Theory of Change for Making Children's Rights Real in Scotland
Evidence Paper no. 1 - Policy

Rapid Review of the change process no. 1: "Making children's rights real through policy adaptation, coordination, administrative integration and budgetary consideration"

The Scottish Parliament **unanimously passed the UN Convention on the Rights of the Child (UNCRC) (Incorporation) (Scotland) Bill in a landmark vote in March 2021**. Many people and organisations in Scotland have since been considering how best to implement the Bill and ensure children's human rights are respected, protected and fulfilled.

While the 2021 Bill cannot receive Royal Assent in its current form (due to the October 2021 Supreme Court judgment), the Scottish Government remains committed to incorporating the UNCRC into Scots law to the maximum extent possible and as soon as practicable.

To support this transformative change, the Observatory of Children's Human Rights Scotland, Matter of Focus and Public Health Scotland were awarded a grant by the Scottish Government, to lead a **collaborative effort to develop a Theory of Change for the process of UNCRC implementation in Scotland**. The work took place between November 2021 and March 2022.

> **For further information on the project and to read through the Theory of Change for UNCRC implementation in Scotland, see the accessible summary, interactive report and full report.**

In February/March 2022, the Theory of Change project team – with the evidence strand led by Public Health Scotland – commissioned **rapid reviews on each of the four change processes making up the Theory of Change**. The reviews examined the evidence on what best effects change and how to apply this to the Scottish context through the Theory of Change.

In addition to informing the development of the Theory of Change, reviewers were tasked with writing **evidence papers providing summaries of the relevant evidence, to support policy-makers and practitioners in making evidence-based decisions towards their next steps** to further UNCRC implementation.

You can find the **four evidence papers** on the Observatory's website, including **Evidence Paper no. 2 on Capacity**, **Evidence Paper no. 3 on Culture** and **Evidence Paper no. 4 on Empowerment**. While each of the four papers is themed around one of the change processes, the interconnectedness of the change processes means that the **papers are interrelated**, with the evidence sometimes crossing over.

Theory of Change for Making Children's Rights Real in Scotland:
Rapid Review of the change process no. 1 "Making children's rights real through policy adaptation, coordination, administrative integration and budgetary consideration"

By Dr. Jane White, Public Health Scotland (based off a literature review carried out by Aidan Flegg, University of Glasgow/University of Stirling), and Prof. Jennifer Davidson, Institute for Inspiring Children's Futures at the University of Strathclyde

The purpose of this paper is to summarise the best available evidence on the implementation of the United Nations Convention on the Rights of the Child (UNCRC) in Scotland through "policy adaptation, coordination, administrative integration and budgetary consideration". **Part One** summarises the evidence on specific child rights non-legal measures drawn from the child rights literature. As there is currently a lack of available evidence that directly links children's rights-based approaches with improved outcomes for children and young people,[1] this paper also extends this scope to include the wider public governance literature. Given governments' central role and international accountability on CRC implementation, insights to governments are offered in **Part Two**, which identifies the primary elements of effective whole-of-government approaches that nurture a whole-of-nation's efforts in achieving change with and for children.

This paper is based on a literature review carried out by Aidan Flegg, an intern working in the Children and Family Analysis Unit, Scottish Government, between November 2021 and January 2022. In addition, it is also informed by an adapted review of public governance evidence[2] applied to the distinct nature of children – their agency, rights, and evolving capacities, written by Jennifer Davidson, Andrew Goudie, Sophie Sheilds and Fabrizio de Francesco, Institute for Inspiring Children's Futures at the University of Strathclyde.

Part 1: Evidence on child rights implementation tools and mechanisms

The United Nations Committee on the Rights of the Child[3] (UN Committee) provides international best-practice guidance,[4] based on countries' reporting, visits and international monitoring, about implementing the UNCRC as well as conducting monitoring of progress toward implementation.[5]

1.1 Legal measures
Legal measures of the UNCRC incorporation include:[6]

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[1] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

[2] Davidson, J., Goudie, A., Shields, S and Francesco, F. (2022). *Using a Whole-of-Government Approach to Advance Child Well-Being.* Institute for Inspiring Children's Futures, University of Strathclyde. Manuscript in preparation.

[3] The Committee for the Rights of the Child is a United Nations (UN) body of 18 independent experts on child rights from around the world. Members are elected for a term of four years.

[4] See UN Treaty Body Database CRC: https://www.ohchr.org/en/treaty-bodies/crc.

[5] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.

[6] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

- Direct incorporation into domestic law;
- Indirect incorporation – using other legal mechanisms, such as the duty placed on Welsh Government Ministers;[7] and
- Sectoral incorporation – relevant provisions of the UNCRC are incorporated into sectoral laws such as those relating to education or family law.

Ensuring that all domestic legislation is fully compatible with the UNCRC is essential for its successful implementation.[8]

1.2 Non-legal measures[9]

The UN Committee promotes non-legal measures of implementation to ensure that all the rights in the UNCRC are enjoyed by all children and young people.[10] These measures refer to the processes that countries can use to progress the implementation of the UNCRC[11] and include:[12]

- Developing a comprehensive national strategy underpinned by the UNCRC;
- Co-ordination of implementation of children's rights;
- Monitoring of implementation;
- Data collection, analysis, and development of indicators;
- Making children and young people visible in budgets;[13]
- Training and capacity building;
- Co-operation with civil society; and
- Establishment of independent rights institutions.

In a comparative case study of 12 countries, where there had been incorporation as well the establishment of systems to effectively support, monitor and enforce the implementation, there was evidence that children and young people were more likely to be seen as rights holders and that a culture of respect for children's rights had been established.[14] Although the following section examines the non-legal measures separately, they are inherently linked. For example, data collection and analysis are an integral component of implementation monitoring. How this can be done is captured further in Part Two.

National Plans of Action for Children's Rights

A comprehensive national strategy, built on the framework of the UNCRC, with clear objectives and adequate resources, developed in consultation with children and young people and those living and

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[7] Welsh Government Ministers have a legal duty to give 'due regard to the UNCRC'.
[8] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.
[9] Or administrative measures.
[10] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.
[11] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.
[12] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.
[13] Links to UNCRC Article 4.
[14] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

working with them is a key measure for the successful implementation of the UNCRC.[15] It can provide an overarching map to guide incorporation and implementation.[16] To be effective the strategy needs to relate to all children's and young people's circumstances[17] and all the rights of the UNCRC.[18] Evidence suggests that national plans can increase the visibility of children's rights within decision-making, leading to a more coordinated approach to implementation and incorporation of the UNCRC, and provide a baseline to understand a government's approach.[19]

Country examples

Norway is considered an exemplar of international best practice for many areas of its implementation of children's rights. However, rather than having a specific action plan, children's rights are embedded throughout action plans for specific policy areas.[20]

In Ireland, having a clear policy about children's rights was observed to have a significant and positive effect on realising children's rights in practice. The national strategy had led to the establishment of structures enabling children and young people to participate in decision-making. Nevertheless, having a children's action plan is not a guarantee of success. Canada's national strategy failed to create a lasting impact among public bodies and was criticised for being overly complex and not necessarily directly rights-based. In Germany, the children's rights action plan was not underpinned by legislation and no statutory duty was placed on different sectors to co-operate. As a result, it was poorly implemented and disseminated, which meant decision-makers and practitioners continued to use action plans based on child protection.[21]

Monitoring of implementation

Children's Rights Impact Assessments (CRIAs) – and their close relation, Child Rights Impact Evaluations (CRIEs) – are seen as key methods of monitoring the implementation of the UNCRC. Each is both a tool and a process to help understand the impact of decisions, such as new laws, policies and budgetary allocations on children's rights, at a local and national level.[22] CRIAs enable evaluation of both the intended and unintended effects of policies during development in order to anticipate

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[15] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.

[16] Collins TM. The general measures of implementation: opportunities for progress with children's rights. *The International Journal of Human Rights* 2019; **23**: 1–19.

[17] In particular, those whose rights are most at risk.

[18] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.

[19] Ferrie J, Wallace R, Webster E. Realising international human rights: Scotland on the global stage. *The International Journal of Human Rights* 2018; **22**: 1–4.

[20] Langford M, Kirkebø TL. Children's rights' indexes: measuring Norway's performance. In: Langford M, Skivenes M, Søvig KH, eds. Children's rights in Norway: an implementation paradox? Universitetsforlaget, 2019: 42–104.

[21] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

[22] UNICEF UK. Child Rights Impact Assessment: Template and Guidance For Local Authorities. UNICEF, 2021.

and advise on avoiding negative impacts; and CRIEs evaluate after implementation leading to the potential refinement of a policy decision.[23,24]

Based on a review of literature, document analysis and telephone interviews, Payne identified several key areas for the effective implementation of CRIAs:[25]

- CRIAs need to have a clear purpose;
- There is a statutory duty to carry out a systematic CRIA;
- There is support at a senior level of government;
- Adequate resourcing for staff time, costs of commissioning additional research or carrying out public/targeted consultations are provided;
- Timing is a critical factor in determining whether the CRIA genuinely informs policy and decision-making;
- Templates and guidance provide transparent and replicable steps when undertaking the CRIA;
- Training and support are provided;
- Comprehensive and reliable data, including views and experiences of stakeholders, are available;
- Engagement of children and young people;
- Publication;
- External scrutiny; and
- Monitoring the impact of the CRIA.

Country examples

In Wales, following the adoption of CRIAs, the visibility of children's rights in policy discussion has increased, and awareness of children and young people as rights holders within policy-making has been encouraged.[26] Similarly, case studies from two city councils in New Zealand provide some evidence to suggest CRIAs had helped to change the way people thought about, and worked with children and young people. The views of children and young people were reported have become more visible in local authorities' decision-making. In addition, it was considered that CRIAs might help inter-sectoral collaboration and co-ordination to improve outcomes for children, young people, parents and carers, as well as promote more transparent policy-making.[27] However, currently, there is a lack of evidence that links CRIAs with improved children's rights outcomes or children's lived experience of rights.[28]

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[23] Payne L. Child Rights Impact Assessment (CRIA): A review of comparative practice across the UK. UNICEF UK, 2017. Tisdall, EKM and Morrison, F. Children's human rights under COVID-19: learning from children's rights impact assessments. The International Journal of Human Rights 2022, DOI: 10.1080/13642987.2022.2036135

[24] European Network of Ombudspersons for Children (ENOC), *A Guide on How to Carry out CRIA*, (2020), http://enoc.eu/wp-content/uploads/2020/12/ENOC-Common-Framework-of-Reference-FV.pdf, p. 11 (accessed June 4, 2021)

[25] Payne L. Child Rights Impact Assessment (CRIA): A review of comparative practice across the UK. UNICEF UK, 2017.

[26] Hoffman S. Evaluation of the Welsh Government's Child Rights Impact Assessment procedure under the Children's Rights Scheme pursuant to the Rights of Children and Young Persons (Wales) Measure 2011. Swansea University, 2015.

[27] Mason N, Hanna K. Undertaking Child Impact Assessments in Aotearoa' New Zealand Local Authorities: Evidence, practice, ideas. Auckland University, 2009.

[28] Payne L. Child Rights Impact Assessment (CRIA): A review of comparative practice across the UK. UNICEF UK, 2017.

Data collection, analysis, and development of indicators

An essential part of implementing the UNCRC includes collecting comprehensive data about children and young people to identify discrimination and/or inequalities in the realisation of rights. Data collected can assess progress in implementation, identify the most vulnerable groups and inform policy development for children and young people. While evaluation of the success of UNCRC implementation requires the development of indicators related to all rights,[29] a comparative study of 12 countries found that, in many instances, there was a focus on child development and wellbeing indicators rather than the full range of children's rights.[30]

Making children and young people visible in budgets

Children's rights-based approaches to budgeting aim to ensure that budgetary decision-making adopts a rights-based approach to resource distribution.[31] Children's rights budgeting is an international human rights priority and the focus of the UN Committee's 2016 General Comment on 'Public Budgeting for the Realisation of Children's Rights'.[32] While there has been considerable interest in child-specific budgeting, examples of it in practice are less common. The links between children's rights budgeting and improvements in children's outcomes are relatively untested.[33]

Children's participatory budgeting

A review of five in-depth cases studies,[34] examining children and young people's participation in budgeting, found some evidence to suggest that children and young people's involvement may lead to:[35]

- Increased awareness and knowledge of public resources;
- Improved planning and implementation of policies for children and young people;
- Increased perception by children and young people that their views had been heard within decision-making;
- Increased awareness by decision-makers of the impact of budget decisions on children and young people; and
- Reduction in inequalities in service provision between regions and groups of children and young people.

Keys to success included children and young people being given transparent and accessible information about budgeting, receiving support to develop and express their views as well as

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[29] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003; Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

[30] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

[31] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

[32] Lundy L, Orr K, Marshall C. Children's rights budgeting and social accountability: Children's views on its purposes, processes and their participation. *Global Campus Human Rights Journal* 2020; **4**: 91–113.

[33] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012; O'Connell R, Nolan A, Harvey C, Dutschke M, Rooney E. Applying an international human rights framework to state budget allocations. Routledge, 2014 DOI:10.4324/9780203797839.

[34] In Croatia, Guatemala, Kenya, Togo and Wales

[35] Marshall C, Lundy L, Orr K. Child-Participatory Budgeting: A review of global practice | Save the Children's Resource Centre. Belfast: Centre for Children's Rights, Queen's University Belfast, 2016.

sufficient time to consider their options and receiving feedback about their contributions and how their views had influenced the work. Finally, it was important that the adults involved actively listened to children and young people's views and engaged with respect.[36] However, children's participatory budgeting is only one aspect of children's rights budgeting, which also includes ensuring public funding for children's rights, costing legislation appropriately and investment in the future.[37]

Training and capacity building

Training and capacity building on the UNCRC and children's rights are critical for its successful implementation. While incorporation itself can help raise awareness of children and young people as rights holders,[38] a comprehensive strategy to raise awareness and disseminate knowledge about children's rights throughout civil society needs to be developed.[39]

This strategy should include training and capacity building for governmental officials, members of parliament and members of the judiciary as well as those working with and for children and young people. It should emphasise the status of children and young people as rights holders and encourage active respect for all of the provisions of the UNCRC.[40]

Crucially, children and young people need to know about their rights. The UN Committee emphasises the importance of embedding awareness and training about the UNCRC within and through schools and the wider education system.[41] Based on a literature review and research collected from 26 countries, UNICEF identified several areas that reflect some of the best practices in Children's Rights Education (CRE). These include:[42]

- Children's rights are a clear requirement within the statutory curriculum;
- Teachers are familiar with the UNCRC and understand the implications of children's rights for their professional practice;
- All teachers have access to high quality educational resources to support CRE;
- Children's rights are respected in the everyday practices of teachers;
- There is a clear expectation that all levels of the education system should promote children's rights;
- Children's participation in the education system is perceived as a right;

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[36] Marshall C, Lundy L, Orr K. Child-Participatory Budgeting: A review of global practice | Save the Children's Resource Centre. Belfast: Centre for Children's Rights, Queen's University Belfast, 2016.
[37] UNICEF. UNICEF's Engagements in Influencing Domestic Public Finance for Children (PF4C): A Global Programme Framework. UNICEF, 2017.
[38] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.
[39] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.
[40] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.
[41] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.
[42] Jerome L, Emerson L, Lundy L, Orr K. Teaching and learning' ' about child rights: A study of implementation in 26 countries. Queen's University Belfast and UNICEF, 2015. Appendix 1.

- There is a clear system for monitoring the quality of CRE and holding staff to account for improvement planning.

Specifically, evidence suggests that children's rights education can influence children's understanding of rights. It promotes a more positive school climate with better peer and student-teacher relationships, improves school behaviour, including reductions in bullying, encourages positive attitudes to inclusion and diversity, and promotes student participation in school decision-making.[43] In addition, children who had learnt about their rights reported higher levels of well-being than those who had not.[44]

Co-operation with civil society

In the comparative study of 12 countries that had incorporated the UNCRC, increased levels of implementation were found in countries that had established a culture of respect for children's rights. Key drivers were considered to be a strong non-governmental/voluntary sector, children's rights advocates in government or public office and the UNCRC periodic reporting process. A recurrent theme in the study's interviews was the importance of public opinion linked to the role of media and their combined influence on the political system. In several countries, the tension between the discourse about children's rights and parent's rights had adversely affected the acceptance of children's rights. However, in this study, it was difficult to determine, with any degree of certainty, the impact on children's lives of the measures and approaches taken.[45]

Independent rights institutions

Independent and adequately resourced national children's rights institutions are seen as key for the implementation and monitoring of UNCRC incorporation. They serve to promote visibility and the best interests of the child, ensure that children's views are expressed and heard, and that understanding and awareness of children and young people as rights holders is promoted.[46] One of the first national children's rights institutions was established in Norway in 1981. It plays a key role in the development and evaluation of government performance in relation to realising children's rights.[47]

The effectiveness of an independent children's rights institution is a function of both their work and the responsiveness and support the institution receives from other public institutions and wider

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[43] Daniels S. Human Rights Education in Scotland: Challenges and opportunities. Glasgow: Centre for Research & Development in Adult and Lifelong Learning, 2019; Covell K, Howe RB. Rights, Respect and Responsibility: Final Report on the County of Hampshire Rights Education Initiative. 2008; Lile HS. Human Rights Education. In: Langford M, Skivenes M, Søvig KH, eds. Children's rights in Norway: an implementation paradox? Universitetsforlaget, 2019: 415–448; Bajaj M. Schooling for Social Change. The Rise and Impact of Human Rights Education in India. Bloomsbury Publishing, 2011.

[44] Jerome L, Emerson L, Lundy L, Orr K. Teaching and learning' ' about child rights: A study of implementation in 26 countries. Queen's University Belfast and UNICEF, 2015.

[45] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

[46] UN. Committee on the Rights of the Child. General comment no. 2, The role of independent national human rights institutions in the promotion and protection of the rights of the child. 2002.

[47] The Ombudsman for Children in Norway. Supplementary Report to The Fifth and Sixth Periodic Report of Norway - The UN Convention. The Ombudsman for Children in Norway, 2017.

society. Effectiveness and independence[48] are needed for an institution to have public support and trust.[49]

A comprehensive review of independent children's rights institutions, carried out for UNICEF, identified several key features that influenced their effectiveness. These included:
- Having a mandate embedded in the UNCRC;
- Being independent;
- Child participation;
- Having the capacity to identify and analyse child rights violations; and
- Working in collaboration with other public institutions and mediating between government and wider society about children's rights issues.

Serious consideration of the recommendations made by independent rights institutions by government and other public authorities was essential.[50] In the comparative study of 12 countries which took an ombudsperson approach to establishing an independent human rights institution,[51] the ability for children to make complaints directly to the office for investigation was reported as playing an important role in the implementation of the UNCRC.[52]

Co-ordination of implementation of children's rights

If incorporation of the UNCRC is to translate into positive outcomes for children and young people, children's rights-based approaches need to be central to policy-making, ministerial decision making and budgetary considerations.[53] As nearly all policies affect children and young people,[54] this means that co-ordination across government and between different levels of government is needed to avoid policy silos.[55] We explore the nature of this coordination in more detail in Part Two.

Part 2: Evidence on the primary elements of a whole-of-government and whole-of-nation approach to achieving change with and for children[56]

Supporting the delivery of children's rights is complex and requires a multi-faceted response from governments. Sound public governance principles are essential, with actions that unite across

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[48] Including perceived independence, particularly by children and excluded communities

[49] Sedletzki V. Championing Children's Rights: Global study of independent human rights' ' institutions for children – summary report. Florence: UNICEF Office of Research - Innocenti, 2012.

[50] Sedletzki V. Championing Children's Rights: Global study of independent human rights' ' institutions for children – summary report. Florence: UNICEF Office of Research - Innocenti, 2012.

[51] E.g. Norway, Spain, Ireland

[52] Lundy L, Kilkelly U, Byrne B, Kang J. The UN Convention on the Rights of the Child: a study of legal implementation in 12 countries. UNICEF UK, 2012.

[53] Gadda AM, Harris J, Tisdall EKM, Millership E, Kilkelly U. Human rights' monitoring and implementation: how to make rights "real" in children's lives. *The International Journal of Human Rights* 2019; **23**: 317–322.

[54] Sedletzki V. Championing Children's Rights: Global study of independent human rights' ' institutions for children – summary report. Florence: UNICEF Office of Research - Innocenti, 2012.

[55] UN Committee on the Rights of the Child. General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child. UN Committee on the Rights of the Child, 2003.

[56] Part Two is based on an adaptation of the following paper: Davidson, J., Goudie, A., Shields, S and Francesco, F. (2022). *Using a Whole-of-Government Approach to Advance Child Well-Being.* Institute for Inspiring Children's Futures, University of Strathclyde. Manuscript in preparation.

portfolios, driven by a clear vision for the outcomes, sustained over a long time-horizon. This cannot be achieved through singular mandates. Governments' leadership and actions must initiate, catalyse and coordinate aligned and integrated efforts. Prioritising children – in the light of their agency, rights, and evolving capacities – poses its own distinct challenges in policy implementation. A sharply tailored whole-of-government approach (WGA) is needed, which also convenes, motivates and upholds national non-governmental partners to inspire a whole-of-nation (WNA) effort over a long time-horizon. Four key functions for government are required to build successful policy implementation for children, through which the measures outlined in Part 1 can be most successfully applied. These include:

2.1 Integrating

Establish leadership for a successful WGA-WNA. Leadership should listen, learn, inspire and steer people toward a vision, set the cross-cutting policy issue in a coherent and salient political agenda,[57] capitalise on windows of opportunity, establish rules and structures for multi-actor policy collaboration and accountabilities to assess policy outcomes and manage results.

Champion the interdependence of political leadership and administrative capacity. Without human and financial resources and a bureaucratic structure, no leader can integrate policy.[58] Clarity of individual leadership for child initiatives must be accompanied by a full collective sharing of responsibility.

Drive coordination efforts evolving over time, from conception of vision to delivery. In countries where a national plan for children is consolidated, governments should create comprehensive models for enhancing administrative capacity building on strong political leadership and administrative capacity.[59]

Value and create space for dialogue and engagement *within* government, and *between* government and civil society; these are both essential to enhancing policies' effectiveness and legitimacy.[60] Better policies require an understanding of the nuanced realities that directly relate to the outcomes they are addressing.[61] People-centred – and especially child-centred – policy-making demands these insights.

Engage with children, as well as with their families and carers. Children whose rights are most at risk can be those hardest to engage—and most important to hear from. These are the children that government policies seek to most support, whose voices are seldom heard, who

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[57] Candel, J. J. L., & Biesbroek, R. (2016). Toward a processual understanding of policy integration. *Policy Sciences*, *49*(3), 211–231. https://doi.org/10.1007/s11077-016-9248-y

[58] Christensen, T., Lægreid, O. M., & Lægreid, P. (2019). Administrative coordination capacity; does the wickedness of policy areas matter? *Policy and Society*, *38*(2), 237–254. https://doi.org/10.1080/14494035.2019.1584147 p. 238

[59] Hammerschmid, G., Stimac, V. and Wegrich, K. (2014) In Lodge, M., & Wegrich, K. (Eds.). (2014). *The Problem-solving Capacity of the Modern State: Governance Challenges and Administrative Capacities*. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780198716365.001.0001 p. 50

[60] Candel, J. J. L., & Biesbroek, R. (2016). Toward a processual understanding of policy integration. *Policy Sciences*, *49*(3), 211–231. https://doi.org/10.1007/s11077-016-9248-y

[61] Ansell, C. (2012). *Collaborative Governance*. Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199560530.013.0035

experience the most serious risks and vulnerable situations, and whose rights are at greatest risk of being breached. Governments must draw on organisations where staff have expertise and trusting relationships and find inspiring and creative ways to engage children[62] in the development of their national plans of action for children.[63] Engaging with families and others *about* children is essential, but insufficient.[64]

2.2 Evidencing and Learning

Develop a data framework for monitoring. This must be in service to the vision and purpose of the aim, to assess both outcomes for children and policies.[65] A system-wide data collection framework[66] can inform policy decision-making over time. Adapting these to children's rights requires drawing upon a wide range of evidence and data across complex systems. It will be important to (See Part 1.):

- Draw on an increasing range of data types, making full use of the data potential available.
- Build the infrastructure to extract these data on a regular basis.
- Ensure these data are sufficiently disaggregated to capture the experiences of children who are less 'visible' than they may be in indicators that are focused on well-being or development alone.

Pursue learning from a range of analysis approaches. Current impact assessments to inform decision-making will be imperfect, and so the process of learning is a top priority. Case studies and targeted analyses can play a powerful role in making a further case to the political leadership in their resource allocation roles. Additionally, illustrative and demonstration analyses have a critical role to play in assessing how systems work, and the effectiveness of the key pieces of those systems.

Prioritise Child Impact Assessments even in crowed policy environments. CRIAs and CRIEs require prioritisation of children between all high-level outcome objectives of government, as well as prioritisation between different policy and expenditure programmes *within* a specific outcome.[67] (See Part 1.)

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[62] Lundy et al (2013) 'Voice' is not enough.
https://berajournals.onlinelibrary.wiley.com/doi/abs/10.1080/01411920701657033
[63] Rights Right Now (2022) https://www.togetherscotland.org.uk/about-us/our-partnerships/rights-right-now/ and #Cabinettakeover https://www.childrensparliament.org.uk/cabinettakeover2022/
[64] OECD (2021) Measuring What Matters for Child Well-being and Policies 2021 https://www.oecd.org/wise/Measuring-What-Matters-for-Child-Wellbeing-and-Policies-Policy-brief-July-2021.pdf
[65] Dirwan, G., Thevenon,O., Davidson, J. and Goudie, A. (2020) 'OECD Centre on Well-being, Inclusion, Sustainability & Equal Opportunity (WISE) - Securing the Recovery, Ambition, and Resilience for the Well-being of Children in the post-COVID-19 Decade'. https://www.oecd.org/social/family/child-well-being/OECD-WISE-Webinar-Children-Post-Covid19-Decade-Oct2020.pdf
[66] OECD (2021). Measuring What Matters for Child Well-being and Policies https://www.oecd.org/wise/Measuring-What-Matters-for-Child-Wellbeing-and-Policies-Policy-brief-July-2021.pdf
[67] Hanna, K., Hassall, I., & Davies, E. (2006). Child Impact Reporting. *Social Policy Journal of New Zealand*, *29*, 11 https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/journals-and-magazines/social-policy-journal/spj29/child-impact-reporting29-pages32-42.html

Embark on meaningful cost-benefit analyses. Cost-benefit analyses are important to assess the value of interventions, despite the challenge of conceptualising and measuring their application to children. Such evidence needs to cover a breadth of analysis that is often overlooked.[68,69] These findings can contribute to the sustainability of WNA to children's rights in the long term.[70]

2.3 Resourcing

Design appropriate long-term resourcing levels. Well-designed and appropriate resourcing is essential, to enable the necessary human skills and financial resources to deliver the collectively designed programmes. Multi-agency budgeting and funding have an important part to play, especially where there are programmes demanding significant joint working and a need for highly coordinated implementation.

Determine tools for understanding and measuring impact and progress. Both quantitative and qualitative tools can provide important insights to assess the impact and effectiveness of programmes. Estimation and modelling have a key role to play in informing the nature and potential scale of impact of programmes and policy; these are invaluable and require careful planning because analysis of impact will be indicative rather than scientific. (See Part 1.)

Establish a budgetary priority for children. The design of budgeting systems for children must reflect the key questions that the WGA-WNA is seeking to address. In general, budgets should look at the stock of spend in reassessing and refining the prioritisation of resource allocations, and not at the margin and establish a budgetary priority for children's rights, ensuring measures for the progressive realisation including increasing fiscal space.[71] (See Part 1.)

Secure the range of human resources that correspond with the specific roles needed. It will be essential to recruit, train and coach skilled people[72] suited to their roles for an effective implementation of a WGA-WNA approach. This will hinge on skills of leadership, engagement, administration, policy design and implementation, and analysis skills. (See Part 1.)

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[68] Goudie, A (2021). 'Achieving the Well-Being of Children in the COVID-19 Era: The Centrality of the Economic Perspectives' Inspiring Children's Futures Learning Report Series 2/2021. p 14-16 https://static1.squarespace.com/static/5ef078c78c147231fcfd509f/t/60d499faaae2dc2a358d49d9/1624545797843/FIN+2 2+Jun.pdf and see 'The economic and social returns from investing in children's well-being – a schematic illustration' in Dirwan, G., Thevenon,O., Davidson, J. and Goudie, A. (2020) 'Securing the Recovery, Ambition, and Resilience for the Well-being of Children in the post-COVID-19 Decade'. p 14. https://www.oecd.org/social/family/child-well-being/OECD-WISE-Webinar-Children-Post-Covid19-Decade-Oct2020.pdf

[69] L Lundy, K Orr & C Marshall (2020) 'Children's rights budgeting and social accountability: Children's views on its purposes, processes and their participation' 4 Global Campus Human Rights Journal 91-113 http://doi.org/20.500.11825/1699

[70] Trebeck, K. and Barker, A. (2021) *Being Bold: Building Budgets for Children's Wellbeing* https://www.cattanach.org.uk/media/1490/beingbold-report.pdf

[71] Ortiz, M Cummins and K Karunantly, "Fiscal Space for Social Protection and the SDGs: Options to Expand Social Investments in 187 Countries", ESS Working Paper No. 048 (ILO, UNICEF UNWOMEN 2017) p1. https://www.social-protection.org/gimi/RessourcePDF.action?id=51537

[72] World Bank (2019). How Countries Nurture Human Capital: Whole of Government approaches. https://documents1.worldbank.org/curated/en/708741555598903523/pdf/Human-Capital-Project-How-Countries-Nurture-Human-Capital-Sustained-Efforts-Across-Political-Cycles.pdf

Determine the implementation methods. Implementation methods suited to the policy purposes and contexts guide the process of change.[73] Identify valuable intermediaries[74] to act as conduits back to government will inform better policy-making throughout the process.

2.4 Sustaining

Establish an inter-generational horizon. The resilience and sustainability of programmes are critical to securing children's rights. Given the scale and nature of the challenge, identifying an inter-generational horizon for the strategy is necessary.

Anticipate shocks and deploy strategic foresight to embed resilience*.* Attempting to anticipate and build resilience in the context of the major challenges that might be expected over a long-term horizon is an important, though difficult, step. Strategic foresight[75,76] is crucial to the embedding of resilience to manage major external shocks.

Commit government and encourage parliamentary leadership. As the body with the greatest convening power, and the greatest resource capacity, national government – and the top leadership within its governance, and notably the National Cabinet – must visibly and consistently demonstrate a powerful commitment.

Sustain collective leadership.[77] Integral to this Approach is the indispensable pre-requisite to establish, nurture and sustain strong and effective collective leadership and partnership across the nation, drawn from all the key actors that can contribute, and benefit from, the advancement of children's rights.

Nurture the commitment of broader society. The commitment of broader society and its perceptions of the importance and fundamental value of children are the key to sustainability. Building this commitment is therefore a top priority. A shared agenda of action can only strengthen the basic commitment of society over the medium- to long-term.

Regularly make the case for investing in the children. This is a continuing imperative. Resources – both financial and human – will always be under serious pressure in every nation and presenting increasingly better evidence and understanding of the value of investing in children must be a top priority to sustain progress. The principle of appropriately and sustainably funding the full configuration of programmes and policies is crucial.

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[73] Ejler N, Ostersen J, Graff D, Dyrby T (2016). New Approaches to Policy Implementation https://www.activeimplementation.org/wp-content/uploads/2018/12/Ramboll-PolicyImplementationEU-2016.pdf and Fixen, D., Blasé, K. and Van Dyke, M. (2019) *Implementation Practice and Science*. AIRN Publishing, USA

[74] Boon W, Hyysalo S, Klerkx L, Kivimaa P (2018).   Towards a typology of intermediaries in sustainability transitions: A systematic review and a research agenda, Research Policy, Volume 48, Issue 4,2019,Pg 1062-1075, ISSN 0048-7333. https://doi.org/10.1016/j.respol.2018.10.006.

[75] MacKay, R., & McKiernan, P. (2018). *Scenario Thinking: A Historical Evolution of Strategic Foresight* (Elements in Business Strategy). Cambridge: Cambridge University Press. doi:10.1017/9781108571494

[76] OECD (2019) Strategic Foresight for Better Policies Building Effective Governance in the Face of Uncertain Futures https://www.oecd.org/strategic-foresight/ourwork/Strategic%20Foresight%20for%20Better%20Policies.pdf

[77] Ghate D, Lewis J, Welbourn D. Systems Leadership: exceptional leadership for exceptional times Nottingham: The Virtual Staff College 2013 https://www.colebrookecentre.org.uk/_files/ugd/b9abff_6f288f4fc2534697a9571bd84ac43531.pdf

Sustain the infrastructure and operationalisation. Sustaining the formal and informal structures that create the mechanisms for intensive partnership and collaborative working is indispensable. This needs to be initiated and retained by government.

Commit, design, deliver, and repeat. The phases, priorities, emphases and actions must cycle and change as new learning and evidence emerge to sustain policy implementation changes. Governments should work to anticipate the challenges, developing early warning systems needed to spot emerging concerns, and planning contingencies for: retaining participation; anticipating gaps; building incentives; and anticipating inevitable counterincentives.

Conclusion

Policy adaptation, coordination, administrative integration and budgetary consideration are critical tasks for realisation of children's rights for all children. The child rights literature indicates that the hallmarks of successful incorporation include children and young people being viewed as rights holders and children's rights being justiciable,[78] enforceable through legal mechanisms, and visible.[79]

However, while there are evidence-informed guidance and toolkits on UNCRC implementation aimed at national and local governments,[80] as well as other organisations and sectors, less is known about how these approaches relate to improved outcomes for children and young people and their parents and carers. Monitoring and evaluation of indicators related to all articles of the UNCRC will be important to assess the successful implementation of the UNCRC in Scotland.

Evidence that points to governments' key functions in ensuring a whole-of-government approach, and in turn in nurturing a whole-of-nation approach, gives additional insights for Scotland's children's rights journey. Committing, designing and delivering these functions of integration, evidence and learning, resources and sustainability, in partnership with the whole of Scotland, will better enable everyone – including children – to realise and ultimately sustain the long-term ambition of making rights real for every child in Scotland.

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[78] That is, capable of being decided by legal principles or a court

[79] Kilkelly U, Byrne B, Lundy L, (2021). Incorporating The UN Convention on The Rights of The Child into National Law. https://academic.oup.com/lawfam/article-abstract/35/1/ebab040/6428499?redirectedFrom=fulltext

[80] Hodgkin R, Newell P (2021) Implementation Handbook for The Convention on The Rights of The Child. 3rd ed. UNICEF; 2007.; UNICEF UK. https://www.unicef.org/media/96496/file/Implementation%20Handbook%20for%20the%20Convention%20on%20the%20Rights%20of%20the%20Child.pdf

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