

# Children's Rights and Inclusion Strategy



children's  
hearings  
scotland

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# FOREWORD



Our Children’s Rights and Inclusion Strategy comes to you at a particularly exciting time. With the release of our new corporate plan we have been ambitious, forward thinking and challenging like never before and this strategy adds to the inclusion and collaboration work that we are seeking to deliver over the next 3 years.

Throughout the changing landscape over the past few years, there has been a clear unequivocal challenge to Scotland’s care sector. We **must** put the child or young person’s voice at the centre of all that we do. This strategy aims to ensure that voice is centred and evident in all that we do. We, at Children’s Hearings Scotland (CHS) are ready to lead this change so that Scotland’s children grow up loved, safe, respected, and heard, and be able to realise their full potential.

This strategy has been carefully crafted in collaboration with people with lived experience of the hearings system, representatives from the panel community and invited experts in participation and engagement. This ensures that voice has been evident from throughout the process. Our commitment is to, where possible, continue to ensure that voice plays a critical role in influencing, shaping and driving CHS. The strategy will be implemented across the organisation to keep children at the heart of what we do.

I am encouraging our staff and volunteer community to be more ambitious, and we will support and empower you to be able to help us put this strategy into action, because without you this will not be possible.

I am confident that this is the right approach to take to ensure children and young people feel able to express their views, and with the upcoming incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law, there has never been a more fitting time to realise and champion our children’s rights.

I want to thank the children’s hearings system, and the CHS community, for your unwavering commitment to Scotland’s infants, children and young people.

Yours in partnership



**Elliot Jackson**  
National Convener  
& CEO

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# VISION: CHILDREN'S RIGHTS & INCLUSION



**We want a children's hearings system that listens, acts and places real value and weight to the views of infants, children and young people\*.**

**At Children's Hearings Scotland inclusion will be central to our core values as an organisation. Expression and inclusion of views will be evident in all that we do and will influence how we work internally and with partners.**

**Infants, children and young people will feel respected, valued, heard and included across all aspects of the children's hearings system.**

*(\*future reference to child or children includes: infants, children and young people under the age of 18 years)*

## CHILDREN'S RIGHTS

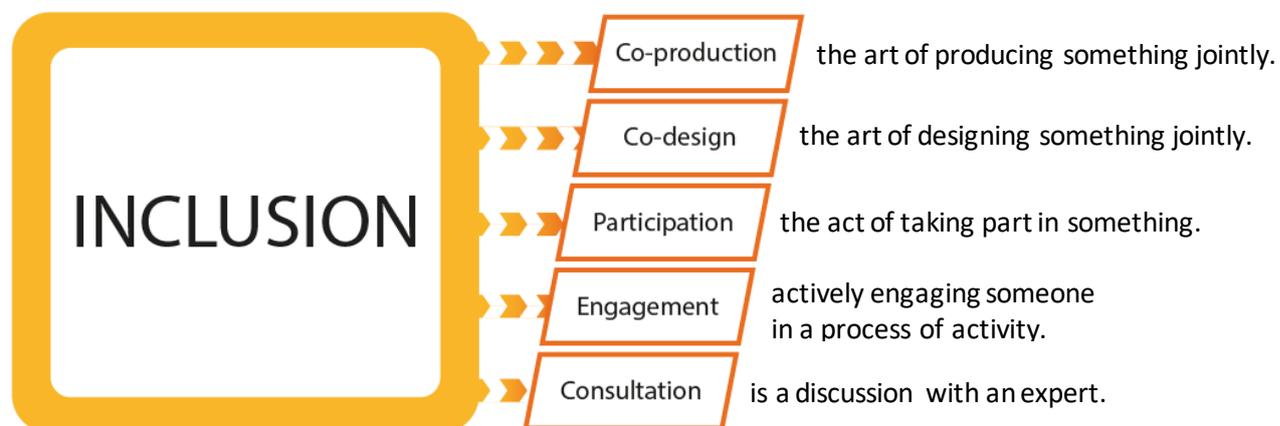
Introduced in 1989, the United Nations Convention on the Rights of the Child (UNCRC) is the international legal framework developed to ensure children's rights are protected and ensured. The UNCRC is the most widely ratified human rights treaty in history and has helped transform children's lives. It has 54 Articles in total, where 1 – 42 apply to children specifically, while 43 – 54 outlines how adults and governments should work together. (please see Appendix 1) As the Scottish Government announced in 2019 on the 30<sup>th</sup> anniversary of the UNCRC, children's rights will be fully incorporated into Scots Law. This will provide more power to bring change.

By the very nature of the decisions that Panel Members make in securing the best interests of the child, we have a clear understanding of the ways in which decisions will protect and safeguard many human rights of children. This is demonstrated in Appendix 2 showing a range of Articles and cluster groups as defined by the United Nations.

But we can do more, which this strategy reflects particularly on **Article 12 – respect for the views of the child**. This Article states that every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. Our Children's Rights and Inclusion Strategy will help us embed this and many other Articles in everything we do.

## WHAT INCLUSION WILL LOOK LIKE

At CHS, we want to embed methods of inclusion that children feel comfortable with and confident in, and these may vary depending on the situation. To ensure we meet their variety of needs, we will operate across these options:



## WHY INCLUSION IS IMPORTANT

There are many reasons inclusion in, and beyond, children's hearings is important. Namely **Article 12 of the UNCRC – respect for the views of the child**. We have been acutely aware of the challenge posed to Scotland's care sector that people with lived experience receive equity in decision making surrounding their lives and indeed their communities. This strategy seeks to establish an environment where the expression and respect for the views of children is central to all that we do.

These are the three key areas CHS can work on to see our vision for Scotland's children realised:

- **Children's Hearings:** Children must feel that it is *their* hearing, where they can choose how to share their views about their lives. Panel Members' interaction and communication with children will be as inclusive as possible, recognising and understanding trauma and its impact, as well as being open to the ways that children may choose to share their views.
- **Area Support Teams:** CHS Area Support Teams support the delivery of the National Convenor's functions through providing local support to Panel Members. The working group considered the current ways that the views of people with lived experience of the hearings system contribute to the recruiting and supporting of local volunteers, two vital areas of work.
- **Children's Hearings Scotland:** this relates to the successful functioning operations of CHS as an organisation. CHS will role model and demonstrate the ways in which the methods of consultation, engagement, participation, co-design and co-production can be used to improve our everyday work and practice.

# OUTCOMES & PILLARS OF INCLUSION



Children feel able to share their views openly, freely and honestly.

Children know that their views are given real weight and listened to in decision-making about their lives.

Children feel empowered and have ownership of their rights.



Our six ‘pillars of inclusion’ have been identified by people with lived experience of the hearings system as essential in reaching the three outcomes described above. Each and every pillar is required in combination to support this strategy.

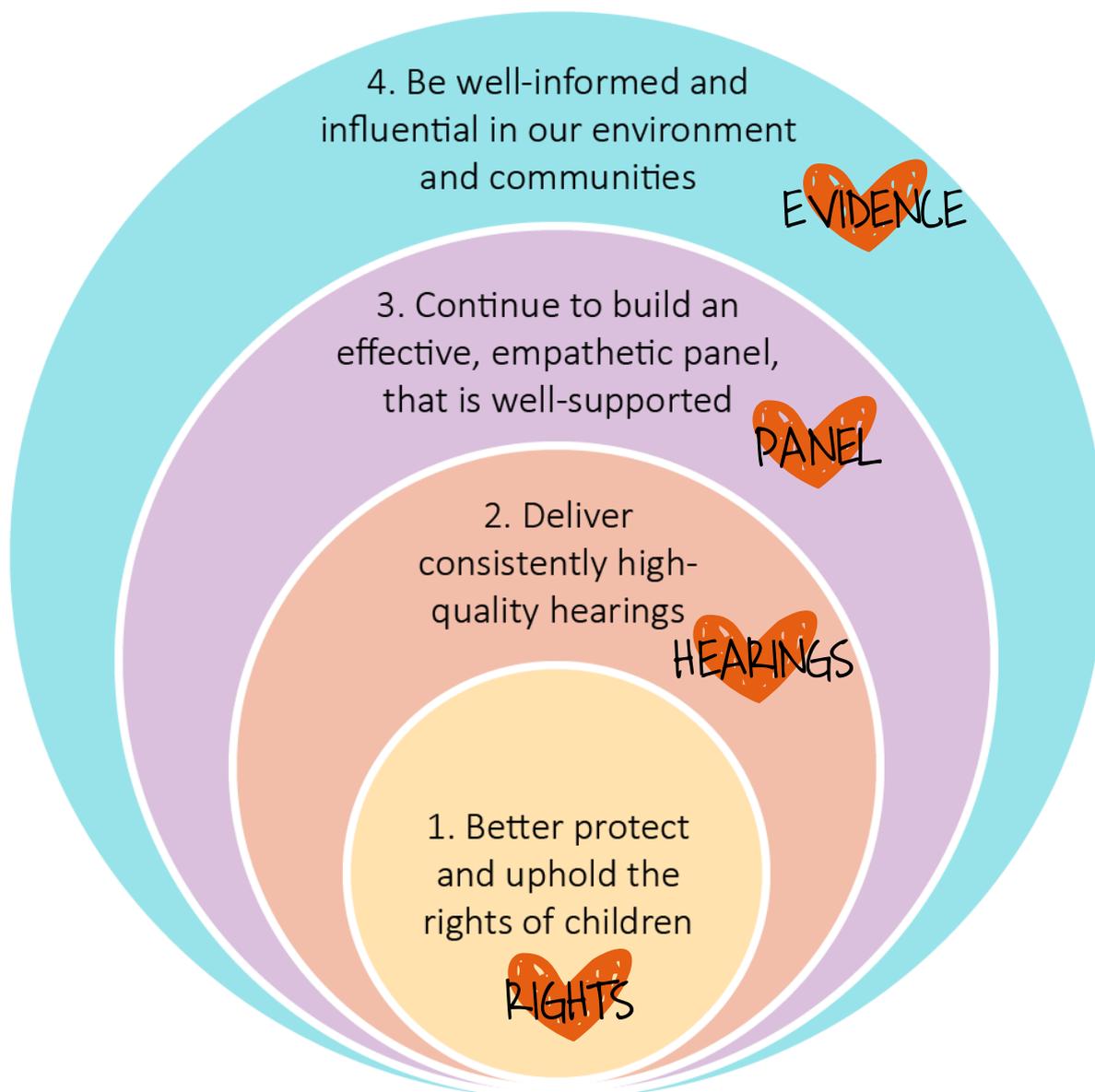
We will demonstrate **why** each pillar is important from a child’s perspective and **what** we can all do to make those outcomes a reality. Before finishing with **how** we are going to go about this, we will reflect how this strategy works towards The Promise and responding to the wider recommendations of the Independent Care Review.

This strategy is aligned to the core values of Children’s Hearings Scotland, being **child-centred, creative, respectful, fair, challenging** and **open**. It also aligns with the strategic themes of our corporate plan, known as *Our Corporate Outlook 2020 – 2023*.

# OUR CORPORATE STRATEGIC THEMES



In *Our Strategic Outlook 2020-2023* we set out what our priorities for the next three years will be. We call these our “Strategic Themes” and together, they set out an ambitious, improvement-driven direction for CHS that places children’s rights at its centre. Our Strategic Themes are:



The work outlined in this Children’s Rights and Inclusion Strategy is linked and contributes towards the delivery of these four themes across our ‘six pillars of inclusion’. You will see the relevant  over the next few pages demonstrating those links and contributions.

# VIEWS



## WHY?

### Throughout my hearings journey...

- The adults around me recognise the need to accept all views, including mine. [Article 12](#)
- I am supported to express my views using a way I am comfortable with e.g. poems, art, videos, technology. [Article 12 & 13](#)
- I feel included and can get support to have my views heard and listened to. [Articles 12 & 17](#)
- I feel empowered to express my views and supported to do so. [Article 6](#)

## WHAT?

### Scotland's children and young people have a hearings system that works for them.



- Children will have lots of ways to express their views which our Panel Members will be trained in how to understand and listen to in a communication friendly environment.
- We will support children's right to representation in helping them to share their views.
- We encourage all children where possible to attend their hearings. If they feel unable to attend, they will be supported to still have their views shared.
- We are committed to understanding the views of all children and will work with partners in learning how best to incorporate the views of children under the age of 5 years using a range of different methods.

### The children's hearing system is dynamic and reflective of the community we seek to serve.



- We will make sure that children and people with lived experience are included in developing, shaping, delivering and reviewing the work and values of Children's Hearings Scotland.
- People with lived experience of the hearings system will be included in all volunteer and staff recruitment. We recognise the invaluable experience that these individuals can bring to improving the children's hearing system for the better.

# CHOICE



## WHY?

### Throughout my hearings journey...

- I have freedom and control over my hearing. [Article 12](#)
- I have power over where, when and how to get involved. [Article 6 & 9](#)
- People respect and appreciate my choices. [Article 12 & 29](#)
- I have freedom over how I express myself. [Article 12 & 30](#)

## WHAT?

### **Scotland's children and young people have a hearings system that works for them.**



- Our hearings work for children, giving the choice for children to be included in deciding where and when their hearing takes place that is suitable and meets their needs.



- Children will have the choice to be included in all aspects of the children's hearings system, not just the hearing itself, and they will be supported and encouraged to do this with equality and respect. They can choose if and how they want to use and bring their lived experience.

### **We are proud of Scotland's unique children's hearing system.**



- We embrace the range of inclusion that can be possible in a hearing, and for children who choose to, can have the opportunity to co-design their own hearing.

- We will work with partners in creating a way forward in co-designing hearings and if needed, appropriate and with evidence, we will challenge legislation to enable change.



- We will ensure children's choice of how they share their views can be possible by working with partners on the logistics of the hearings space that will allow, for example, technology to be accessible if children want to express their views that way.

- We will support the increase of advocacy that is available for children attending hearings and ensure children are aware of this choice for them.

# RELATIONSHIPS



## WHY?

### Throughout my hearings journey...

- The adults around me understand the impact any trauma may have had on me and make me feel safe. [Article 6, 9, 25 & 39](#)
- The spaces and language used around me is appropriate and responsive to my needs. [Article 3, 4, 6 & 30](#)
- My hearings journey feels consistent and meets my needs. [Article 3](#)
- The people involved in my hearings journey are there because they need to be and care about me. [Article 3, 6 & 25](#)

## WHAT?

**Children's Hearings Scotland understand the importance of relationships for children which are based on respect, honesty and trust.**



- Panel Members are trained in how to listen and include children, recognising the challenges some children may face with communication and in recovering from trauma. They will embed a children's rights and child-centred approach during the child's hearing.

- We recognise the purpose and importance of having some of the same Panel Members at future hearings and will strive to achieve this by working with partners to provide this choice for children.



- We will clearly demonstrate and promote positive behaviours and expectations of Panel Members through our code of conduct, ensuring children feel safe and empowered within their own hearing.



- We will work with partners to ensure everyone attending a child's hearing understands how they should behave positively including family members and carers.

**The children's hearing system is dynamic and reflective of the community we seek to serve.**



- We will ensure that children and people with lived experience of the hearings system feel empowered and connected to exert their influence using their personal experiences to improve the hearing's journeys for others through ongoing relationships with us.

# COMMUNICATION



## WHY?

### Throughout my hearings journey...

- People recognise the importance of language and the impact it could have on me. [Article 29, 30 & 39](#)
- Everything is explained clearly, and I can understand what has been explained. [Article 13 & 17](#)
- People respect my privacy and right to confidentiality. [Article 16](#)
- Children's Hearings Scotland holds question and answer sessions so that I can ask the questions that are important to me and give feedback on the experiences of my hearings. [Article 6, 13 & 17](#)

## WHAT?

### The inclusion of children throughout their hearings journey is clearly visible through our core values.

RIGHTS

- The inclusion and participation of children and people with lived experience of the hearings system must be the golden thread running through all everyday operational business at CHS. This will be supported by our Children's Rights and Inclusion Coordinator.

RIGHTS

- All language used throughout the hearings process is accessible, communication friendly, and easily understood. Where this is not possible, everything is explained to the child in a developmentally appropriate manner. We will work closely with Scottish Children's Reporters Administration (SCRA) in making this happen.

RIGHTS

- Everyone involved in the hearings journey with children and people with lived experience understand and respect their preferred pronouns.

### We are proud of Scotland's unique children's hearing system.

PANEL

- There will be the creation of a 'Top 10 Tips' for the CHS volunteer community and National Team staff on how best to include children in a way that's respectful, meaningful, safe and reduces any stigmatisation.

EVIDENCE

- We will participate, influence and lead the sharing of good and effective practice in inclusion, enabling us to further develop our skills and knowledge learning from others too.

### The children's hearing system is dynamic and reflective of the community we seek to serve.

- There are clear expectations and boundaries across Children's Hearings Scotland and Area Support Team (AST) activity so that children and people with lived experience know what they can expect from our organisation in all situations.

# ACTION



## WHY?

### Throughout my hearings journey...

- My views are taken seriously and given individual thought and real weight. [Article 12](#)
- I am kept fully informed about how and why things happen the way they do. [Article 6, 13, 17 & 25](#)
- I feel comfortable that my views have been heard and acted upon. I will know this as it will be explained to me. [Article 12](#)
- I have the opportunity to be an active participant in decisions that affect me. [Article 12](#)

## WHAT?

### We are proud of Scotland's unique children's hearing system.

- We will report to Scottish Government on how we realise children's rights in the work we do. We will explicitly demonstrate the ways in which various Articles of the UNCRC are supported until there is no longer a need, with a children's rights-based approach being embedded in everyday practice and throughout training.

- In line with our values, all action within CHS relating to our Corporate Plan, Annual Business Plans and strategy documents will also illustrate the development of our inclusive work with children, across organisational work, AST operations, and Panel Member interactions with children in their own hearings.

- CHS with our colleagues in the CHS Learning Academy will provide training for all staff and volunteers ensuring a children's rights-based approach and inclusive practice is used in making sure children are able to share their views including those children with any communication needs.

### Scotland's children and young people have a hearings system that works for them.

- We will make it clear for children on the roles, responsibilities and expectations of all the different people who attend the child's hearing.

- Feedback loops to monitor, review and evaluate each 'pillar of inclusion' will exist and collate the information, data and views recorded in different ways, to continually improve what and how we do it.

RIGHTS

EVIDENCE

RIGHTS

HEARINGS

EVIDENCE

# SPACE



## WHY?

### Throughout my hearings journey...

- The spaces we meet feel safe and equal. [Article 2, 3 & 4](#)
- Consideration is given to where and when we meet, and these feel comfortable to me. [Article 13 & 25](#)
- I feel able to contribute because the space feels safe. [Article 6](#)
- These safe spaces will be a communication friendly environment. [Article 29 & 30](#)

## WHAT?

### **Scotland's children and young people have a hearings system that works for them.**



- During the hearings journey, children are offered timely, safe and inclusive physical and psychological spaces to ensure they have their views shared and their needs met.

### **The children's hearing system is dynamic and reflective of the community we seek to serve.**



- We will have people with lived experience of children's hearings with specific roles within our ASTs. In creating this space for people to occupy, we can continue to have lived experience at the centre in all we do.



- Children are included in shaping and influencing the spaces that children occupy, whilst never deviating from the experience of those people who have attended children's hearings. This will be supported by the work of our National Panel of Advisors within CHS.

# INDEPENDENT CARE REVIEW



Table 1 – Independent Care Review Recommendations aligning with Our Pillars of Inclusion

THE PROMISE	VOICE	FAMILY	CARE	PEOPLE	SCAFFOLDING
●	- Listening to Children				- Rights: UNCRC
●		- Risk & Safety	- Relationships that are important to the child		- Advocacy
●		- Supporting Families	- Brothers & Sisters - Attachment & Co-regulation - Criminalisation - Personal Identity, Love & Relationships		- Rights: relationships and culture
●	- Information & Decisions		- Transitions - Stability - Language of Care		
●	- Listening - Decision-making - CHS Trained - CHS Youth Justice	- Intensive Family Support: decision-making	- Upholding Children’s Rights - Unaccompanied Asylum-Seeking Children	- Nurturing Scotland’s workforce - Learning & Development	- Parenting - Data Collection - Inspection & Regulation
●	- Structural & System Listening		- Section 3: Normalisation of Care Experience	- People & Risk	

● VIEWS ● CHOICE ● RELATIONSHIPS ● COMMUNICATION ● ACTION ● SPACE

# HOW – IMPLEMENTING THE STRATEGY



To ensure full implementation in tandem with our Corporate Plan, a **Quality Improvement Programme** will be developed to identify the tasks and actions of embedding our six ‘pillars of inclusion’ to reach our overall outcomes:

Children feel able to share their views openly, freely and honestly.

Children know that their views are given real weight and listened to in decision-making about their lives.

Children feel empowered and have ownership of their rights.

These key areas of work will be reflected across **Annual Business Plans**, where performance measures and targets will be set. Achievement will be quantified in our **Corporate Parenting Duties of Reporting** to Scottish Ministers on our further incorporation and promotion of children’s rights and the UNCRC.

The developments we will capture include:

1. Enhancing all **training for staff and volunteers** to embed a children’s rights-based approach, become trauma informed and responsive, and understand speech, language and communication needs.
2. **Working with all partners supporting children before attending their hearing** to ensure children are best prepared, recognise what information is shared, understand what their hearing is about and have had the opportunity to consider their views and thoughts.
3. **Working with all partners supporting children during their hearing** to ensure they have the choice of inclusion and participation in the way they share their views and thoughts. Panel Members will be trained in and understand the range of ways to hear the voices of children and demonstrate through effective communication what they have heard, making decisions clear for children to understand.
4. **Working with all partners supporting children after the child’s hearing** to gain feedback and ensure children have clarity on why decisions were made and what it means for them.
5. Within our ASTs, **embedding inclusion opportunities for local people with lived experience** by establishing a specific role that will facilitate activity across all functions of the AST in recruitment, retention, monitoring, training and supporting Panel Members.
6. For continuous improvement, adopting an **integrated approach to monitor, review and evaluate**. We have appointed a Children’s Rights and Inclusion Coordinator, whose role is to facilitate and support us reaching the outcomes of this strategy, with a responsibility on reporting improvements to our CHS Board in line with working towards The Promise, in meeting the recommendations of the Independent Care Review.

# GLOSSARY



**Area Support Team (AST)** – There are 22 ASTs that lead the vision, mission and values of CHS across the country in local authority areas. They coordinate the rota of Panel Members for hearings, lead local learning and development sessions, as well as recruit and retain their local volunteers.

**Co-design** – The Collins English Dictionary states that ‘co-design’ is the art of designing something jointly. For example, children being able to co-design and shape their own hearings with the panel chair.

**Co-production** – The Collins English Dictionary states that ‘co-production’ is the art of producing something jointly. For example, children co-producing the Panel Member recruitment campaign.

**Consultation** – The Collins English Dictionary states that ‘consultation’ is a discussion with an expert. For example, children being consulted on the CHS Learning Academy logo.

**Engagement** – The Collins English Dictionary states that ‘engagement’ is actively engaging someone in a process of activity. For example, the “What makes a good Panel Member” video.

**Inclusion** – The Collins English Dictionary states that ‘inclusion’ is the act of making a person or thing part of a group or collection. For example, the inclusion of people with lived experience in this strategy’s working group.

**Our Hearings, Our Voice (OHOV)** – Our Hearings Our Voice is an independent board of young people aged 8-18 years who have lived experience of the hearings system, their aim is to change the hearings system for the better.

**Participation** – The Collins English Dictionary states that ‘participation’ is the act of taking part in something. For example, young people’s participation in the 2019 Panel Member recruitment process including interviews.

**United Nations Convention on the Rights of the Child (UNCRC)** – The UNCRC is a legal framework containing the rights and entitlements for children all over the world. It is important that as many children know their rights to ensure they are respected and protected at all times.

# ACKNOWLEDGEMENTS



This document was co-produced with the essential collaboration of our strategy working group. We want to recognise and say special thanks to the members of the group who gave their time, commitment, perspective and ambition to realise children's rights and inclusion in new possibilities.

The members of the working group included:

- Beth-Anne Logan, Chair of the working group and CHS Board Member
- Simone Smith, Advisor
- Dylan Duff, Advisor
- Liam Slaven, Advisor
- OHOV Board Member
- James Smith, Panel Member
- Paul Smith, Area Convenor
- Paul Sullivan, CELCIS
- Elaine Kerridge, Children in Scotland
- Jennifer Orren, SCRA
- Nathalie Helene, CHS
- Rosie Megginson, CHS
- Lara Wauchope, CHS
- Donna Martin, CHS

CHS has listened and reflected on the views and feedback that has been shared with us across the consultation period from 16<sup>th</sup> July to 13<sup>th</sup> November 2020. We want to be an organisation that listens and acts more through this strategy. We are extremely grateful to all the children, young people and adults with lived experience who took the time to share their views and expectations of this strategy and we also appreciate the support of many national and local organisations and services in enabling those consultation opportunities to take place.

This includes:

- Our Hearings, Our Voice and our volunteer community;
- Who Cares? Scotland and Includem for consulting at a national and local level;
- Colleagues across local authority areas supporting children and young people to contribute their views in Aberdeen City, Aberdeenshire, Dundee, East Ayrshire, East Lothian, Fife, Highland, Midlothian, Renfrewshire, Scottish Borders, South Ayrshire and Shetland;
- Royal College of Speech and Language Therapists, NSPCC Scotland and Queen Margaret University for expert contributions; and,
- Organisations attending our Information Webinar hosted by Children in Scotland such as Aberlour, Barnardo's, Children 1<sup>st</sup>, Children's Parliament, Inspiring Scotland, Intandem and Young Scot.

# APPENDIX 1 - UNCRC



Full version available online [here](#).

## A SUMMARY OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD



### ARTICLE 1 (definition of the child)

Everyone under the age of 18 has all the rights in the Convention.

### ARTICLE 2 (non-discrimination)

The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

### ARTICLE 3 (best interests of the child)

The best interests of the child must be a top priority in all decisions and actions that affect children.

### ARTICLE 4 (implementation of the Convention)

Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.

### ARTICLE 5 (parental guidance and a child's evolving capacities)

Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.

### ARTICLE 6 (life, survival and development)

Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

### ARTICLE 7 (birth registration, name, nationality, care)

Every child has the right to be registered at birth, to have a name and nationality, and, as far as possible, to know and be cared for by their parents.

### ARTICLE 8 (protection and preservation of identity)

Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships from being changed unlawfully.

### ARTICLE 9 (separation from parents)

Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.

### ARTICLE 10 (family reunification)

Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit and keep in contact with both of them.

### ARTICLE 11 (abduction and non-return of children)

Governments must do everything they can to stop children being taken out of their own country illegally by their parents or other relatives, or being prevented from returning home.

### ARTICLE 12 (respect for the views of the child)

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

### ARTICLE 13 (freedom of expression)

Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

### ARTICLE 14 (freedom of thought, belief and religion)

Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

### ARTICLE 15 (freedom of association)

Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

### ARTICLE 16 (right to privacy)

Every child has the right to privacy. The law should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.

### ARTICLE 17 (access to information from the media)

Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.

### ARTICLE 18 (parental responsibilities and state assistance)

Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

### ARTICLE 19 (protection from violence, abuse and neglect)

Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

### ARTICLE 20 (children unable to live with their family)

If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child's culture, language and religion.

### ARTICLE 21 (adoption)

Governments must oversee the process of adoption to make sure it is safe, lawful and that it prioritises children's best interests. Children should only be adopted outside of their country if they cannot be placed with a family in their own country.

### ARTICLE 22 (refugee children)

If a child is seeking refuge or has refugee status, governments must provide them with appropriate protection and assistance to help them enjoy all the rights in the Convention. Governments must help refugee children who are separated from their parents to be reunited with them.

### ARTICLE 23 (children with a disability)

A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

### ARTICLE 24 (health and health services)

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.

### ARTICLE 25 (review of treatment in care)

If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.

### ARTICLE 26 (social security)

Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance.

### ARTICLE 27 (adequate standard of living)

Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

### ARTICLE 28 (right to education)

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

### ARTICLE 29 (goals of education)

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

### ARTICLE 30 (children from minority or indigenous groups)

Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

### ARTICLE 31 (leisure, play and culture)

Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

### ARTICLE 32 (child labour)

Governments must protect children from economic exploitation and work that is dangerous or might harm their health, development or education. Governments must set a minimum age for children to work and ensure that work conditions are safe and appropriate.

### ARTICLE 33 (drug abuse)

Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.

### ARTICLE 34 (sexual exploitation)

Governments must protect children from all forms of sexual abuse and exploitation.

### ARTICLE 35 (abduction, sale and trafficking)

Governments must protect children from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation.

### ARTICLE 36 (other forms of exploitation)

Governments must protect children from all other forms of exploitation, for example the exploitation of children for political activities, by the media or for medical research.

### ARTICLE 37 (inhumane treatment and detention)

Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care, and be able to keep in contact with their family. Children must not be put in prison with adults.

### ARTICLE 38 (war and armed conflicts)

Governments must not allow children under the age of 15 to take part in war or join the armed forces. Governments must do everything they can to protect and care for children affected by war and armed conflicts.

### ARTICLE 39 (recovery from trauma and reintegration)

Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

### ARTICLE 40 (juvenile justice)

A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.

### ARTICLE 41 (respect for higher national standards)

If a country has laws and standards that go further than the present Convention, then the country must keep these laws.

### ARTICLE 42 (knowledge of rights)

Governments must actively work to make sure children and adults know about the Convention.

The Convention has 54 articles in total. Articles 43–54 are about how adults and governments must work together to make sure all children can enjoy all their rights, including:

### ARTICLE 45

Unicef can provide expert advice and assistance on children's rights.

### OPTIONAL PROTOCOLS

There are three agreements, called Optional Protocols, that strengthen the Convention and add further unique rights for children. They are optional because governments that ratify the Convention can decide whether or not to sign up to these Optional Protocols. They are: the Optional Protocol on the sale of children, child prostitution and child pornography; the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on a complaints mechanism for children (called Communications Procedure).

For more information go to [unicef.org.uk/uncrc/op](http://unicef.org.uk/uncrc/op)

## APPENDIX 2



**Table 2 – Articles of the UNCRC in relation to Panel Member’s duties and responsibilities**

Cluster Group	UNCRC Articles	Activity in Children’s Hearings
General Measures of Implementation	4	<ul style="list-style-type: none"> <li>We are doing everything we can to ensure that every child can enjoy their rights. All CHS organisational operations should promote rights and enable children to realise their rights. Panel Member decision making should take rights into account.</li> </ul>
General Principles	2	<ul style="list-style-type: none"> <li>CHS organisational operations, Panel Member decision making, and how hearings run should protect children from all forms of discrimination.</li> </ul>
	3	<ul style="list-style-type: none"> <li>We are doing everything we can to ensure Panel Members are making decisions that are in the best interests of children and enable the necessary care and protection. We adhere to all necessary standards.</li> </ul>
	6	<ul style="list-style-type: none"> <li>Panel Members are, to the greatest extent possible, making decisions that ensure the survival and development of the child.</li> </ul>
Civil Rights & Freedoms	12	<ul style="list-style-type: none"> <li>Panel Members are providing children the opportunity to express their views (directly or through a representative) to a hearing and Panel Members give the views due weight.</li> </ul>
	7	<ul style="list-style-type: none"> <li>Panel Members are making decisions that, as far as possible, mean that children know - and are cared for by - their parents.</li> </ul>
	8	<ul style="list-style-type: none"> <li>Panel Members are making decisions that mean children can preserve family relations [without unlawful interference].</li> </ul>
	13	<ul style="list-style-type: none"> <li>Children are free to express their thoughts and opinions at a hearing through the media of their choice.</li> </ul>
	16	<ul style="list-style-type: none"> <li>Panel Members recognise that children have a right to privacy. It is important that people attending a child’s hearing are only there because it is essential.</li> </ul>
Violence Against Children	28	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not deprive children of education and encourage regular attendance at school. The way hearings operate do not deprive children of education.</li> </ul>
	37	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not unlawfully or arbitrarily deprive children of liberty, and that this is only used as a measure of last resort and is for the shortest appropriate period of time.</li> </ul>
	39	<ul style="list-style-type: none"> <li>Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.</li> </ul>
Violence Against Children	19	<ul style="list-style-type: none"> <li>Panel Members are making decisions that protect children from all forms of violence, abuse, neglect or poor treatment by anyone caring for them.</li> </ul>
	39	<ul style="list-style-type: none"> <li>Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.</li> </ul>
	9	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not separate children from parents unnecessarily and all interested parties</li> </ul>

Family Environment & Alternative Care	19  25 27(1-2)  39	<p>are given the opportunity to make their views known. Decisions should also not deprive regular direct contact with parents unless in the child’s best interest.</p> <ul style="list-style-type: none"> <li>Panel Members are making decisions that protect children from all forms of violence, abuse, neglect or poor treatment by anyone caring for them.</li> <li>Panel Members participate in the periodic review of care ensuring people keep checking if they feel safe and healthy</li> <li>Panel Members are making decisions that help secure the standard of living and conditions necessary for child development.</li> <li>Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.</li> </ul>
Disability, Basic Health & Welfare	6  23  27 (1-3)  33	<ul style="list-style-type: none"> <li>Panel Members are, to the maximum extent possible, making decisions that ensure the survival and development of the child.</li> <li>Panel Members treat disabled children with dignity and make decisions that promote self-reliance and participation in the community.</li> <li>Panel Members are making decisions that help secure the standard of living and conditions necessary for child development.</li> <li>Panel Members are making decisions that protect children from the illicit use of drugs.</li> </ul>
Education, Leisure & Cultural Activities	28	<ul style="list-style-type: none"> <li>Panel Members are making decisions that do not deprive children of education and encourage regular attendance at school. The way hearings operate do not deprive children of education.</li> </ul>
Special Protections	22  32  33  34  36  37 (a-d)  39  40	<ul style="list-style-type: none"> <li>Panel Members making decisions about children seeking refugee status in a non-discriminatory way and protecting rights when no parents can be found.</li> <li>Panel Members are making decisions that protect children from economic exploitation or harmful work.</li> <li>Panel Members are making decisions that protect children from the illicit use of drugs.</li> <li>Panel Members are making decisions that protect children from sexual exploitation and abuse.</li> <li>Panel Members are making decisions that protect children from any exploitation that may harm their welfare.</li> <li>Panel Members are making decisions that do not unlawfully or arbitrarily deprive children of liberty, and that this is only used as a measure of last resort and is for the shortest appropriate period of time.</li> <li>Panel Members are making decisions that promote recovery and social integration of child victims of neglect, exploitation or abuse.</li> <li>Panel Members are treating children in conflict with the law with dignity and dealing with them in a manner appropriate to their wellbeing.</li> </ul>



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