.

The new notification system that we launched in April 2021, requires Scottish care providers to notify the regulator when a young person from different legal jurisdiction moves in and out of placement. Also, before accepting a distance or cross-border placement, providers should ensure children have a named independent advocate, and their rights to direct contact with parents, carers, brothers, sisters, and friends can be observed.

The report recommends the transportation of children to and from care placements be child-centred, trauma-sensitive and adheres to human rights and UNCRC legislation. The report includes a series of recommendations to improve the lives of children experiencing care in distance placements.

Following our 'Promise in practice' publication on distance placements for children and young people, the Centre for Excellence for Looked After Children in Scotland (CELCIS) invited us to co present a workshop at the Scottish Institute of Residential Childcare (SIRCC) yearly conference in November.

In January 2022, we carried out a [short thematic review of children and young people placed cross border on Deprivation of Liberty Orders](#). We spoke to nine of the children face to face and had a telephone interview with one young person. We developed an information sharing agreement and protocol with Ofsted in 2021, to allow us to raise concerns about placing authorities where there could be a potential breach of a young people's rights.

We have been supporting the [Staying Put agenda](#) since 2013 and our role as corporate parents under the Children and Young people (Scotland) Act 2014 includes supporting young people moving from care to adulthood and independence.

We developed [Guidance for services on the provision of continuing care in 2022](#), the [Continuing Care and the Welfare Assessment: Practice Note](#) in 2021 and delivered a Continuing Care and the Welfare Assessment Webinar in 2021. We collaborated with Clan Childlaw and CELCIS to produce a [resource](#) for young people about their right to continuing care.

In aspiring to make residential care a positive choice for all children in Scotland who need it, and to promote young people's rights in admissions and matching, we published [Matching looked After Children and Young People: Admissions Guidance for Residential Services](#). We regularly review and update the guidance (most recently in 2022), particularly relating to cross border placements.

We will continue to engage with the work around Unaccompanied Asylum-Seeking Young People, and the Children (Care and Justice) Bill – both of which will have an impact on these areas of practice.

We are undertaking a piece of work with social workers, to enhance their understanding of our role and encourage them to share their feedback with us. This will support the right of young people to have positive experiences and outcomes in care settings.

Childrens services (strategic)

We:

- contributed to the development of the Bairns Hoose Standards
- gather evidence relevant to this cluster of rights during our inspections, young inspection volunteers review publicly available information in local authority areas about child protection looking at accessibility and clarity from a young person’s perspective.



Case study 6: Love Inc

Love Inc is an exciting and dynamic partnership between us and:

- Aberlour
- Includem
- CELCIS

The name Love Inc was suggested by a care experienced young person and sums up what the partnership is about, love in the care system for children and young people.

We have been part of this collaborative partnership since 2019, when the partnership was successful in securing funding from Life Changes Trust.

We wanted to meaningfully gather the views of children and young people about how love and supportive relationships can be a part of a children and young people's care experience. We were open to exploring this in different ways, but in agreement that the voices of children and young people had to be integral to this work.

We supported the recruitment process for participation assistant posts, and we were delighted when one of our former young inspection volunteers, Erin, was successful in securing one of the posts. Erin has subsequently been promoted to senior participation assistant. We are incredibly proud of Erin.

The thinking and approach of Love Inc absolutely chimed with the findings of The Promise. There is a recognition that there needs to be more love and less system, jargon, and processes.

The learning and thinking have been on a wide range of issues that make a difference to children and young people. Love Inc has taken a lead from them and tried to go at a pace that is right for them. Time and effort has gone into the project team building relationships with children and young people in some of the Aberlour Children's houses. The approach has sought to get to know children and young people, recognising that opening up discussion about love takes time and trust. The pandemic has brought challenges and opportunities. Using technology has meant that Love Inc has been able to get their messages and findings to a much wider audience.

Language - what we say, how we say it and how we write about and with young people has been a big theme. Love means different things to different people, but children and young people want to feel loved and want responsive, loving care that allows them to shine.

The project lead and the participation assistants have delivered training sessions to a diverse range of audiences. The Care Inspectorate has benefited from this. Love Inc delivered a stimulating session to the inspectors in the Children and Young People's team and to our corporate parent group. Love Inc has also helped to deliver and design parts of our Professional Development Award (PDA) qualification for inspectors. For example, when Inspectors on the course were thinking about their graded unit

projects, Love Inc gave feedback about participation and capturing the voices/experiences of people using services. This input was appreciated by the inspectors who used it to ensure lived experience was at the core of their work. Work is ongoing between the PDA team and Love Inc to take this forward in a genuine co-produced way.

We are delighted that the work of Love Inc has been recognised in being shortlisted for the partnership award of the Scottish Public Sector Awards.

The Health and Social Care Standard 3.10 states “As a child or young person I feel valued, loved and secure”. We know this is not an easy thing to regulate, but we are committed to children and young people feeling loved in the care system. This needs to be the norm, not something that is controversial or ambitious.

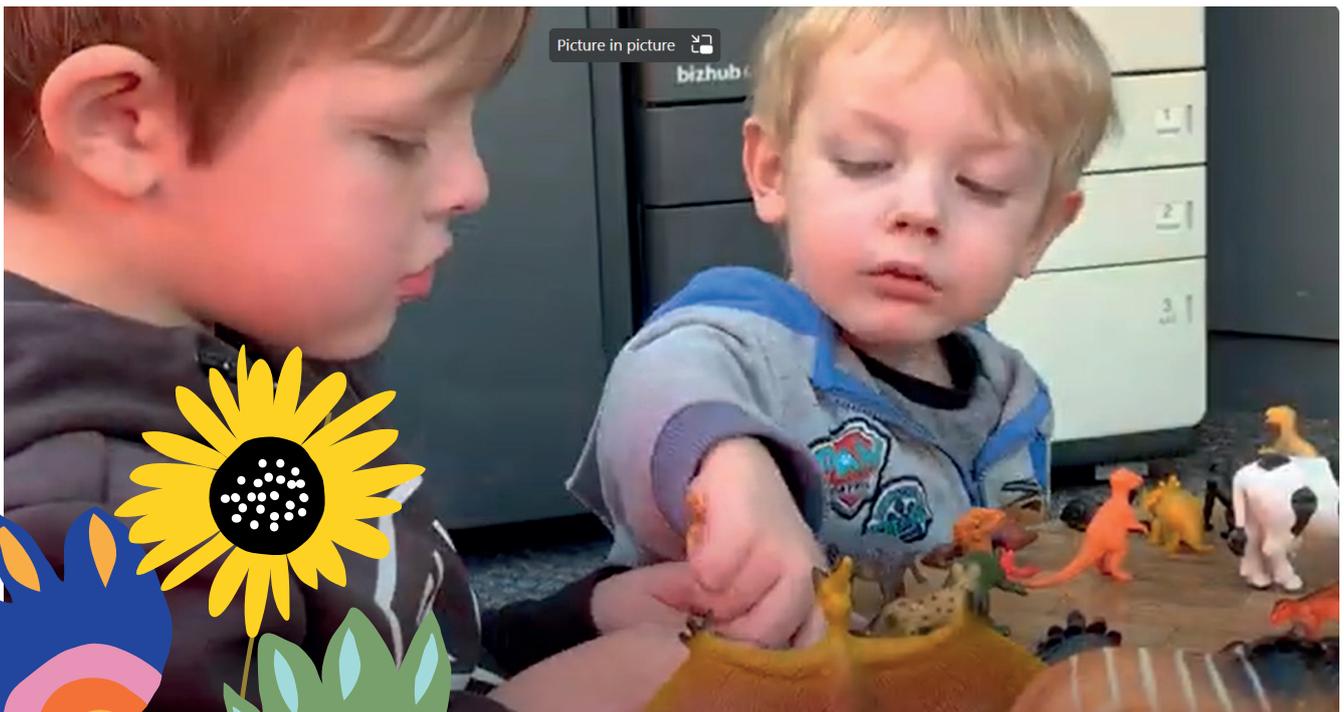
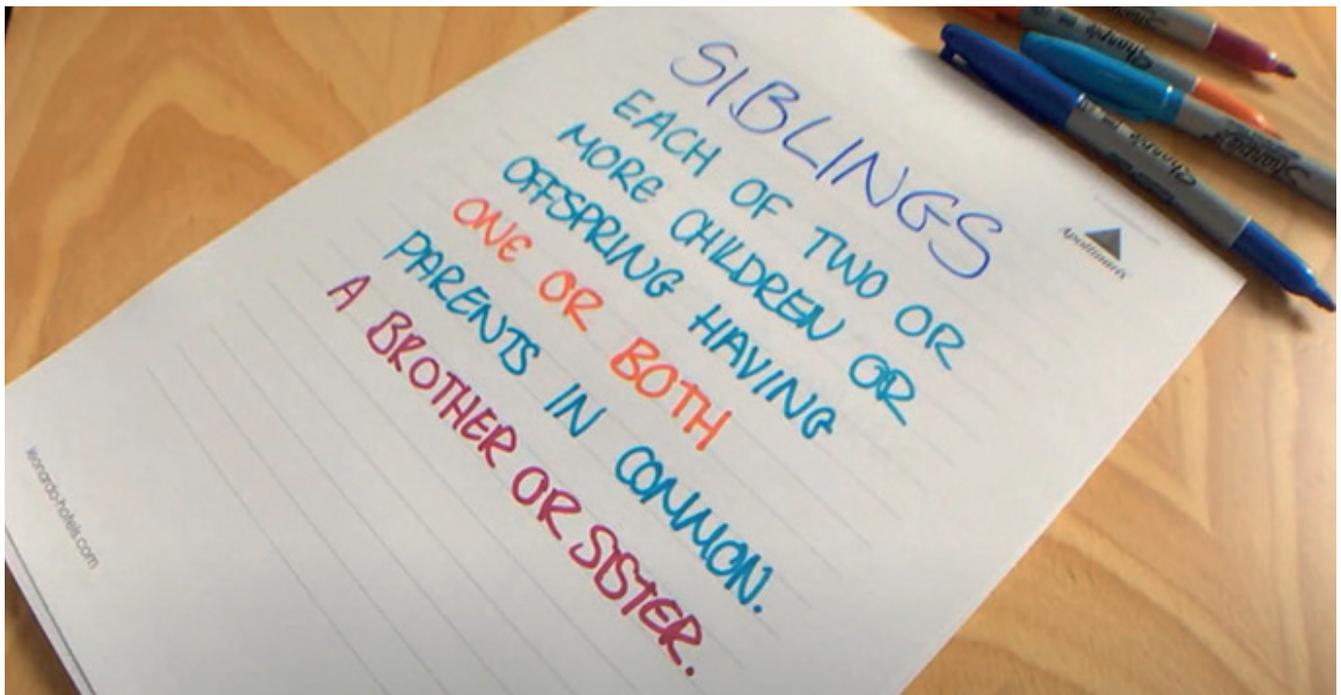
Our inspection methodology is evolving in line with this and as part of our organisational commitment to keep The Promise. Our focus of inspection in services for children and young people this year has children feeling safe and loved at the core. There will be more on this later.

If you want to download a copy of the final report about Love Inc , you can do so [here](#).



Case study 7: Stand Up for Siblings

We are a proud member of the Stand Up for Siblings partnership, a Scotland wide initiative to improve and change legislation, policy, and practice. It is about making sure children and young people live with their siblings, where it is appropriate to do so, and sustain strong and positive lifelong relationships with them. We were involved in the development of [Staying together and connected: getting it right for sisters and brothers: national practice guidance \(2021\)](#). Our young inspection volunteers made a big contribution to this award-winning work and in 2020 made a film about promoting and supporting sibling relationships for children and young people who experience care.



Cluster 7: Basic Health and Welfare

This cluster focuses on the health and welfare of all children and the consideration of disabled children's rights.

- Life, survival, and development (Article 6).
- Parental responsibilities and state assistance (Article 18(3)).
- Children with disabilities (Article 23).
- Health and health services (Article 24).
- Social security (Article 26).
- Adequate standard of living (Article 27 (1-3)).
- Drug abuse (Article 33).
- Convention on the Rights of Persons with Disabilities (CRPD 24).

The Promise

The Promise messages highlight attention to children living in poverty, those with protected characteristics listed under the Equality Act (2010) and marginalised communities who are often not heard. In our Promise development work, we promote this aspect.

The Promise work weaves across the work of several cross organisational teams and groups to promote these rights and help to shape practice developments in our work to further strengthen our day-to-day practice. Examples include children's inspection teams; corporate parenting and family firm subgroup; children's rights and care experience group and policy review group.

Early learning and childcare

We know that the earliest years of life are crucial for every child. And the evidence tells us that if our early learning and childcare offer is to help children fulfil their potential and contribute to closing the poverty-related attainment gap, it must be of high quality. That it is why quality is at the heart of the expansion in funded early learning and childcare entitlement for all three and four years, and eligible two year olds, to 1140 hours from August 2020. To enable this, a 'provider neutral' Funding Follows the Child approach has been introduced alongside the national roll-out of the expanded entitlement in 2020.

The approach is underpinned by a National Standard that all providers delivering the funded hours – regardless of whether they are in the public, private or third sector, or childminders – will have to meet. This will provide reassurance to parents and carers that any provider offering the funded hours will be able to offer their child a high-quality early learning and childcare experience. It also supports the commitment to provide a free meal to every child attending a funded early learning and childcare session. It will also place choice in parents' and carers' hands, enabling them to access their child's funded entitlement from any provider that meets the new National Standard, has a place available and is willing to enter a contract with their local authority. The National Standard influences our inspection and registration work.

Our [ELC improvement programme](#) focuses on providing targeted support to those settings currently at risk of, not meeting the National Standard. The programme provides a range of universal resources to support all settings with improving quality.

We continue to review the quality of experience for children through our inspection and registration work. Intelligence gathered from a variety of sources enables us to target our scrutiny work to ensure children's rights are protected.

We publish our evaluations yearly and these support the development of national childcare policy. The outcome of our scrutiny work is used along with [Growing Up in Scotland](#) when conducting the longitudinal research study, tracking the lives of thousands of children and their families from the early years, through childhood and beyond. The main aim of the study is to provide latest information to support policymaking in Scotland, but it is also intended to provide a resource for practitioners, academics, the voluntary sector, and parents.

Children and young people (regulated services)

To support staff in services to develop personal plans for children and young people which uphold their rights, in 2021 we developed a [Guide for providers on personal planning: children and young people](#). We spoke with young people to gather their views on personal planning and included quotes from young people throughout the document.

To support providers to ensure they are assessing and providing staffing levels to meet the needs and uphold the rights of young people in their care, we published in 2020 guidance for providers on the assessment of staffing levels. This [guidance](#) was updated in 2022 and further work is being progressed in this area by the safe staffing team.

We will continue to engage in joint work with strategic, such as the [disabled children's thematic review](#).

Children's services (strategic)

We contributed to national work on the rights to support for care experienced young people - [What Support Can I Get as a Care Leaver or If I'm Care Experienced?](#) This included information on benefits, support, and places to go for help, if you have been in care or are a care leaver in Scotland.

Cluster 8: Education, Leisure, and Culture

This cluster focuses on the right of all children to have a right to an education that will help them achieve their potential without discrimination.

- The right to education (Article 28).
- The goals of education (Article 29).
- Children of minorities/indigenous groups (Article 30).
- Leisure, play and culture (Article 31).

The Promise

The Promise requires the educational, leisure and cultural rights of the child being recognised and met as part of their holistic child centred care.

Early learning and childcare

We continue to develop new approaches to our registration and scrutiny work. We want to make sure that our inspections and registrations are strongly focused on assessing the extent to which children experience wellbeing. We also want to understand the difference play, care and learning makes to their lives.

Children and young people (regulated services)

We worked with the Registrar of Independent Schools and Education Scotland worked together to produce [Guidance on effective safeguarding for boards of governors in independent schools in 2022](#), to assist with self-evaluation and monitoring of child protection and safeguarding practices.

To set out our approach to regulating guardianship arrangements in boarding schools in 2021 we published [Guidance for the regulation of guardianship arrangements in boarding schools](#). These help to promote and ensure the young people's right to safety.

We are developing a Design Guide for Mainstream Boarding Schools – keeping in mind learning from the Scottish Child Abuse Inquiry, and ways in which we know young people's rights have been breached.

We are currently undertaking a piece of work to develop a video about our work, for young people living in mainstream boarding schools. We have identified some young people from the sector to work with us on this.

Cluster 9: Special Protection Measures

This cluster focuses on groups of vulnerable and marginalised children who require special protection.

- Refugee children (Article 22).
- Children of minorities / indigenous (Article 30).
- Child labour (Article 32).
- Drug abuse (Article 33).
- Sexual exploitation (Article 34).
- Abduction, sale, and trafficking (Article 35).
- Other forms of exploitation (Article 36).
- Inhumane treatment and detention (Article 37(a-d)).
- War and armed conflicts (Article 38).
- Recovery and rehabilitation of child victims (Article 39).
- Juvenile justice (Article 40).

The Promise

Our Promise work interfaces with our strategic justice team's work. The thematic review of secure care pathways currently underway led by children's strategic team is informed by Promise messages. All the special protection measures are considered in the course of the work across children's inspection teams.

Through our scrutiny work, we work in partnership with the different specialisms to ensure we act quickly to respond to any potential risk that young people may be facing. For example, we would complete an emergency variation to accommodate a young, unaccompanied asylum seeker.

Children and young people (regulated services)

We have supported services to accommodate Ukrainian refugees through the registration of services to enable them to offer the right support to families. We continue to respond to ever changing needs of children and families to ensure services can meet their needs.

We understand that meeting the needs and upholding the rights of asylum-seeking and refugee children and young people across Scotland is particularly challenging. We all need to work together, to make improvements. To help inform this work, we have been collaborating with COSLA (Convention of Scottish Local Authorities), the Scottish Guardianship Service, the Scottish Refugee Council, and Unaccompanied Asylum-Seeking Young People.

We will co-deliver a webinar on 24 April 2023. The content is relevant for local authorities, social workers, residential childcare staff, fostering services, and foster carers and covers:

- the background to unaccompanied asylum-seeking children policy and the National Transfer Scheme
- information about what support and services are available
- the context around why young people are arriving to Scotland, and what their lived experiences have been.
- any queries or concerns and the sharing of best practice.

Following the Supporting Unaccompanied Asylum-Seeking Children Webinar, we are considering what further work needs to be undertaken for example, further webinars or the development of guidance.

We have heard from local authorities about the impact of the National Transfer Scheme (NTS) and have evidence of this from our inspections and registration work.

As mentioned earlier we have developed a policy position on 'Depriving and restricting liberty for children and young people in care home, school care and secure accommodation services. This sets out:

- the attitude, expectations, and actions of the Care Inspectorate where children and young people may be deprived of their liberty
- where their liberty is restricted
- where this is a risk, through the design and/or care practices of secure accommodation services; care homes for children and young people; school care accommodation services.

We have been speaking with Scottish Government and COSLA (Convention of Scottish Local Authorities) about how to support the sector, and what services for these young people might look like going forward. We want to ensure that their rights are upheld, and we do not create a two-tier system.

As mentioned in cluster 5, we are involved in the development of the Children (Care and Justice) Bill. This includes related aspects such as the removal of under 18s from young offenders' institution and increased regulation of secure transport.

We have spoken with a group of Unaccompanied Asylum-Seeking Children, called Young Peoples Voices (YPV). We are hoping to work with them to develop resources (for example a card about what we do in a variety of languages), or potentially enlist some of them as young inspection volunteers.

Childrens services (strategic)

We are involved in national work to implement national child protection guidance.

Next steps 2023-2026

The Promise

Continue:

- to prioritise and resource the implementation of the recommendations from our internal participation review to integrate Lundy model participation principles across our work
- our work with the National Trauma Training Programme
- to enhance our internal Promise learning and development framework
- to learn from our scrutiny and regulation work about risks for children in relation to discrimination, survival, and development. We will achieve this by listening carefully to the views of children, their families, and carers
- to increase our collaboration with partners to deliver increased impact on improving outcomes and reducing inequality for all babies, children, and young people.

Early learning and childcare

Continue:

- to use a framework founded on children's rights
- to offer high quality learning and support for our staff to develop our expertise in children's rights. This will enable us to drive improvement within the ELC sector and to deliver on and contribute to national policy
- to prioritise protection and trauma responsive practice
- to develop a shared framework for Early Learning and Childcare sector with Education Scotland, sector representatives, practitioners, teachers, staff, and children, this will ensure the voice of the children is at the centre of our work.

Children and young people (regulated services)

- review our joint guidance for inspectors on the use of restraint with Education Scotland
- launch a revised version of the restrictive practices' notification
- consider publishing national restraint data, and other information from annual returns in an annual 'state of the nation' report
- develop reporting from the restrictive practices' notification, to offer improved comparative data, this will be carried out with support from the intelligence team
- continue to engage with the 'reimagining secure care' work being undertaken by Children and Young People's Centre for Justice (CYCJ), around the development of the Children (Care and Justice) Bill
- engage with His Majesty's Inspectorate of Prisons (HMIP) to explore how we could be involved in increased frequency of inspections of Polmont, whilst under 18s are still detained there
- explore alternative language voiceovers for animation video / develop a specific video for unaccompanied asylum-seeking young people
- identify further work that needs to be undertaken for example, additional webinars or the development of guidance following the Supporting Unaccompanied Asylum-Seeking Children (UASC) webinar
- continue to progress work on the design guide with the Scottish Council of Independent Schools (SCIS)

- support newer colleagues to access the Happy to Translate app as part of the induction process
- develop more visual and accessible ways of both giving and seeking young people’s feedback
- plan to use inspection reports to demonstrate strong areas of Promise practice in services
- increase (gradually) the involvement of young inspection volunteers across our inspections in 2023
- plan to review all our questionnaires to ensure we are engaging with the right people and that they are aligned with The Promise
- scope out a number of pieces of work with Scottish Police Authority, such as increasing both the residential childcare and police workforce understanding of trauma; considering the use of cells and places of safety for young people; and adjusting responses to children who go missing or self-injure
- publish our policy position on ‘Depriving and restricting liberty for children and young people in care home, school care and secure accommodation services’ and use this in our scrutiny activity
- involve five children and young people inspectors in the complaints pilot initial assessments
- implement the changes identified from case study 5 “Care home improvement project: Improving children and young people’s involvement in inspection feedback” and incorporate them into inspection methodology. This will initially be in the children and young people’s regulated care inspection team.

Childrens services (strategic)

- Continue to develop our methods to engage with children and young people through the use of direct engagement, surveys, and the inclusion of young inspection volunteers
- Conduct the disabled children’s thematic review between May 2023 and May 2024 and publish a national report in Spring 2024
- Continue to develop our approaches to ensure we are doing all that we can to hear the voices of children and young people including ‘seldom heard voices’
- Continue to provide video reports on inspection findings – aimed at children, young people, and their families, we will publish our Joint inspection of services for children and young people at risk of harm Scottish Borders in May 2023
- Publish the report of our review in relation to the Secure Care Pathways and Standards (2020).

Complaints

We will consider the Scottish Public Services Ombudsman (SPSO) child friendly complaints guidance and we will take necessary action.

In 2026, we will publish our next Children’s Rights Report and give you an update on the progress we have made with our action plan.



Headquarters

Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY
Tel: 01382 207100
Fax: 01382 207289

Website: www.careinspectorate.com

This publication is available in alternative formats on request.



© Care Inspectorate 2023 | Published by: Communications | COMMS-1023-462

