

# East Lothian Independent Advocacy Strategy- Children’s Wellbeing Impact Assessment (Interim)

Carried out on 7<sup>th</sup> February 2024 from 10am – 12 noon by Teams.

## Attendees

| Name             | Job Title   | Date of IIA training            |
|------------------|---|---------------------------------|
| Andrew Main      | Strategic Planning and Commissioning Officer, ELHSCP Planning and Performance Team (Lead Officer) | March 2023                      |
| Lorna Bellany    | NHS Lothian Partnership and Place Team  |                                 |
| Laura Chant      | NHS Lothian Partnership and Place Team  |                                 |
| Marie Prior      | Young Carers Officer, ELC Education Department  |                                 |
| John Marr        | Co-ordinator - Mental Health & Wellbeing, ELC Education Department                                |                                 |
| Neil Munro       | Project Support Manager, ELHSCP Planning and Performance Team                                     | September 2023                  |
| Bob McConnell    | Assistant Manager, MELD   |                                 |
| Jane Ogden-Smith | Equalities and Engagement Officer (Facilitator/report writer)                                     | September 2009<br>December 2022 |

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

- 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 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 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 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 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 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 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.

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

(how will it address the rights outlined above?)

- **Positive** for children and young people who are eligible for independent advocacy through statutory routes
- **Positive** in that the East Lothian Independent Advocacy Strategic Plan committed to awareness-raising about Independent Advocacy (the feedback infographic for children and young people was early evidence of this)
- **Positive** in that the Strategic Plan committed to training for staff about independent advocacy
- **Neutral/Negative** for children and young people (and their parents) not eligible under statutory considerations, for example:
  - School-aged children and young people experiencing poor mental health without a mental health diagnosis or not being treated by CAHMS

- parents of children living with poor mental health or with additional support needs
- children and young people who are refugees or asylum seekers
- children in families experiencing domestic abuse
- children in families experiencing homelessness.

The Impact Assessment Group opted for neutral/negative as nothing in the Strategic Plan would alter the status quo for children and young people not currently eligible for independent advocacy. This is because the Strategic Plan is the responsibility of East Lothian Health and Social Care Partnership, but services to address the gaps in provision identified above fall within the remit of East Lothian Council and ELHSCP cannot commit to actions on their behalf.

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

Yes, children and young people eligible for independent advocacy through statutory routes will continue to receive independent advocacy, while children and young people who would benefit from independent advocacy but not covered by statute will continue to be ineligible.

### 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?

As East Lothian Health and Social Care Partnership has no remit to commission independent advocacy services for children and young people, the Lead Officer for the Independent Advocacy Strategic Plan has committed to drawing the attention of the Chief Social Work Officer and senior managers at East Lothian Council to the gaps relating to children and young people identified in the:

- Independent Advocacy Needs Assessment
- East Lothian Independent Advocacy Strategic Plan
- Engagement feedback
- Issues raised by participants at the Integrated Impact Assessment for the East Lothian Independent Advocacy Strategic Plan.

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

By supporting children and young people to be heard and listened to in official settings relating to their health, wellbeing, and way of life, and have their human rights respected and delivered.

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

Yes, with care experienced young people and other young people being supported by Children's Services through workshops facilitated by East Lothian Council's Children's Services and Who Cares? Scotland.

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

- Independent Advocacy Needs Assessment
- Engagement with children and young people
- Engagement with providers and other professionals involved in supporting children and young people.

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

- Contract monitoring
- Further Integrated Impact Assessments and Children Rights and Wellbeing Assessments.

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

By working with partners and communications professionals in East Lothian Health and Social Care Partnership and East Lothian Council on developing age-appropriate messaging and disseminating through age-appropriate channels. The Feedback Infographic developed for children and young people is early evidence of this.

## Notes

1. Full details about evidence, guidance, policy and research can be found in the Interim Integrated Impact Assessment [insert hyperlink] for the East Lothian Advocacy Strategic Plan (7.2.24).
2. Although Children's Rights and Wellbeing Impact Assessments (CRWIA) do not come into legal force until mid-2024, the IIA Group felt it was important to carry one out for this work now because the Independent Advocacy Strategy covers services for children and young people. The Equalities and Engagement Officer followed current Scottish Government Guidance to deliver this CRWIA.