

**Beyond article 12**

**The local implementation of the  
UN Convention on the Rights of the Child  
in England**

March 2009

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## Executive summary

In 2007, the Children's Rights Alliance for England (CRAE) undertook to establish a picture of the extent of implementation of the United Nations Convention on the Rights of the Child (UNCRC) at a local level in England. 140 out of 150 local authorities in England participated in our survey, which took place in the context of the UK Government's preparation for the examination of its implementation of the UNCRC by the UN Committee on the Rights of the Child.

Analysis of responses from local authorities suggests that knowledge about the UNCRC in local authorities, from strategic level to grass roots delivery, is far from consistent, and that children's rights do not routinely inform strategic planning or day-to-day work. Taken together, our findings show that:

- 55% of local authorities have "adopted" the UNCRC, while 45% have yet to do so
- 77% of local authorities do not explicitly reference the UNCRC in their Children and Young People's Plan
- Only one local authority references the UNCRC in the job description of the director of children's services
- 19% of local authorities do not have a designated person in charge of implementing the UNCRC at a strategic level
- Inadequate knowledge of the UNCRC is identified as the second major barrier to the fulfilment of children's rights
- Out of those local authorities who had received training on children's rights *and* adopted the UNCRC, only 14% felt they had an "excellent" awareness and understanding of children's rights.

We found there is clearly good work being undertaken by local authorities to raise awareness of children's rights among children and practitioners, and that some are developing strong working relationships with vulnerable groups of children and young people. There are examples of children and young people from all backgrounds being meaningfully engaged in all manner of participation and consultation processes.

Yet there is still a long way to go. Engaging children in decision-making can be tokenistic, and championing article 12 is not the same as embedding the provisions of the UNCRC within all services for children and young people. Without a rights-based framework driving strategic planning and service delivery, reflected through mechanisms such as Children's Trust Boards, Children and Young People's Plans and Local Strategic Partnerships, it will be difficult for such work to go beyond the individual and develop into a broader focus on children's rights issues at local level.

### About CRAE

CRAE protects the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases and by using national, European and international human rights mechanisms. We provide free legal information and advice, raise awareness of children's human rights, and undertake research about children's access to their rights. We mobilise others, including children and young people, to take action to protect and promote children's human rights. Each year we publish a review of the state of children's rights in England.

## Introduction

In July 2007, the Children's Rights Alliance for England (CRAE) sent a survey to all directors of children's services in England to establish the levels of awareness of and local action on the United Nations Convention on the Rights of the Child (UNCRC).<sup>1</sup>

The aim of the survey was to provide an insight from a local authority perspective into the reality of the UNCRC in England. It sought to do this by:

- Examining the extent to which the UNCRC informs the strategic planning and day-to-day work of local authorities
- Identifying actions taken by local authorities (and, specifically, by services for children and young people) to protect, promote and further children's rights.

The survey was undertaken one year prior to the 2008 examination of the UK's implementation of the UNCRC by the UN Committee on the Rights of the Child. It was also timed to coincide with a nationwide children's rights investigation (led by children and young people, and supported by CRAE), which looked at how far children's human rights are realised in England by talking to children and young people about their experiences.

This report does not focus on practice in individual local authorities but instead seeks to establish how far children's rights are a priority for local authorities in general, and for children's services in particular. It also identifies emerging themes, and considers where local authorities could do more to implement the UNCRC.

## Methodology

The survey was sent to all local authorities in England in July 2007 under the Freedom of Information Act 2000, and again in November 2007 to those that did not immediately respond. 140 out of 150 local authorities in England returned a completed questionnaire between August 2007 and January 2008.

The survey consisted of 15 largely open-ended questions that looked at how local authorities used the UNCRC in strategic planning, service structures and service delivery.<sup>2</sup> For example, local authorities were asked who was responsible for co-ordinating the implementation of the UNCRC at a strategic level within their organisation, how they promoted the UNCRC to partner organisations and the public, and what barriers they encountered when taking forward work on children's rights. Responses from the vast majority of local authorities (93%) in England have provided a rich insight into the ways in which they understand, implement and promote the UNCRC.

These findings are not intended to, nor do they, constitute a comprehensive audit of local authority compliance with the UNCRC. Percentages used in this report show how commonly points were raised in answers to particular questions. These figures are used for illustrative purposes only and should not be taken as absolute values. All of the quotes cited in this report have been reproduced verbatim from survey responses.

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<sup>1</sup> See Annex A for a summary of the UNCRC

<sup>2</sup> Ten questions focused on the implementation of UNCRC and five related to the implementation of Section 53 of the Children Act 2004 (which places a duty on local authorities to give due consideration to a child's wishes and feelings in child protection enquires and children in need assessments). The data relating to Section 53 is not included in this report.

The report is divided into three sections:

- Knowledge of the UN Convention on the Rights of the Child
- The strategic incorporation of the UNCRC at local level
- Action taken by local authorities to protect and promote children rights.

Each part of the report presents analysis of the specific survey questions that relate to that particular section.

### **Why is the UNCRC relevant to local authorities?**

As present, the UNCRC remains one of the most widely ratified international human rights treaties in the world.<sup>3</sup> In ratifying it in 1991, the UK Government committed to bringing legislation, laws, policies and practice in line with its articles. In its pursuit to make England *'one of the best places in the world for a child to grow up'*, the Government emphasises the paramount importance of children's welfare and development.<sup>4</sup> Within the framework of the UNCRC, this requires *'all appropriate legislative, administrative and other measures'* to be undertaken to enable children to develop to their fullest potential.

The four general principles of the UNCRC have particular relevance for all the work local authorities undertake in relation to children and young people – the right of all children (aged 17 and under) to non-discrimination in the application of their rights, to have their best interests always as a primary consideration, to survival and development, and to express their views in matters affecting them. In its 54 articles, the UNCRC gives children over 40 substantive rights, including the right to freedom of expression and association (articles 14 and 15), the right to have a say in all matters affecting them (article 12), the right to non-discrimination and protection from all forms of violence (articles 2, 19 and 34), the right to health care, education, and play (articles 24, 28 and 31), and the right to information in a form they can understand (articles 13 and 17). The UNCRC also places a duty on the State Party (in this case, the UK Government) to disseminate information about the UNCRC and children's rights. The rights of children as set out in the UNCRC constitute minimum entitlements for all children all over the world, and are widely accepted to be *'universal, indivisible, interdependent and interrelated'*.<sup>5</sup>

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<sup>3</sup> The Geneva Conventions, providing humanitarian rules for conflicts and wars, have been ratified by all the world's nations.

<sup>4</sup> Department for Children, Schools and Families (2007), *Children's Plan*

<sup>5</sup> United Nations (2003), *Vienna Declaration and Programme for Action*. A/CONF.157/23

## Section 1: Knowledge of the UNCRC

The first survey question sought to examine the extent to which local authorities used the UNCRC as a framework to guide and inform their day-to-day work, and asked whether they had adopted the UNCRC.

### Extent of the adoption of the UNCRC

55% of local authorities said they have adopted the UNCRC in their work and 45% said they have not. At first glance, this seems encouraging, yet more detailed analysis of responses explaining *how* local authorities use the UNCRC suggests that there is significant variation in what each local authority understands by the UNCRC and its provisions, and how it can be used to inform, guide and strengthen work on issues relating to children and young people.

There also appeared to be different interpretations of what adoption of the UNCRC constituted. Many local authorities understand adoption to mean that they had publicly declared their intention to use the UNCRC in their work. For example, some local authorities referred to the minutes of full council meetings to determine whether the council had formally agreed to adopt the UNCRC:

*Council meeting minutes of 23 July 98 state: Approximately 375 local authorities, health authorities and voluntary bodies have formally adopted the Convention. It forms a useful basis for creating and developing services which seek to promote the rights of children as well as being a tool for auditing policy and practice in respect for services for children...Recommendation: That the council be recommended to adopt the principles set out in the United Nations Convention on the Rights of the Child.*

Others said they had adopted the UNCRC and gave a particular date, although provided no significant detail about how this move influenced or drove their work:

*The certificate is displayed on notice boards in the department.*

Of the 55% of local authorities that said they had adopted the UNCRC, the majority provided minimal detail on how they had done this beyond a broad endorsement of its principles, and an assurance that these principles underpinned the vision, aims and outcomes of organisational policies affecting children and young people (such as the children's services plan, the corporate parenting pledge and the disability strategy). Of those local authorities that said the principles of the UNCRC were embedded in their day-to-day activities, most appeared hesitant to call this an "adoption", perhaps because there was no formal record of any decision being taken to do this:

*I cannot find any evidence that specifically states that [name of local authority] has adopted [the] CRC, however the spirit and key messages of [the] CRC are built into everything we do.*

*We have adopted its principles but there has not been a formal adoption process.*

*No formal council decision but the UNCRC was adopted in our Vulnerable Children's Plan in 2002 and it is stated that it underpins Local Safeguarding Children's Board procedures and guidance, and children's social care policies*

*and documentation. The UNCRC is referenced in our children and young people's participation strategy, but not formally adopted.*

The acknowledgment that the UNCRC was referenced in organisational policies but had not yet been formally "adopted" by the local authority was a fairly typical response. This was interesting not least because it suggests that many local authorities may not be aware that UK ratification of the UNCRC means all local authority local strategies and policies should be brought in line with the provisions of the treaty.

### **How have local authorities adopted the UNCRC?**

Local authorities appear to have adopted the UNCRC in one of three ways. The first (and most common) is by undertaking work around article 12 (which states that all children have the right to express their views in all matters affecting them, and that those views must be given "due weight" in accordance with their age and maturity) as central to their strategies for youth involvement:

*We have a Participation Strategy that includes reference to certain articles of the UNCRC, but the UNCRC has not been formally adopted.*

*Adopted article 12 of the UNCRC in 1999 - statement in Involvement Strategy.*

*It is explicitly part of [name of local authority] Youth Engagement Strategy - where 'young people have the right to say'. It is an explicit influence in development of ward forums.*

*This local authority together with the local Children and Young People's Trust partnership has incorporated the UNCRC by incorporating children's rights into the Trust's Active Participation and Involvement Strategy and Toolkit 2006.*

It is encouraging that many local authorities have embraced article 12 in their participation and involvement strategies. However, the UNCRC gives over 40 substantive rights to all children and young people covering all aspects of their lives, and giving space and weight to the voices of children, while fundamentally important, does not equate with full adoption of the UNCRC.

The second way in which local authorities adopt the UNCRC is by running programmes or workshops with a specific focus on children's rights. Local authorities that run these programmes stood out as having the most informed understanding of the UNCRC. These local authorities often (though not always) had a team of children's rights officers or participation workers to deliver such activities and they often listed targets for disseminating information about the UNCRC to children and colleagues. They also acknowledged a range of UNCRC provisions beyond that of article 12. It was not clear however whether these practitioners work with all children and young people or with children in care. It is interesting that only 7% of local authorities consider that such activities show evidence of their adoption of the UNCRC.

*This local authority has adopted the Rights Respecting Schools Award as part of its Raising Achievement Plan / Children and Young People's Plan. This is based on the UNCRC. Both DCC and the Children's Trust have adopted Hear By Right in support of the agenda.*

*Safeguarding Rights, Children's Services, have adopted the UNCRC in May 2007. The Children's Rights Team have individual actions which tie into the articles. The borough overall promotes the UNCRC.*

The third way in which local authorities adopt the UNCRC is by presenting it as synonymous with the principles and vision of significant government strategies or pieces of legislation:

*The council considers the Children Act 2004 as encompassing the principles of the UNCRC.*

*Not formally although Every Child Matters is based on the principles of the UNCRC and therefore our commitment is reflected through adoption of the UNCRC. The UNCRC is mentioned in our children's services equality and service delivery and employment.*

*The UNCRC was ratified by the Government on 16 December 1991. This is a national government issue and national government is responsible for compliance. The council complies with all associated duties on local authorities.*

Technically speaking, ratification of the UNCRC means that all national legislation, policy and related practice should comply with its articles. The responsibility for ensuring compliance with the UNCRC lies first and foremost with the Government. However, as the delivery agents of government policy, local authorities must work with the Government to implement and promote the UNCRC if children's rights are to become a reality in the lives of all children and young people.

It was clear that, rather than seeing the UNCRC as a way to strengthen children's rights and entitlements, some local authorities were unsure of the provisions of the UNCRC and how these related to other human rights instruments such as the Human Rights Act. Even where local authorities used monitoring frameworks based (at least in part) on the UNCRC (such as Hear By Right), this did not necessarily reflect an understanding of the UNCRC or mean that it had been incorporated into the fabric of the organisation:

*[Has your local authority adopted the UNCRC?] Not explicitly but [name of local authority] has signed up to the implementation of the Hear By Right tool which is based on the UNCRC.*

*Hear By Right and European Convention on Human Rights adopted. CRC not formally and specifically adopted but many aspects (A12) underpin work...*

*The local authority has robust systems in place to ensure that there is compliance with the Human Rights Act. Every council committee report considers analysis in relation to human rights considerations. In relation to the UNCRC the council has adopted Hear By Right which has compliance with articles 12 and 13.*

The UNCRC seeks to ensure the holistic development of the child from the moment he or she is born until the age of 18. Understanding the interconnected nature of the articles of the UNCRC, both in themselves and within a wider human rights framework, and how those provisions can be used together to promote, protect and ensure children's best interests is especially important for local authorities who care for some of the most vulnerable children in our society.

## **Section 2: The strategic incorporation of the UNCRC at local level**

CRAE asked local authorities a series of questions to determine whether structures and frameworks are in place to allow local agencies to put the UNCRC into practice and to enable children's human rights to actively inform and guide their work.

### **The UNCRC in Children and Young People's Plans**

CRAE asked each local authority whether it referred to the UNCRC in its Children and Young People's Plan. 77%, or more than three out of four local authorities, said the UNCRC was not explicitly mentioned. Many of these stated that the "spirit", "key messages" and "principles" of the UNCRC do nonetheless inform the ethos of their work with children and young people.

*CRC not mentioned specifically [but is] implicit in visions, values and beliefs and equality priorities...*

*Not explicitly but delivery of many of the elements of the CRC form part of the actions in the Children and Young People's Plan.*

*...it is mentioned in the Children and Young People's Plan as a general overarching framework for the basis of the plan. However it does not elaborate any further by actually making reference to specific CRC articles.*

More positively however, 12% of these local authorities said they would review how the UNCRC could be better integrated into their Children and Young People's Plan as a direct result of participating in CRAE's survey.

It is difficult to understand the value that is gained from implicit references to and an assumption of compliance with the UNCRC, especially where there is no explanation or understanding of why the UNCRC should act as a framework for local government policy and practice. As noted in the quotes above, few Children and Young People's Plans showed how the articles of the UNCRC can reaffirm, build upon and expand their aims for children's services.

Although it was not referenced in their Children and Young People's Plans, several local authorities did mention the UNCRC in other strategies and documents, often in relation to engaging children and young people in local decision-making and evaluating service delivery. A few local authorities also referred to the UNCRC in anti-bullying strategies, parenting strategies, play strategies, and child protection processes.

*It is in the participation strategy but not explicitly in the Children and Young People's Plan.*

*While the UNCRC is not explicitly mentioned in the [name of the local authority] Children and Young People's Plan, the actions in the plan and its underpinning philosophy are both in line with and informed by the UNCRC.*

*Although it is not explicitly mentioned in the Children and Young People's Plan, the plan has several priorities, one of which is children and young people's engagement and the implementation of the Engaging Children and Young People Strategy. UNCRC is explicitly referenced in this strategy.*

This is an encouraging step forward, but without a visible commitment to the UNCRC in such an important and overarching strategic document as the Children and Young People's Plan (and accompanying detail about how its provisions apply to service delivery), the benefits of such an inclusion for children and young people will be limited.

21% of local authorities said their Children and Young People's Plans do refer to the UNCRC, although there seems to be significant variation in the degree to which the provisions of the UNCRC inform strategies governing local services for children and young people. Answers ranged from:

*[The UNCRC is referenced] within the values and principles within the introductory page of the Children and Young People's Plan 2006-09.*

to...

*[The vision of the Children and Young People's Plan] is underlined by the principles of the UNCRC. The Convention treaty spells out the basic human rights that every child, everywhere, without discrimination, has the right to survival, develop to the fullest, protection from harmful influences, participate fully in family, cultural and social life. Children have the right to say what they think should happen when adults are making decisions that affect them...*

The second quote mentions several of the general principles of the UNCRC. However, such answers were uncommon, and none of the local authorities that do refer to the UNCRC in their Children and Young People's Plans linked the aims of the plan with the articles of the UNCRC. It is not clear whether this is because local authorities do not know which articles correlate with the aims of the plan, or because they believe plans are compliant with the UNCRC and more specific references are unnecessary:

*The principles enshrined in the UNCRC are implicit in the Every Child Matters outcomes framework, and the duty to co-operate under the Children Act 2004, which the structure and content of the Children and Young People's Plan are based upon.*

Whatever the reason, this constitutes a missed opportunity for local authorities to firmly position children and young people at the centre of service planning and delivery by using an international framework that is designed to protect and promote the best interests and well-being of every child. The Children and Young People's Plan offers a coherent way to draw explicit links between the UNCRC and key government programmes and strategies. One local authority, although it does not mention the UNCRC in its Children and Young People's Plan, has begun to make these links:

*...it is not explicitly mentioned although our vision statement covers many of the articles of the UNCRC. Vision statement: We believe that all children and young people have the right to be healthy, happy and safe; to be loved valued and respected; and to have high aspirations for the future. This links to articles 2, 3, 4, 9, 12, 15, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40.*

However, it is difficult to determine whether the awareness of the articles of the UNCRC shown by this particular local authority is substantial or limited, common across the organisation or confined to an individual.

### **Responsibility for co-ordinating UNCRC implementation**

To further explore the extent to which implementation of the UNCRC is supported by organisational structures, CRAE asked who in the local authority is responsible for the strategic implementation of the UNCRC, and what this entails with regard to monitoring and evaluation.

It is encouraging that responsibility for co-ordinating the implementation of the UNCRC is designated to a particular individual or group of individuals in at least two-thirds of local authorities surveyed (67%). From this sample, 30% gave the job title of the person responsible but provided no further detail on what, specifically, this person is responsible for. There seems to be little consistency in the job roles of those tasked with responsibility for the UNCRC, with posts including the senior adviser for learning, achievement and libraries; the equalities, division and cohesion adviser for children's services; the children's rights officer for looked after children; the active involvement officer; the corporate equalities unit; the head of participation; and the head of partnerships, planning and participation. One local authority reported that the UNCRC is '*a specialism for a person of the legal team*'.

On the one hand, the broad spread of personnel responsible for implementing the UNCRC at a strategic level (particularly where it is the responsibility of a group of individuals) could be seen as evidence that local authorities are cascading responsibility throughout the organisation. There is, after all, no reason why any of the above posts should not take this lead. On the other hand, the absence of detail regarding the remit of these posts means that it is not possible to determine whether a local authority has effective structures in place to enable and monitor local implementation of the UNCRC.

37% of local authorities noted both the job title and remit of those responsible for ensuring the UNCRC is implemented at a strategic level. Such posts included the director of children's services; the assistant director of strategic services; the head of the corporate and consultation team; the equality, diversity and cohesion adviser for children's services; the head of participation; and the commissioning and strategic manager. Once again there is significant variation, although the responsible party is usually within senior management structures.

An additional 6% of respondents reported that responsibility for implementing the UNCRC was shared throughout the authority. Responses included:

*It would fall under the general responsibility of the senior management team.*

*Children's rights are aspects of many people's roles within the local authority.*

*No specific named role for the UNCRC. However, a number of senior staff in integrated services / youth services fulfil this broad responsibility.*

Finally, one in five local authorities (19%) either did not have a designated person to lead on or monitor UNCRC implementation, or did not know who was responsible.

One local authority reflected on the *ad hoc* nature of the implementation of children's rights at a local level, often dependent on individuals and likely the result of absent or inconsistent national and local structures to support it:

*Onus [to implement the UNCRC at a strategic level] is usually on the commitment of a handful of individuals who are already passionate and protective about children's rights.*

### **The UNCRC in job descriptions**

To begin to determine support for the UNCRC at a senior level, CRAE asked local authorities whether the UNCRC appears in the job descriptions of the director of children's services and other senior management staff, and if it forms part of supervision and appraisal processes within the authority.

Only one of the 140 local authorities that responded to the survey included the UNCRC in the job description of the director of children's services. None include the UNCRC in the job descriptions of senior management staff. Where the UNCRC is referred to in job descriptions, this seems to be in lower-level posts, and predominantly for participation-oriented posts or those with a specific children's rights focus. These include participation workers, children's champions, children's rights officers, children and young people's strategy officers, and user-involvement officers for children's services.

The absence of the UNCRC in the job descriptions of almost all directors of children's services in England is of particular concern given that they have responsibility for protecting and promoting the best interests and welfare of children and young people. One local authority stated:

*[The UNCRC is] not referenced in the job description of the director of children's services but it includes responsibilities that cover UNCRC e.g. promoting educational achievement of looked after children, harness distinctive contributions of children and young people and families to design and deliver services and in evaluating how effectively services improve outcomes.*

Another added:

*The UNCRC is not specially referenced directly but statutory responsibilities and the aims of the role are aligned with the UNCRC.*

The lack of reference to the UNCRC in job descriptions for other high-level posts relating to children and young people (in addition to the director of children's services) suggests that local structures may not be in place to enable the effective implementation of the UNCRC, and that knowledge of how the UNCRC relates to the strategic delivery of children's services may be limited among senior staff (see section 1 for more detail).

### **The UNCRC in supervision and appraisal processes**

The majority of local authorities said that the UNCRC is either not discussed in supervision or appraisal, or that it was inferred in such discussions. Only 7% of directors of children's services said that the UNCRC is used in supervision and appraisal, although it remains unclear (due to insufficient information) whether this is standard procedure across those authorities. Among this small sample, most did not detail how staff are evaluated in relation to their role in implementing the UNCRC. As a result it was difficult to tell whether the UNCRC was used in any meaningful or tangible way in such processes:

*It is used in the supervisions / appraisal discussions within the Children and Young People's Trust youth advocacy and participation teams.*

*It is used in the Children's Charter which is used in supervision.*

*It is incorporated into appraisals as part of the Children and Young People's Plan.*

*It is mentioned in supervision and appraisals where relevant to the member of staff.*

The few local authorities that did provide details on how the UNCRC is used in supervision and appraisal tended to focus on the realisation of article 12 through engaging children in the work of the local authority. While this focus is commendable in ensuring that children and young people can contribute to local decision-making processes, CRAE is concerned at the perception that achieving and measuring the consistent participation of children and young people constitutes monitoring the delivery of the UNCRC, when in fact the UNCRC has a much broader reach than participation alone.

*In social workers' supervision sessions, children's rights are considered in context rather than specially, e.g. actions to elicit children and young people's views, evidence of their involvement in planning and decision-making, children and young people's attendance at meetings, direct work undertaken with children and young people.*

Where opportunities do exist to use the UNCRC as a benchmark for auditing staff performance against key targets, these appear insufficiently developed. One authority reported:

*[The UNCRC] is implicit in terms of ensuring consultation and participation of children and young people in decisions affecting them directly, and in improving the attainment of underachieving groups. Also through supervision in child protection and looked after children work.*

These areas of work are all important tenets of the UNCRC. For example, article 12 gives children the right to have a say in all decisions affecting them commensurate with their age and maturity; article 19 states that all children have the right to be protected from abuse and harm; article 20 provides that children who are unable to remain in a family environment have the right to alternative care; and article 28 gives children the right to education. Yet relying on the assumption that implicit references to the UNCRC are sufficient to monitor its implementation risks such detail being lost, and fundamental human rights becoming, at least for children, merely aspirational.

### Section 3: Action taken to protect and promote children rights

CRAE asked local authorities whether they were undertaking or planning any initiatives that explicitly focus on the human rights of specific groups of children and young people, or on a particular children's rights issue. Almost every local authority provided some information about initiatives relating to children's human rights. There are several examples of local authorities running programmes with targeted groups as part of the delivery of their Children and Young People's Plan:

*A number of vulnerable groups are identified in a variety of plans and initiatives to support them. Such groups include BME children, looked after children and care leavers, unaccompanied asylum seekers... Some programmes are also aligned to a given need, for example the provision of language support to those with English as a second language.*

*...Our Children and Young People's Plan SMART plans cover five priority area: reducing teenage conceptions, strengthening safeguarding; improving attainment at key stage II and IV, developing early intervention, and improving CAMHS. We also have a number of areas of enabling activity. One is participation which is about having a say, for example 32 children and young people contribute to individual assessments, support plans and reviews. Focusing on: child protection, learning difficulties, and CAF processes.*

*We have a very explicit play strategy that highlights children's human rights to play and access to early years facilities and activities. We also specifically highlight the needs of key vulnerable children e.g. traveller children, homeless children, young carers, BME, refugee and asylum seeking children and new arrivals. We have a multi-agency traveller education project that focuses on their specific needs and rights as a child.*

Rather than working with particular groups of vulnerable children and young people or within specified priority areas, other local authorities seem to take a more general approach in their work with children and young people:

*We have a population of only about 1,000 0-19 year olds. There are no groups of children with specific needs. All are seen as individuals and services built around them.*

*The Children and Young People's Plan reflects the needs of all children with a reference to vulnerable groups rather than the identification of one specific group.*

*There are no initiatives or programmes that explicitly focus on the human rights of specific groups of children.*

As might be expected, some local authorities appear much more proactive than others in terms of the scope and level of engagement with children about their rights. It was not uncommon to find some concentrating their efforts on one or two vulnerable groups of children and young people, whereas others were much broader in terms of the numbers of children they engaged with, and the types of backgrounds from which those children came. It was not possible to tell from our data which approach works better or whether such decisions are based on an identification of needs. What is clear is that some local authorities are developing significant

expertise in engaging with particular groups of children and young people, both in discrete projects and in wider programmes of work.

*As part of our Children and Young People's Plan, there are references to specific groups e.g. children with disabilities, hard to reach children, children from BME communities, with regard to play, access to services and having a say.*

*Specifically working with disabled children to develop advocacy support. Also, with looked after children and care leavers – developing participation and advocacy across the county. We have an involvement strategy, Having My Say, for children and young people...*

Many local authorities placed a strong emphasis on ensuring the active participation of children in planning and evaluating their services:

*There is much work ongoing aimed at supporting children's right to have a say in matters which affect them, across groups of disabled children, looked after children, asylum seeking children and BME children.*

*We have developed a participation strategy for all children and young people which explicitly recognises the rights of the child to engage in planning, developing and reviewing services as well as being involved in their own individual plans and reviews. We have developed particular participation strategies for disabled children and looked after children.*

Such work clearly supports children and young people to develop their own voices and begin to realise their right to express their views. Interestingly though, where the engagement of children and young people in service review was emphasised, this tended to be with those who were recipients of targeted services (such as children in care, young disabled people and young travellers). It is certainly the case that these groups can find it difficult to be heard, and there is immense value to be gained from their involvement in service development and evaluation. However, it is also important that *all* children and young people are given the opportunity to take part in such initiatives, and that local authorities strive to achieve the representative involvement of children and young people at both community and local authority level.

In its recent children's rights investigation involving over 1,700 children and young people across England, CRAE found that children of all ages and backgrounds had strong views about a range of issues for which local authorities hold responsibility.<sup>6</sup> For example, they noted the lack of play facilities in their local areas and put forward many ideas to resolve this; children living in deprived areas were highly critical of the standards of cleanliness and lack of greenery in the streets; others raised concerns about the lack of accessible complaints mechanisms and opportunities to have their say in decisions affecting their communities.

In this context, it is worth noting that children and young people in this investigation rated local councillors the third least likely group (after bus drivers and MPs) to value children's views. Many expressed the belief that the efforts of local authorities to involve them were tokenistic, citing the language used at meetings and the lack of feedback about how their views influenced decisions as evidence of this. The need to

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<sup>6</sup> CRAE (2008), *What do they know? Investigating the human rights concerns of children and young people living in England*

meaningfully involve children and young people in planning policies and projects relating to their lives was highlighted by the UN Committee on the Rights of the Child in 2008 as a means of enabling children to realise their rights.<sup>7</sup>

### **Raising awareness of children's rights**

Local authorities were asked to give examples of where they had raised awareness of children's rights with their strategic partners and with the general public. Many local authorities listed several events (both large and small) aimed at promoting children's rights but did not specify how often these took place, whether children and young people were involved in planning them, and whether they involved partner agencies. Lack of detail meant it was impossible to tell whether these events had a specific children's rights focus. We were also unable to judge whether local authorities that deliver a wide range of awareness-raising activities are more effective at promoting children's rights than those that focus on single activities. However, despite these limitations, a picture is emerging of the level of local activity to raise awareness of children's rights.

More than half of the local authorities surveyed (57%) listed at least two or more strategies, policies, events or workshops which they used to promote awareness of children's rights. There are some excellent examples of work being undertaken to ensure that children's best interests are at the forefront of the day-to-day work of the authority. Those local authorities that were particularly proactive tended to facilitate a wide range of activities and involve different partner agencies. At the most basic level this included making links with local school councils and the youth council, and asking other agencies (such as NGOs) to deliver training or provide resources. The best examples of promoting awareness of children's rights included:

*Training of children's rights / engagement and participation is delivered to council staff and partners. All staff working with young people on consultation and engagement projects receives training on a wide range of issues, including children's rights. A voice learning community meets to share best practice. This year, school in conjunction with Youth Service will be running a democracy week. All young people in local authority schools will learn about the CRC.*

*In addition to the guidance and standards for staff developed by the Children and Young People's Strategic Partnership, a partnership-wide involvement strategy is being developed. One action arising from that process has been the development of an Early Years Network to promote the rights of younger children to be involved in decision-making processes within the services they use. This network includes staff from a very wide range of agencies including local authority and health services, as well as voluntary sector and private organisations.*

*Participation team ran workshop facilitated by young people in care as part of the youth assembly on involving them in service planning and delivery.*

The above responses illustrate many different ways in which local authorities can raise awareness of children's rights issues. Other examples given include the provision of training on the UNCRC for staff and partner agencies; the production of children's rights posters, newsletters and websites; events and workshops (including those led by children and young people); multi-media activity and the creation of

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<sup>7</sup> UN Committee on the Rights of the Child (2008), *Concluding observations: United Kingdom of Great Britain and Northern Ireland*, paragraph 23

short films; developing youth awards; celebrating children's rights as part of local democracy week; establishing student voice champions; and providing support for youth councils and youth parliaments.

47% of local authorities did not go into any significant detail about how they promoted children's rights. 12% of those cited one specific example to show how they raise awareness of children's rights:

*[Name of local authority] has been consulting widely for a year on the proposed involvement strategy.*

*One of our primary schools has recently undertaken a piece of work on children's rights within the school environment.*

22% of local authorities gave an overarching picture of how they promote or mainstream children's rights:

*A charter of rights which specifically mentions the CRC was widely displayed. A conference in September will focus on children's rights.*

*The [name of local authority] children's trusts has agreed a participation framework for the country. The Children and Young People's Plan reinforced the policy of engaging with children and young people.*

*The [name of local authority] Local Safeguarding Children Board vision is everyone to work together to ensure that all children and young people are safe and feel safe within their homes, schools and communities. This is seen as a fundamental right for all children within [name of local authority] and is being enforced by all statutory and voluntary organisations signing up to the LSCB Compact.*

*Key focus in the last 12 months has been on awareness of rights to have a say and to shape and guide services delivered.*

*The 'Welcome to Children's Services' induction programme, attended by all staff including partner agencies working with children in [name of local authority], includes awareness raising sessions on involvement, participation and advocacy, and specifically references the UNCRC.*

It is clear that local authorities do not always perceive issues affecting children as children's rights issues, and as such miss opportunities to promote children's rights. Even where they do make this link, the UNCRC is rarely used as the framework for this. This may be as a result of lack of understanding of the UNCRC, or simply a lack of confidence in applying human rights principles and specific provisions to day-to-day service delivery:

*Some of our campaigns which have featured in the press have involved children's issues or activities. These are not branded as children's rights but may include elements of this.*

*The work of the Children and Young People's Trust, using the Children and Young People's Plan as a major vehicle raises awareness across partners and the public. While the UNCRC is not explicitly mentioned to date, the commitment to the voice and influence of children and young people is a key part.*

Several local authorities focused their awareness-raising activities on particular groups of children and young people:

*Promoted awareness of rights of looked after children through promoting policies, guidance and good practice; held an event with and for looked after children which focused on their right to high quality professional intervention...*

*In terms of wishes and feelings of children and young people – this is an integral part of social worker training. The Children’s Services Department has raised awareness and enhanced children’s rights by different methods. Examples include: through the work of the Children’s Partnership, the Refugee Therapy Centre provides access to mental health services in community languages for asylum and refugee children; the launch of [name of youth centre] and the special primary school and children’s centre involved much consultation with children, parents and carers...*

*The Disability Partnership has raised awareness of the rights of disabled children with partners, e.g. views of disabled children are being sought and communicated to partners via the [name of local authority] Children and Young People’s Partnership and the Disability Forum. One-off pieces of work with partners around leisure and transition. Accessibility audit of [name of local authority] town centre shops - fed back to shop managers.*

Some also used existing targets for work with children and young people to illustrate how well they were protecting and promoting children’s rights. Such structures provided a time-bound way to monitor progress in tackling particular children’s rights issues. One example given was:

*...extensive work highlighting the rights and entitlements of looked after children to access higher education. One direct result has been to enable them to access an annual grant of £5,500 to go to university per annum through [name of local authority] Corporate Parent Committee. As a result we have among the highest number of care leavers currently at university, 16% compared to a national average of just 6%. Yet the figure for the non-care population is around 50%.*

An additional 8% of local authorities gave no answer or responded with “not applicable” when asked how they had promoted awareness of children’s rights with their strategic partners and the general public.

### **Barriers to implementing children’s rights**

Following up the examination of local authority initiatives on children’s rights, respondents were asked to identify any barriers that prevented the realisation of children’s rights in the local area. One in four local authorities (26%) either did not answer this question or stated that there were no barriers to realising children’s rights. This is surprising given that the UN Committee on the Rights of the Child recently published a very critical report on the extent to which the UNCRC is implemented in the UK.

Those local authorities that did answer the question identified four major local barriers to the full realisation of children’s rights: funding, lack of knowledge, difficulty of achieving meaningful participation, and negative public attitudes towards children’s rights. Funding was raised as an issue by 15% of local authorities, who reported a tension between having the resources they needed to adequately deliver services

and being under pressure to constantly make savings – a clash between ‘needs-led and service-led decisions’.

*As in the case in most public sector areas, we face increasing cost pressure in the face of growing demand, uncertain budget settlements, and requirements to make efficiency savings and minimise council tax rise.*

In many cases this resulted in resources being stretched too thinly and too widely. The sustainability of short-term project funding was identified as problematic, particularly where it had implications for the ongoing engagement of children and young people and the recruitment and retention of staff.

*[One of the barriers is...] social care working from a finance-led perspective as opposed to child-led.*

*Effective and extensive consultation is resource-intensive. While children and young people represent a priority for the city, local authority resources are increasingly stretched.*

*...a resource implication also sometimes affects implementation of what children say they want.*

As noted in the quote above, children and young people’s calls for change often have resource implications for local authorities and are not always possible to implement. This emphasises the importance of managing children and young people’s expectations when giving them the opportunity to participate in decision-making processes. It also highlights the need to ensure that children and young people are well-informed about the context in which they are being asked to contribute, and what they can expect to come out of their involvement.

The second most common barrier identified by local authorities was insufficient knowledge of the UNCRC. Local authorities that identified a need for training on the UNCRC and how its provisions can be applied noted that a lack of understanding about the UNCRC often led to resistance from staff at all levels to the concept of children’s rights, and a fear that such rights come at the expense of parental rights. Where such misunderstanding has been adequately addressed, children’s rights seem much more likely to be embraced by the local authority. Respondents also called for the UNCRC to become part of the culture within individual local authorities and across area partnerships through formal training and development structures: it was argued that this was the only way for the UNCRC to become as familiar to practitioners as the five Every Child Matters outcomes.

*There is a general fear of children’s rights but when people understand the CRC these fears are allayed.*

*A lack of knowledge and understanding of the children’s rights agenda can provide a barrier.*

*[Name of local authority] puts the needs and rights of children and young people at the forefront of its activities but recognises that it requires a change of culture within many agencies before this approach can become embedded in the way that we design and deliver services.*

In its 2008 concluding observations, the UN Committee on the Rights of the Child noted the limited dissemination of the UNCRC in the UK, and urged the Government

to do much more to raise awareness of the treaty, including by providing training for a wide range of professionals working with children and young people. Local authorities themselves, in response to CRAE's survey, asked for:

*...implementation of the UNCRC [to be] linked to measurable performance indicators for local authorities.*

*[the UNCRC to be] more explicit in training to all practitioners so that it becomes as familiar as the outcomes of Every Child Matters.*

*...the UNCRC as a template for all our work but my voice is often diluted in wider remits.*

*[There is...] a lack of statutory footing or guidance from central Government in terms of adopting the UNCRC in its entirety.*

It was suggested that if training on the UNCRC was provided for all local authority staff, they would be in a much stronger position to take action and develop policy positions in relation to issues affecting children in their area. For example, one authority identified a 'lack of information on children affected by or involved in prostitution or sexual trafficking' as a major barrier to addressing this issue and being able to use the UNCRC as a lever for change.

The remaining issues identified by local authorities as barriers to the realisation of children's rights – each of which were cited by 11% of respondents – were being able to meaningfully engage children and young people in decisions affecting them, and the impact of real or perceived negative public attitudes towards children's rights.

It was noted by some local authorities that meaningfully engaging children and young people in decision-making was not always possible due to time and resource constraints, and that it was sometimes better not to engage than to do so in a half-hearted, tokenistic way.

*Engaging hard to reach young people can be difficult due to lack of resources, as specific activities have to be developed to engage these young people.*

That said, where a decision was taken to involve children and young people in decision-making, most local authorities acknowledged that they need to be brought into the process at the earliest possible opportunity. They also said that appropriate support has to be in place to enable children and young people to take on particular responsibilities (such as evaluators, peer-researchers, or interviewees). Such support is often provided by a participation worker or children's rights officer, but it is clear that not all local authority departments have staff experienced in involving children and young people in decision-making. One reported that 'some staff need skilling-up to be fully aware of how to engage effectively with children and young people.' As a result, there is significant variation in the extent to which children and young people are actively engaged in the work of local authorities and their partner agencies, despite almost every local authority having a participation or engagement strategy either as part of, or in addition to, their Children and Young People's Plan.

*[One of the barriers for fulfilling children's rights is] the need for children to have a say in partner organisations.*

*Engaging hard to reach children and young people can be difficult due to lack of resources as specific activities have to be developed to engage these young people.*

*[One of the barriers in fulfilling children rights is] communicating in different formats and ensuring that staff capacity for ensuring children rights, participation and advocacy is meaningful, accessible and not tokenistic.*

As noted above, 11% of local authorities also identified negative public attitudes towards children's rights as a barrier to the effective implementation of the UNCRC, and attributed this in part to the impact of the anti-social behaviour agenda. From a local authority perspective, the issue was as much about having more places for children and young people to go as it was about addressing public perceptions of children and young people as troublemakers.

*Young people as angel / young people as demon is a conflict we face nationally and here in [name of the area]. Prejudices about young people as causes of anti-social behaviour can inhibit more constructive developments.*

Local authority respondents felt that negative perceptions of children are fuelled by the media and, at times, the Government, and that this has a detrimental effect on community relations:

*Messages from Government (usually the Home Office) which effectively demonises young people – ably supported by media with a constant stream of negative stories.*

*Negative portrayal of young people in the media and low tolerance levels in community (particularly among older generations).*

Children and young people who took part in CRAE's children's rights investigation also charged the media with exacerbating inter-generational distrust, with 78% of children and young people claiming that there is not enough respect between younger people (under-18s) and older people (over-65s). 71% of children and young people suggested that more positive stories about children and young people in the media might be one way to improve community relations.<sup>8</sup> The UN Committee on the Rights of the Child recently commented on the UK's intolerance of children and young people and the *'inappropriate characterisation'* of children by the media, and asked the Government to take urgent action to address this.

### **Local mechanisms for involving children and young people**

CRAE asked local authorities what mechanisms they have in place for involving a wide range of children and young people in decision-making. This question aimed to determine whether children and young people are consistently involved in service planning and in decisions about their local area and the services they use, and whether effective structures are in place to ensure this involvement.

There are clearly many different ways in which local authorities engage with large groups of children and young people. These ranged from supporting established groups to involving children and young people in one-off activities. Common methods of consultation included engaging with youth groups, school and youth councils,

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<sup>8</sup> CRAE's young activists, through the Get ready for change! project, are campaigning to encourage responsible and balanced reporting by the media of stories involving children and young people. See <http://www.getreadyforchange.org.uk/campaigns>

youth parliaments, youth employment panels, youth services, and project steering groups, as well as establishing young mayors and youth cabinets, children's fund ambassadors, neighbourhood youth forums and local management committees involving children and young people, young citizen panels, and service user forums. Yet among the local authorities that had such mechanisms in place, there was little mention of collaboration between different groups living in the same area, or between groups who shared similar interests but were located in different parts of the local authority. Many local authorities listed the groups of children and young people with whom they worked but provided little detail on how these groups actually had an impact on their work.

*Voice and influence standards for all providers, school and youth councils, youth action groups, NSPCC looked after children's rights services, Children's Fund ambassadors, consult with priority groups when developing strategies (e.g. parenting and family support), youth council in scrutiny process. The democratic engagement group, commissioning framework and process, [and all] processes assessing children's needs require dialogue with them, such as the looked after children independent visitor service.*

However, at least one in four local authorities (28%) provided details of the ways in which children and young people contribute to service planning and delivery. These include involving children and young people in recruitment, training and appraisal; chairing conferences on issues affecting them; chairing their own review meetings (for children in care); contributing to and evaluating the local Children and Young People's Plan; reviewing policies in residential units; writing charters setting out what children and young people should expect from their local council and what the council will deliver in return; and engaging in the development of complaints systems. Among these local authorities, participation is celebrated as part of the culture of each:

*Across the local authority, a wide range of mechanisms are used to involve children and young people in service planning. This includes comments, compliments and complaints systems, annual surveys, focus groups and peer research. Children and young people are also directly involved in decision-making about services they receive. For example, Youth Service provision is very much led by the views and wishes of young people in relation to programmes of activity and service delivery. Similarly, children using social care services have direct involvement in making decisions about their lives. Children and young people have also been involved in one-off pieces of work in relation to service developments such as the development of appropriate documentation and processes. They are also involved in the recruitment and selection of staff and in staff training in some service areas.*

It was clear that many local authorities have particularly well-developed participatory processes for children in care. Of all the groups of children that local authorities worked with, children in care seem the most likely to be engaged in evaluating service planning and delivery. They are also the most likely to have a dedicated advocacy service. In some local authorities, children in care are also involved in developing child protection and review processes, and in delivering staff training:

*Looked after children receive their own consultation questionnaire for all statutory reviews and are encouraged to attend meetings and...[to] speak separately to Independent Reviewing Officers about their care plans and decisions for the future. Child participation in case conferences is also*

*encouraged and the views of the children and young people are always requested within the conference before any decision is made...Currently working on website...for looked after children and using it as a consultation / information tool...Development of peer inspections will tie into monitoring current practice and improving and developing.*

*...Looked after children involved in interior design of their rooms in one children's centre and children and young people are involved in development of internal policies, guidelines, information and staff recruitment; looked after children are involved in reviews and evaluating foster care placements and child care reviews, and in development of a foster care guide for children; the Leaving Care Team meets regularly with a group of young people with the aim of setting up a Leaving Care Reference Group...*

*For looked after children we have: feedback from statutory reviews; children in care council; corporate parenting group; CLAX clubs (for looked after children to meet); newsletters and chances to comment on services; training / workshops for social workers run by looked after children (what children expect from social workers); annual conference; bi-annual survey on what it is like to be looked after by the local authority; children's views should be [reflected] in child protection conference reports.*

Young disabled people also emerged as a group who were targeted for engagement in the work of local authorities. However, little detail was provided about how children with special educational needs were engaged in consultation processes. There was also no acknowledgment by many of the impact engaging children with additional needs may have on staff capacity and resources. Those local authorities that did address this point were often reflective, acknowledging that it was a 'work in progress'. They stated that securing additional support was often a prerequisite to the participation of young disabled people:

*...Children who have SEN statements are encouraged to contribute to their annual reviews by school staff and local authority officers. Guidance and training provided to schools has helped to significantly increase the numbers of children and young people who contribute to these reviews. Case studies are helping us to be reflective and proactive in areas for improvement.*

*...There is no disabled children representative on the Disabled Children Partnership Board which is a multi-agency partner meeting to which parents are invited – but there is recognition that this issue needs to be addressed.*

*[One local authority said it had held a] number of successful consultation events with children and young people; building on this by developing accessible communication methods for children with SEN to be more involved in shaping the curriculum and expressing views to the council...currently working on a Powerful Voices Conference for next year which involves Year 6/7 representatives from all schools with a particular focus on SEN.*

In some local areas, the focus on the participation of children in care, and on developing practice to ensure the participation of young disabled people, highlighted the lack of specific work to engage other disadvantaged or vulnerable groups of children and young people in local decision-making. Little mention was made, for instance, of incorporating the views of children living in rural areas, young refugees and asylum seekers, and young parents. It may be that such work does exist but that

the survey respondent was not aware of it because it is specialised or concentrated in a different department.

Very few local authorities mentioned provision of an independent advocacy service for all children and young people, even though listening to the views of children and young people is central to all local authority participation and engagement strategies. It is unclear whether this is because local authorities do not offer an advocacy service, whether it is limited to particular groups of children, or whether they did not feel it was relevant in this context. Children and young people can be powerful advocates for their own rights, yet few local authorities reported measures to support children to access local complaints mechanisms. This suggests that discrete child-friendly processes for complaints do not routinely exist in local authorities, an omission that is of particular concern given the disempowerment of many children and young people, and the benefits that such structures can offer them in terms of establishing expectations for a minimum level of service and engagement throughout the local authority.

*We worked with young people to develop the [name of local authority] Promise, which tells young people what we will do for them and what they can expect from us. Several of the points mirror the UNCRC. There is also a feedback mechanism. We have circulated this to all partners and made it visible in public spaces.*

A small number of local authorities acknowledged that *'more work needs to be done in reaching, engaging, motivating and supporting those children and young people and families that we have little contact with'*. This is not to say that *all* local councils should be consulting with *all* children and young people *all* of the time. Such an approach would be impractical and tokenistic. Rather, it is important for local authorities to expand good participation practice beyond existing groups, striving towards the representative engagement of children and young people in local decision-making processes. Local authorities can often best achieve this through partnership working, harnessing the specialist expertise of those experienced in working with groups of children and young people the local authority may find it difficult to engage:

*... the population profile is changing quite rapidly within the city which means more has to be done to engage all minority groups. The various participation and engagement processes and teams need to join together to provide a coherent co-ordinated approach for the city.*

Sharing knowledge and good practice in this way aids immensely in further developing methods for engaging children and young people. For example, the most common method reported for engaging children in local authority work was through formal discussion groups such as councils, committees and advisory panels. While such groups can be very effective, they are not appropriate, accessible or suitable for all children and young people. In recognition of this, some local authorities, working with partner agencies and NGOs, also used other methods including surveys, focus groups and workshops, mystery shopping, e-voting, and multi-media projects. Such a variety of engagement mechanisms enabled local authorities to reach a much wider audience of children and young people.

Approximately one in five local authorities did not go into any detail about the local mechanisms in place to engage children in service planning and delivery. Examples of this type of response included:

*The Children's Trust arrangement has robust mechanisms to involve children and young people in service planning, decision-making and feedback on services received.*

*Participation strategy has been developed and implemented. Young people are on the children's scrutiny forum.*

*[We have a] youth parliament, HYPE website and looked after children participation.*

### **Training and development needs**

Having reflected upon their work with children and young people to protect and promote their rights, local authorities were asked whether they provide training in children's rights and how they rate their overall awareness and understanding of the UNCRC. CRAE was interested to discover whether training in children's rights increased the likelihood of local authorities adopting the UNCRC and whether such training contributed to a better understanding and awareness of children's rights issues.

Of the 140 local authorities surveyed, 82 (or 59%) said training on the UNCRC was provided to staff, 48 (34%) said it was not, and 10 (7%) were unsure.

Of the 82 local authorities that did provide training on the UNCRC, 60% said they had adopted the UNCRC. Yet when this particular cohort of local authorities rated their overall awareness and understanding of children's rights, only 14% (less than one in seven) said it was "excellent". 61% said it was "good" and 23% said it was "fair". While it is encouraging to see that many local authorities do provide some training for staff on the UNCRC, it is disappointing that this training does not always result in a good understanding of children's rights, nor in confidence among practitioners and local authorities to use children's rights to ensure the well-being of children and young people. This suggests that the quality and consistency of training on the UNCRC needs to be improved, and that it should be delivered much more widely throughout the organisation.

Interestingly, of the 45% of local authorities that had not adopted the UNCRC, 63% feel their awareness and understanding of the UNCRC is "good". Moreover, of the 16% of local authorities that had neither provided training on nor adopted the UNCRC, almost half (48%) rated their overall understanding of children's rights as "good". While the two are not mutually exclusive, the discrepancy is surprising and suggests wide variation in what local authorities understand of the UNCRC and by the term children's rights, not to mention of the ways in which the UNCRC can be used to protect the best interests of children and young people. This firmly illustrates the need for local authorities to put effective structures in place, both within specific services for children and young people and throughout the local authority, to promote and enable the implementation of children's rights.

## Conclusion

The UN Committee on the Rights of the Child has urged the Government to do more to ensure the UNCRC is widely known and understood by adults and children. It has recommended that training on the UNCRC be provided for the police and the judiciary, immigration officials, teachers, health professionals, social workers, child care workers and the media.<sup>9</sup> Professional development programmes for those working with children and young people must be built around the UNCRC, designed to support practitioners and managers to understand the provisions of the UNCRC and how children's rights are relevant to children's lives.

The prevalence of work to support children to realise their article 12 right to express their views is testament to what can be achieved by local authorities and national government in the arena of children's rights, even within limited resources, where the political will exists. Our research has demonstrated that there is a clear commitment to children's rights among many local practitioners, and with the approach of the twentieth anniversary of the UNCRC, we now have the opportunity to achieve real change for children's rights by embedding the UNCRC in every aspect of legislation, policy and practice that affects children and young people. It's time to go beyond article 12 and ensure that children's human rights become embedded in the culture and experience of childhood.

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<sup>9</sup> UN Committee on the Rights of the Child (2008), *Concluding observations: United Kingdom of Great Britain and Northern Ireland*, paragraph 21

## **Annex A**

### **Summary of the United Nations Convention on the Rights of the Child**

#### **Article 1**

This Convention applies to everyone aged 17 or under.

#### **Article 2**

All the rights in this Convention apply to all children and young people without discrimination.

#### **Article 3**

Adults should always try to do what is best for children and young people. Governments must do everything to make sure children and young people are safe and well looked after.

#### **Article 4**

Governments must do all they can to make sure children and young people's human rights are upheld.

#### **Article 5**

Parents can give children and young people advice and help about children's rights. The more a child or young person knows and understands, the less advice and help a parent needs to give.

#### **Article 6**

Every child and young person has the right to life. Governments must do all they can to make sure every child and young person has the best possible life.

#### **Article 7**

Children and young people have the right to a name and a nationality. They have the right to be cared for by both parents.

#### **Article 8**

Governments should do everything possible to protect the right of every child and young person to a name and nationality and to family life.

#### **Article 9**

If a court is thinking about who a child or young person should live with, everyone affected by the decision should get the chance to be heard - including the child. Every child and young person has the right to keep in regular contact with both parents, so long as this is the best thing for that child or young person.

#### **Article 10**

If a child or a parent wants to live in another country, the decision about this should be made quickly and positively. A child or young person whose parents live in another country has the right to keep in touch with them.

#### **Article 11**

Governments must work together to stop children and young people being taken illegally to another country.

**Article 12**

- Every child and young person has the right to express his or her views freely – about everything that affects him or her.
- The child or young person's views must be given "due weight" depending on his or her age and maturity.
- The child or young person has the right to be heard in all decision-making processes, including in court hearings.
- The child or young person can speak for him or herself, or someone else can speak for him or her.

**Article 13**

Every child and young person has the right to freedom of expression, including the right to all kinds of information and ideas (unless there are legal restrictions).

**Article 14**

Every child and young person has the right to freedom of thought, conscience and religion (unless there are legal restrictions). Governments must respect the right of parents and guardians to give advice to their child about this right. The more a child or young person knows and understands, the less advice parents need to give.

**Article 15**

Every child and young person has the right to meet people and to gather in public.

**Article 16**

The law must protect every child and young person's right to privacy.

**Article 17**

Governments must make sure children and young people have access to lots of different information. Governments must encourage the media to give information to children and young people and protect them from harmful information and materials.

**Article 18**

Governments must do all they can to help parents look after children well. Parents are the most important people in children and young people's lives. Parents must always do what is best for children and young people.

**Article 19**

Governments must do everything to protect children and young people from all forms of violence, abuse, neglect and mistreatment. Help must be available for children and young people who are hurt by violence, abuse, neglect and mistreatment.

**Article 20**

Children and young people who are separated from their parents have the right to special protection and help.

**Article 21**

The child's best interests must be the top priority in adoption. Governments can support adoption between countries. Children and young people who are adopted by people in another country must have the same protection as children adopted by people in their own country.

**Article 22**

Governments must give protection and humanitarian help to children and young people who are refugees, or who are trying to be accepted as refugees.

**Article 23**

Every disabled child and young person has the right to a full life and to active participation in the community.\*

**Article 24**

Every child and young person has the right to the best possible health and health services.

**Article 25**

Children and young people who have been placed away from home by the authorities have the right to have their care reviewed regularly.

**Article 26**

Governments must support every child and young person's right to benefit from social security, including social insurance. Child benefit is for every child, comes from taxes, and is part of social security. Family benefits, including allowances for children, come from weekly social insurance contributions made by employers and employees.

**Article 27**

Children and young people have the right to a standard of living that is adequate for them to develop fully (this includes physical, mental, spiritual, moral and social development). Parents have the main responsibility for making sure children and young people can access this right. Governments must support parents. The amount of help the Government gives depends on how rich the country is.

**Article 28**

- Every child has the right to free primary education.
- Governments must encourage secondary education, making it available and accessible to every child and young person.
- Access to higher education must be based on the ability to benefit from it. Governments must make sure children and young people get information about education.
- Governments must encourage regular school attendance. Governments must make sure that school discipline protects the dignity of children and young people, and is in line with their rights in this Convention – no hitting or humiliation.

**Article 29**

Governments agree that the aim of education is to help the fullest possible development of the child or young person's personality, talents and mental and physical abilities. Education must help children and young people:

- Respect human rights
- Respect their parents
- Respect their and others' culture, language and values
- Have self-respect
- Respect the environment.

**Article 30**

Children and young people from minority communities must not be stopped from enjoying their own culture, religion and language.

**Article 31**

Every child and young person has the right to rest, play and leisure. Governments must promote children and young people's involvement in the arts.

**Article 32**

- Every young person has the right to be protected from harmful work and economic exploitation.
- Governments must do everything to protect this right.
- Governments must set a minimum age at which young people can work, and they must introduce rules to protect young people in work.

**Article 33**

Governments must do everything to protect children and young people from illegal drugs.

**Article 34**

Governments must do everything to protect children and young people from sexual exploitation (including prostitution) and sexual abuse.\*\*

**Article 35**

Governments must do everything to protect children and young people from being taken away, sold or trafficked.\*\*

**Article 36**

Governments must protect children and young people from all other exploitation.

**Article 37**

- Governments must do everything to protect children and young people from torture or other cruel, inhuman or degrading treatment or punishment. This is an absolute right, with no excuses for any breach of it.
- Children and young people must not be given a death sentence or life imprisonment without the possibility of release.
- Children and young people who are locked up should be able to challenge this quickly in court.
- Children and young people must only be arrested or locked up as a last resort and for the shortest possible time.
- Every child or young person who is locked up must be treated with respect.
- Every child or young person who is locked up must be separated from adults, unless it is better for him or her to be with adults.
- Every child or young person who is locked up has the right to keep in contact with his or her family, through letters and visits.

**Article 38**

- Governments agree to abide by international human rights law in relation to wars and conflicts.
- Governments must do everything to stop children under 15 from being involved directly in a war.
- Governments must do everything to protect and care for children who are affected by war.\*\*\*

**Article 39**

Governments must give good support to children and young people who have been hurt, abused or exploited. This support must promote children and young people's health, self-respect and dignity.

#### **Article 40**

- Every child or young person accused, or convicted, of committing a crime must be treated with respect and in a way that helps him or her to respect the human rights of others.
- Every child or young person must be treated as innocent until found guilty.
- Every child or young person should be told as soon as possible why they have been arrested and charged with a crime.
- Every child or young person accused of a crime must be given immediate access to a lawyer.
- No child or young person can be forced to give evidence in a court.
- Every child and young person has the right to an interpreter if they do not understand the country's main language.
- The child and young person's right to privacy must be fully respected at all times.
- Governments must set up a separate criminal justice system for children and young people.
- Governments should promote a minimum age of criminal responsibility.
- Wherever possible, children and young people in trouble should not have to go to court.
- Courts should always try to avoid sending children and young people to institutions.
- There must be many ways to help children and young people in trouble with the law, including care, guidance and counselling.

#### **Article 42**

Governments must make sure everyone gets information about this Convention.

**Articles 41 and 43 to 54** detail how adults and governments must work together to promote and protect all the rights in this Convention.

\*The emphasis on the right to inclusion for young disabled people is significantly stronger in the UN Convention on the Rights of Persons with Disabilities. At the date of publication, the UK had signed but not yet ratified this Convention.

\*\*In May 2000, the UN introduced stronger protections for children and young people subject to sexual exploitation and trafficking (the Optional Protocol on the sale of children, child prostitution and child pornography). At the date of publication, the UK was in the process of ratifying this Optional Protocol.

\*\*\*In May 2000, the UN introduced stronger protections for under-18s in the armed forces (the Optional Protocol on the involvement of children in armed conflict). This requires that no child or young person should ever be forced to join the armed forces, should never be involved directly in a war. The UK ratified this Optional Protocol in 2003.

**The full version of the UN Convention on the Rights of the Child can be found at: <http://www2.ohchr.org/english/law/crc.htm>**