

PE1603/LL

Deputy First Minister and Cabinet Secretary for Education and Skills submission of 2 July 2019

Following on from my letters to the Public Petitions Committee of 21 June 2018 and 10 December 2018 regarding Petition PE1603: ensuring greater scrutiny, guidance and consultation on Armed Forces visits to schools in Scotland, I would like to provide the Committee with the conclusions of my considerations regarding Child Rights and Wellbeing Impact Assessments in this context.

The Scottish Government is committed to recognising, respecting and promoting children's rights. In December 2018, we published an Action Plan outlining the key actions required to take this forward over the next three years:

<https://www.gov.scot/publications/progressing-human-rights-children-scotland-action-plan-2018-2021/>. This sets out our approach for delivering on our vision: for a Scotland where children are recognised as citizens in their own right and where their human rights are embedded in all aspects of society; a Scotland where policy, law and decision-making takes account of children's rights and where all children have a voice and are empowered to be human rights defenders.

As I stated in my previous correspondence, the Child Rights and Wellbeing Impact Assessment (CRWIA) is a process through which officials can identify research, analyse and record the anticipated impact of any proposed law or policy on children's human rights and wellbeing. The Scottish Government does not hold the policy for the content of what is delivered in schools, or the information resources provided; legislation places responsibility for determining the most appropriate curriculum and opportunities for their young people in the hands of individual schools and local authorities. A CRWIA by the Scottish Government is therefore not directly applicable to this situation. It is for schools and local authorities to ensure that involvement of employers and other partners adds value, meets the needs of learners, is appropriate to their age and maturity, and does not seek to exert undue or inappropriate influence. It is a crucial element of our education system that we trust the teaching profession to exercise this judgement.

Guidance is available on the Scottish Government website to allow public bodies and children's services to adapt the CRWIA approach for their own use: <https://www.gov.scot/policies/human-rights/childrens-rights/>. Although schools and local authorities are at liberty to access the CRWIA guidance and use the concepts to assist decision-making and curriculum planning if they feel this is appropriate, they are not required to use it nor can the Scottish Government require them to do so under current legislation.

National policy does, however, support schools and local authorities to make decisions in a way that adheres to United Nations Convention on the Rights of the Child (UNCRC) principles through Curriculum for Excellence (CfE) and Getting It Right for Every Child (GIRFEC). Both put the young person's best interests at the heart of decision-making and promote strong engagement with both young people and their parents. This enables decisions to be made by the people who know the young person best, with the young person able to inform the decisions directly affecting them.