

Child Rights and Wellbeing Impact Assessment (CRWIA) for Cruse Scotland

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Introduction

As set out in Part 1 of the Children and Young People (Scotland) Act 2014, Scottish Ministers must keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration. Undertaking a CRWIA helps Ministers to fulfil this duty.

There are two key considerations when undertaking a CRWIA:

Participation: The United Nations Convention on the Right of the Child (UNCRC) sets out that children have the right to participate in decisions which affect them. When assessing the impacts of the policy/measure, you are recommended to consult with children and young people. You can do this directly, through organisations that represent children and young people or through using existing evidence on the views and experiences of children where relevant. Participation of children and young people should be meaningful and accessible.

Evidence: You are recommended to gather evidence when assessing the impact of the policy/measure on children's rights and also for measuring and evaluating the policy/measure. If you identify any gaps in the evidence base, you can discuss how you will address these with analytical colleagues.

1. Which articles of the UNCRC does this policy/measure impact on?

List all relevant Articles of the UNCRC and Optional Protocols. While all articles of the UNCRC are given equal weight and are seen as complementing each other, the four general principles of the UNCRC (non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight) underpin all other rights in the Convention, and should always be considered in your assessment. Please refer to [Annex 1](#) for UNCRC Article set out in Clusters and [Annex 2](#) for General Comments on the Articles.

Article 2 – non-discrimination

Article 3 – best interests of the child

Article 12 – respect for the views of the child

Article 13 – freedom of expression

Article 16 – right to privacy

Article 18 – parental responsibilities

Article 19 – protection from violence, abuse and neglect

Article 42 – knowledge of rights

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

Positive/Neutral/Negative

3. Will there be different impacts on different groups of children and young people?

Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?

Our services are free and accessible to all bereaved children regardless of disability, race, religion or belief, sex and sexual orientation and in all settings. We do not target our services towards groups of children with a specific protected characteristic. There are no competing interests between the children and young people we work with or with other groups.

4. If a negative impact is assessed for any area of rights or any group of children and young people, can you explain why this is necessary and proportionate? What options have you considered to modify the proposal, or mitigate the impact?

If options to modify the policy/measure are included here, include associated resource implications where relevant.

N/A

5. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

Article 2 – non-discrimination

Our services are free and open to every child in Scotland regardless of age, race, gender, religion or belief, sexual orientation or disability.

Article 3 – best interests of the child

Our model of delivery is guided by principles of GIRFEC and SHANARRI.

Article 12 – respect for the views of the child

Our support is child-led and focused on listening to the individual, recognising that every grief reaction can be different and that children have uniquely distinct responses to grief than adults. Our specialist trained volunteers work together with young people to listen to their needs and tailor the support pathway which is different from our pathway for adults.

Article 13 – freedom of expression and

Article 16 – right to privacy

Our face-to-face one-to-one support provides a safe, confidential and non-judgemental space for children to be open and honest about their grief reactions and emotions.

Article 18 – parental responsibilities

Our support helps parents understand their own grief as well as understand and respect that their child's grief can be different. We can help parents who find it difficult to talk with children about the death and vice versa.

Article 19 – protection from violence, abuse and neglect

All our staff and volunteers must undertake child protection and safeguarding training so that they are aware of the signs of different types of abuse and neglect and their responsibility to report these.

Article 42 – knowledge of rights

We will actively raise awareness about the UNCRC to children through our support and evaluation materials, and at our Family support days such as our Day2Remember events.

6. How have you consulted with relevant stakeholders, including involving children and young people in the development of the policy/measure?

This would include public or targeted consultations with children and young people, their parents/carers and the children's workforce. To make an informed assessment of the impact, the views of the children and young people who will be affected by the policy/measure should be considered fully. If the policy/measure has changed as a result of consultation with stakeholders, please set this out.

Our model of delivery is guided by principles of GIRFEC (Getting It Right For Every Child). Each session is child-led and focused on listening to the individual and recognising every grief reaction can be different. Our specially trained volunteer counsellors work together with young people to listen to their needs and tailor support on a one-to-one basis, recognising that children have uniquely different responses to grief than adults.

To measure the effectiveness of our work with children and young people, we use the "Worry Tracker" evaluation tool developed by Child Bereavement Network. Our specialist CYP volunteers work directly with children and young people to obtain their feedback about the survey, the questions asked and the method of collection.

In 2021-22, Cruse Scotland was a key collaborator in Scottish Government's **National Childhood Bereavement Project** led by young person Denisha Killoh which resulted in the publication of the "**Growing Up Grieving**" Report on 26 September 2022. The report includes several recommendations including publication and dissemination of a new version of Scottish Government's "What to do after a death in Scotland" leaflet written for children and young people in close consultation with them. Cruse Scotland will collaborate with other sector agencies to help put these recommendations into practice over the next year.

7. What evidence have you used to inform your assessment?

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc. In particular, look at what existing evidence tells you about children and young people's views and experiences of the relevant service(s); and/or what it tells you about children and young people's views of the policy proposal. Identify any gaps in the evidence base, and set out how you will address these.

Our evidence base will include:

- Collection of CYP client demographic information (i.e. age, ethnicity, etc)
- Analysis of "Worry Tracker" Child Bereavement Network evaluation
- Feedback from CYP clients on how they feel about our service, e.g. did they feel listened to and if they would recommend our service for example to a friend who needed help.

8. How will the impact of the policy/measure be monitored?

As part of the normal decision making process, the implementation of the policy/measure should be monitored. Please set out plans for measuring the impact of your policy/measure, including how it will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area. Wellbeing is defined by eight wellbeing indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

The formal evaluation tool we use which has been specifically developed by Child Bereavement Network to gauge the difference in wellbeing for grieving children and young people. The tool asks children and young people to think about the death of the person close to them and identify a difficulty or problem which they would like our help to change. CYP clients are then asked a score between 1 (low) and 10 (High) on how big a problem this is for them before and after their sessions to enable us to calculate the positive change.

9. How will you communicate to children and young people the impact of the policy/measure on their rights?

Providing information to children and young people on how their rights will be impacted helps to ensure that policy making is transparent. Are you publishing a child-friendly or accessible CRWIA?

At our direct contact sessions, our specialist volunteers will talk with children and young people about the UNCRC, their rights and how these are impacted by our work with them.

We are also planning to set up a child-led client focus group who will feedback on the accessibility of a child-friendly version of our CRWIA.

10. Sign & Date

Policy Lead Signature & Date of Sign Off:

Fiona Arnott-Barron, Chief Executive Officer **17 May 2023**

Deputy Director Signature & Date of Sign Off:

Nicola Reed, Director of Client Services **17 May 2023**

**Once signed off, please send to CRWIA@gov.scot
and publish on gov.scot website.**

Annex 1 – UNCRC Article Clusters

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

I General measures of implementation

[Article 4](#) implementation obligations
[Article 41](#) respect for existing standards
[Article 42](#) making Convention widely known
[Article 44\(6\)](#) making reports widely available

II Definition of a child

[Article 1](#)

III General principles

[Article 2](#) non-discrimination
[Article 3\(1\)](#) best interest to be a primary consideration
[Article 3\(2\)](#) State's obligations to ensure necessary care and protection
[Article 3\(3\)](#) standards for institutions services and facilities
[Article 6](#) the right to life, survival and development (see also: [VI Basic health and welfare](#))
[Article 12](#) respect for the views of the child

IV Civil rights and freedoms

[Article 7](#) right to name, nationality and to know and be cared for by parents
[Article 8](#) preservation of child's identity
[Article 13](#) freedom of expression
[Article 14](#) freedom of thought, conscience and religion
[Article 15](#) freedom of association and peaceful assembly
[Article 16](#) protection of privacy
[Article 17](#) child's access to information, and role of mass media
[Article 37\(a\)](#) [right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment](#)

V Family environment and alternative care

[Article 5](#) parental guidance and child's evolving capacities
[Article 18\(1\) and \(2\)](#) parental responsibilities and State's assistance
[Article 9](#) separation from parents
[Article 10](#) family reunification
[Article 11](#) illicit transfer and non-return
[Article 27\(4\)](#) recovery of maintenance for the child
[Article 20](#) [children deprived of their family environment](#)
[Article 21](#) [adoption](#)
[Article 25](#) periodic review of placement and treatment
[Article 19](#) protection from all forms of violence
[Article 39](#) rehabilitation and reintegration of victims of violence (see also: [VIII - Special protection measures](#))

VI Basic health and welfare

[Article 6](#) right to life, survival and development (see also: [III - General principles](#))
[Article 18\(3\)](#) support for working parents
[Article 23](#) rights of disabled children

[Article 24](#) right to health and health services

[Article 26](#) right to social security

[Article 27\(1\)-\(3\)](#) right to adequate standard of living

VII Education, leisure and cultural activities

[Article 28](#) right to education

[Article 29](#) aims of education

[Article 31](#) right to leisure, play and participation in cultural and artistic activities

VIII Special protection measures

A - Children in situations of emergency

[Article 22](#) refugee children

[Article 38](#) children and armed conflict

[Article 39](#) rehabilitation of child victims (see also: [V Family environment and alternative care](#))

B - Children involved with the system of administration of juvenile justice

[Article 40](#) administration of juvenile justice

[Article 37\(a\)](#) prohibition of capital punishment and life imprisonment

[Article 37\(b\)-\(d\)](#) restriction of liberty

[Article 39](#) rehabilitation and reintegration of child victims (see also: [V Family environment and alternative care](#))

C - Children in situations of exploitation

[Article 32](#) child labour

[Article 33](#) drug abuse

[Article 34](#) sexual exploitation

[Article 35](#) sale, trafficking and abduction

[Article 36](#) other forms of exploitation

D - Children belonging to a minority or an indigenous group

[Article 30](#)

[Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict](#)

[Governments](#) should ensure that children under 18 who are members of the armed forces do not take a part in combat. Any recruitment of children under 18 must be voluntary and carried out with the full consent of the child's parents/carers. The UK Government has entered interpretive Declarations to this Optional Protocol. The UK would not exclude the deployment of under 18s who are members of the armed forces in direct combat if there is a genuine military need; it is not practicable to withdraw them before deployment; or doing so would undermine the operational effectiveness of their unit. The minimum age at which children may join the UK armed forces is 16 years, with parental consent required.

[Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child](#)

[Pornography](#) Governments must prohibit the sale of children, child prostitution and child pornography, and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

Annex 2 – General Comments

General Comments are non-legally binding interpretive aids issued by the UN Committee on the Rights of the Child to provide State parties with assistance regarding the interpretation of an article or issue relating to the UNCRC, and what actions governments should take to ensure its implementation. New General Comments appear at irregular intervals.

[Treaty bodies Search \(ohchr.org\)](#)

1. [The aims of education \(2001\)](#)
2. [The role of independent National Human Rights Institutions in the protection and promotion of the rights of the child \(2002\)](#)
3. [HIV/AIDS and the rights of children \(2003\)](#)
4. [Adolescent health and development in the context of the Convention on the Rights of the Child \(2003\)](#)
5. [General measures of implementation on the Convention on the Rights of the Child \(2003\)](#)
6. [Treatment of unaccompanied and separated children outside their country of origin \(2005\)](#)
7. [Implementing child rights in early childhood \(2005\)](#)
8. [The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment \(2006\)](#)
9. [The rights of children with disabilities \(2006\)](#)
10. [Children's rights in juvenile justice \(2007\)](#)
11. [Indigenous children and their rights under the Convention \(2009\)](#)
12. [The right of the child to be heard \(2009\)](#)
13. [The right of the child to freedom from all forms of violence \(2011\)](#)
14. [On the right of the child to have his or her best interests taken as a primary consideration \(2013\)](#)
15. [On the right of the child to enjoyment of the highest attainable standard of health \(2013\)](#)
16. [State obligations regarding the impact of the business sector on children's rights \(2013\)](#)
17. [On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(2013\)](#)
18. [On harmful practices \(Joint General Comment with the Committee on the Elimination of Discrimination against Women\) \(2019\)](#)

19. [Public budgeting for the realisation of children's rights \(2016\)](#)
20. [Implementation of the rights of the child during adolescence \(2016\)](#)
21. [Children in street situations \(2017\)](#)
22. General principles regarding the human rights of children in the context of international migration ([Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families \(2017\)](#))
23. State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return ([Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families \(2017\)](#))
24. [General comment No. 24 \(2019\)](#) on children's rights in the child justice system
25. [General comment 25 \(2021\)](#) Children's Rights in relation to the digital environment.