

APPENDIX 3: Education: Children’s Rights Impact Assessment (CRIIA)

Subject Focus: Education

This CRIIA is useful to read alongside Scottish Government guidance, which can be found at

<https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessments-crwia-guidance/> (please note, this Scottish Government guidance encompasses wellbeing frameworks used in Scotland, while the primary emphasis of this Alternative CRIIA is on children’s rights)

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STAGE 1: SCOPING (Background and Rights Framework)

Question 1: Name each measure (including relevant sections of legislation and guidance) being assessed and describe the overall aim.	
Measure	Overall aim of the particular, relevant aspects of the measure
Coronavirus Act 2020	<i>Schedule 16, Sections 37-38:</i> The Act gives ministers, including those in devolved administrations, the power to require the temporary closure of a school or registered childcare provider with the option to specify directions about particular parts of the premises or particular people. These powers may be used to require relevant providers to stay open or reopen, enable individuals or groups to attend different premises, to change term or holiday dates. These powers may also be used to require relevant institutions to provide additional services, for example, provide extended hours of childcare. Advice from public health officials must be obtained before using these powers. At present, a small number of schools remain open as ‘education hubs’ for those who are vulnerable and those whose parents/carers are critical to the coronavirus (COVID-19) response.

<p>Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020</p>	<p>This suspends the duty on LAs to provide the 1140 hours of funded childcare for children aged three to five years old, from August 2020 – see S.51(1b) of the 2014 Act.</p>
<p>Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020</p>	<p>The amendments to the Regulations have implications for parents/carers' placing requests and appeals for their child's education. It grants greater flexibility to Local Authority (LA) councils about how long they have to process placing requests (one month) and to convene hearing appeals – up to four months, rather than two. This is due to social distancing measures, which mean face-to-face hearings cannot take place and redeployment/absence of appropriate Council staff.</p>
<p>Education (Deemed Decisions) (Coronavirus) (Scotland) Amendment Regulations 2020/149</p>	<p>As above, the amendments to the Regulations outline the removal of time limits for education appeal hearings – put in place due to social distancing restrictions – lengthening the time children must wait for hearings of education appeals.</p>
<p>Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020</p>	<p>Part 2 of the Regulations enforces a requirement to close premises and businesses during the emergency period, including schools and LA early learning and childcare settings from 20 March 2020. This has clear implications for children's right to education both in terms of access to education, and the quality / consistency of education children will gain through learning at home.</p>
<p>Scottish Government (2020s) Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020: Child Rights and Wellbeing Impact Assessment</p>	<p>The Child Rights and Wellbeing Impact Assessment (CRWIA) outlines that Scottish Government's assessment of the amendments will concern parents/carers' placing requests and appeals for their child's education. It acknowledges the limited evidence available to inform the assessment. The CRWIA suggests that 2,000-3,000 families (based on 2019 estimate) will be affected by such measures. The CRWIA notes that "this may affect a small number of children's entry to primary school or transition between primary and secondary school".</p>

<p>Scottish Government (2020k) Coronavirus (COVID-19): supporting pupils, parents and teachers – learning during term 4</p>	<p>The Guidance details measures for learning at home for, at least, the beginning of Term 4 with guidance for children, parents, teachers and education professionals and the support available.</p> <p>Education Scotland has created a Working Group for “Health & Wellbeing” and this will be a focus in the return to school. The group is working on the following key areas: Transitions, Supporting learners with additional support needs, Resilience, Wellbeing Indicators and Compassion and Grief.</p>
<p>Scottish Government (2020) Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children</p>	<p>The Guidance outlines provisions in place to ensure children of key workers and ‘vulnerable’ children are able to access learning and childcare, and children who are entitled to free school meals continue to have this access. It also confirms the cancellation of SQA examinations and coursework marking. Independent and boarding schools have also been asked to close where possible. It outlines responsibilities of LAs to ensure that children from ‘the most’ deprived households access education hubs, although it appears to leave this up to LAs’ discretion and would suggest there may be inconsistencies in implementation across the country.</p>
<p>Scottish Government (2020n) Coronavirus (COVID-19): childcare closures and emergency provision</p>	<p>This guidance provides further details on childcare closures and emergency provisions, specifically private nursery changes to cater for key worker children; advice for nannies, babysitters; advice for child-minders to limit childcare to two children at any one time. It points to the Care Inspectorate’s registration contingency plan guidelines for childcare settings continuing to operate to provide emergency childcare for key workers and vulnerable children. Finally, it highlights support available for self-employed/private childcare services.</p>
<p>Scottish Government (2020o) Coronavirus (COVID-19): physical distancing in education and childcare settings</p>	<p>This guidance outlines physical distancing measures for education and childcare settings – specifically focusing on situations whereby childcare and education is being provided to children outwith the home. Notably, the definition of ‘vulnerable children’ is inconsistently used in its implementation. In this context, the definition includes those on the child protection register, those who are looked after, and those on the edge of care, children in receipt of Free School Meals, children and young people who have complex additional support needs, children and young people affected by poverty and deprivation. It highlights that children who</p>

	<p>fall into this criteria and have underlying health conditions will be risk assessed and provisions amended accordingly.</p>
<p>Scottish Government (2020a) Coronavirus (COVID-19): Framework for Decision-Making – Scotland’s Route Map through and out of the crisis</p>	<p>The framework outlines a four-phased approach to easing lockdown restrictions. It describes what can be expected to change with each phase grouped under: seeing family and friends, getting around, schools and childcare, sports/leisure, eating/drinking out. With relevance to education, phase three outlines the anticipated opening of schools and early years settings on the 11th August 2020 (with blended part-time learning and home-learning), with school staff being able to return in June for preparatory purposes. Universities and colleges will return in a phased approach with similar emphasis on blended learning. Phase four would see schools, childcare settings, colleges and universities being fully open with necessary precautionary measures (although limited detail given).</p>
<p>Scottish Government (2020e) Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland</p>	<p>The framework outlines the return to school for almost all children and young people in mid-August. Learning will be ‘blended’ – a combination of at-school and home learning. This is conditional upon scientific and medical advice and adherence to wider public health measures (test, trace, isolate, support and use of PPE/hygiene measure).</p> <p>SG outlines a commitment to addressing digital exclusion, investing £30 million to provide laptops for disadvantaged children. It outlines how in-school learning will implement physical distancing measures including staggered break times, smaller class sizes; phased school starts, rotations, and describes how priority access will be given children falling into the education hub criteria. It emphasises a commitment to ensuring Senior Phase Pupils are supported in preparation for the exam diet in 2021, however, limited description of what these measures will look like and the lack of clarity as to the role children and young people will play in shaping this. It describes concern for children at transition (nursery, primary and secondary) – especially those with ASN and/or identified as vulnerable, and those unable to return to school (for example, health, disability, shielding reasons). Mention of exams fails to recognise</p>

	<p>that some of those who were due to sit examinations in 2020 will not be returning to school; therefore, the support process needs to be wider than just schools.</p> <p>Early childcare and younger years of primary school will have different physical distancing criteria and reduced capacity, meaning that priority access will be at LAs' discretion. It ends with a note about the anticipated additional financial resources needed to implement the education framework, yet it does not refer to a child rights-based budgeting model being used.</p>
EQIA(2020) Initial impact assessment on the strategic framework for reopening schools and early learning and childcare settings in Scotland	The initial impact assessment anticipates the return to school for almost all children and young people in mid-August. Learning will be 'blended' – a combination of in-school and home learning. It lists the impacts of closure, including the impact on children's friendships; senior phase pupils examinations; on children for whom schools are a place of safety; the impact on parents/carers' childcare needs; children who may be disproportionately impacted – those with disabilities, experiencing harm or neglect and/or living in poverty; children adjusting to educational hubs; digital accessibility inequalities. It also lists the impacts of reopening, and its proposed mitigating measures (see above).
Education Scotland (2020) Resources to support the refreshed curriculum for excellence narrative	Education Scotland offers resources for schools and home learning during COVID-19, with focuses on outdoor learning, health and wellbeing.

Question 2: Which human rights instruments and articles are particularly relevant to the measure(s)?		
Human Rights Instrument	Article	Further analysis on the expected / actual effect
United Nations Convention on	Article 2 – The Convention applies to every child without discrimination, whatever their	There is emerging concern that certain groups of children and young people may experience discrimination with

the Rights of the Child (UNCRC) (1989)	ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.	regards to the realisation of their education rights (see Question 8).
	Article 3 – The best interests of the child must be a primary consideration in all decisions and actions that affect children.	The government is required to ensure that the ‘the best interests of children’ are a primary consideration when it comes to decision-making around school closures and reopening. Notably, this cannot be realized without due weight given to Article 12 (see Question 11).
	Article 6- Right to life, survival and development	The measures – of particular relevance, school closures and physical distancing – were introduced to control the COVID-19 infection rate, and risks posed to the rights to life, survival and development and health of children.
	Article 12 – Every child has the right to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child's age and maturity. <i>See also: UN Committee General Comment No. 12 (2009) on Children's Participation</i>	At the time of writing, there has been limited direct involvement of children and young persons in the development of the measures regarding access to and quality of education. Evidence of children's participation in third party consultations, research and surveys suggests marginalised children with already limited opportunities and agency to have their views and experiences heard, are at risk of being further marginalised due to digital inequalities.
	Article 13 – 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.	As above.

	<p>Article 15 – Every child has the right to freedom of association, to meet with other children and to join groups and organisations.</p>	<p>School closures and physical distancing measures have significant implications for Article 15. Whilst discussed in greater depth in Appendix 5, it is important to highlight the impact such measures have of children’s education rights.</p>
	<p>Article 23 – A disabled child 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.</p> <p><i>(See also Article 24 United Nations Convention on the Rights of Persons with Disabilities, 2006)</i></p>	<p>The measures have significant implications for disabled children and/or those with additional support needs’ right to education (see below for Article 28 and 29). This will be discussed at length in Appendix 8.</p>
	<p>Article 24 – 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 wellbeing so that children can stay healthy.</p>	<p>The measures, in particular school closures, have significant implications for children and young people’s physical and mental health and wellbeing which, in turn, will likely impact children’s education during and after the pandemic. This will be discussed in greater depth in Appendices 1 and 2. The duty to ensure children receive good quality health and wellbeing education is particularly worth noting for current and future measures.</p>
	<p>Article 26 – 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.</p>	<p>This article is relevant to the measures, and the realisation of children’s education rights, as by closing the majority of schools across Scotland, the home has become the predominant setting for children to access education. This has implications for children’s equitable access to quality</p>

		education, particularly for children from low socioeconomic backgrounds. This will be discussed in Appendix 4 .
	Article 27 – 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.	As above.
	Article 28 – Every child has the right to education that is available and accessible. States should achieve this right progressively and on the basis of equal opportunity. <i>See also: UN Committee General Comment No. 1 (2001) on Education</i>	The emergency closures of the majority of schools across Scotland, has resulted in the home becoming the predominant setting for children to access education.
	Article 29 – 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. <i>See also: UN Committee General Comment No. 1 (2001) on Education; UN Committee General Comment No. 3 (2005) on Early</i>	With lack of access to school facilities and the predominant relocation of children’s education to the realm of the home, there are concerns about the quality and equity of education children are receiving and will continue to receive under the proposed ‘blended learning’ model.

	<i>Years; and UN Committee General Comment No. 20 (2016) on Adolescence for further detailed guidance of implementation of children's education rights.</i>	
	Article 31 – Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.	Although of relevance to education, this will be discussed at length in Appendix 5 .
Universal Declaration of Human Rights (UDHR) (1948)	Article 1, 2, 24, 25, 26 and 27	Addressed under the UNCRC articles above.
European Convention on Human Rights (ECHR (1950)	Article 2 and Article 11	Addressed under the UNCRC articles above.

STAGE 2: EVIDENCE

Question 3a: What quantitative evidence have you used to inform your assessment? What does it tell you?			
Evidence collected	Evidence source	Explanation of the importance	What are the data gaps, if any?
<p>When asked whether doing schoolwork is something they worry about, looking at all children, there has been a six percent increase between April and May – with 35% reporting doing school work as a worry in April and 41% in May.</p> <p>When asked whether learning at home is something they worry about 28% of children in April report learning at home as a worry, this rises to 32% in May.</p>	<p>National Wellbeing Survey with Children 8-14 Findings Report (April and May 2020)</p> <p>(Children’s Parliament, 2020f)</p>	<p>This survey highlights the increasingly negative impacts school closures and learning at home have had – and are anticipated to have – on children between the ages of eight and 14, specifically the impact on their education, physical and mental health, and future aspirations. There are clear indications that children do not feel they have enough choice over what they are learning; are worried about their schoolwork; their capacity to influence their direction of learning; and their educational attainment.</p>	<p>Evidence collected from 3,968 children aged 8-14 in April 2020 and 3,698 children in May 2020. This survey was conducted using an anonymous digital, online platform. We can assume that statistics are not representative of children without digital / Internet access. Participants are not statistically representative sample. Furthermore, it is difficult to ascertain whether children’s worries about school and learning were prevalent (and therefore better/worse) prior to school closures.</p>
<p>42% Extremely or Moderately concerned about school, college and university closures.</p> <p>49% Moderately or Extremely concerned</p>	<p>Lockdown Lowdown Survey Results</p>	<p>In the survey findings, children and young people have raised concerns about exam cancellations and the alternative assessment process being put in place.</p>	<p>Evidence from 2,419 young people aged 11-25 across all 32 LAs in April 2020. Participants are not statistically representative sample. There is no information about the</p>

<p>about exams and coursework.</p>	<p>(Scottish Youth Parliament et al, 2020a)</p>		<p>differential impact on children who took courses at college.</p>
<p>470-530 children who are regarded as vulnerable attended these educational settings each day in the week before Easter and over Easter, 400-450 were attending. This represents around 0.5% of the children with multi-agency child's plans, which signifies a large number of vulnerable children are not attending education hubs.</p>	<p>Scottish Government (2020t) Coronavirus (COVID-19): supporting vulnerable children and young people – data intelligence report</p>	<p>The report highlights the very low numbers of vulnerable children attending education hubs, further noting that nine LAs have no vulnerable children attending the hubs, and more than half have fewer than 10 attending. Given that it is estimated 97,000 children (10% of the population) aged 0-17 fall into this category, this is deeply concerning for children's access to education and support.</p>	<p>It is unclear how data has been gathered. Given the varied definitions of 'vulnerable' outlined in the guidance available, it is unclear if the data accurately reflects the experiences of children and young people during this time. We can assume these statistics do not account for children who may now be in a vulnerable position during the pandemic, but have no pre-existing involvement with social services.</p>
<p>69.1% of parents of children and 59% of parents of adolescents reported that they were able to support their children around school</p>	<p>Co-SPACE Research Report 1: Findings from the 1500 participants (across the UK) on parent/carer stress and child activity (April 2020)</p>	<p>This survey highlights the reality of parents and carers' capacity and capabilities to support their child's education in the home. These statistics reveal that many children and adolescents are unable to receive support from their parents with regards to their education at home – this being a clear demonstration of the inequalities</p>	<p>Recruitment took place via social media, distribution through organisations, charities, the media and targeted online advertising and thus, participants are not a statistically representative sample. We lack evidence across income bands, ethnicity, and pre-existing mental/physical health difficulties). Finally, children's views are</p>

	(Waite and Cresswell, 2020)	children from different households face.	mediated by parents/carers' reporting.
<p>The percentage of parents to cite 'children's education' as a main source of stress was:</p> <p>52.5% (parents working full-time outside home)</p> <p>46.3% (parents working part-time outside home)</p> <p>44.2% (parents working full-time inside home)</p> <p>39.6% (parents working part-time inside home)</p>	<p>Co-SPACE Research Report 2: Findings from the 5000 participants (across the UK) on COVID-19 worries, parent/carer stress and support needs, by child special educational needs and parent/carer work status (May 2020)</p> <p>(Waite et al, 2020)</p>	<p>Parents have expressed concerns about their ability to support their children effectively during lockdown; there is also a disproportionate impact on single parents, and those on low income – who are more likely to be working part-time inside the home. Additional findings from the 'Connect in Scotland' survey support these results.</p>	As above.
<p>44.2% of parents report that their child would feel 'very comfortable' and 18.8% report they would feel 'not comfortable at all' attending school in the pandemic.</p>	<p>Co-SPACE Research Report 3: Parents/carers report on their own and their children's concerns about children attending school (May 2020) Evidence from 611 parents/carers across the UK.</p>	<p>Children's attitudes towards attending school differ depending on age – hence there is no 'one size' fits all approach. For example, research demonstrates that primary school aged children are concerned about being away from home, and transitions. Secondary school aged children appear to be more concerned about catching COVID-19 and academic pressures.</p>	As above.

	(Pearcey et al, 2020)		
<p>Parents are increasingly concerned their child will be 'behind' in their learning when they return to school, by 16% of respondents who expressed concerns in Week 1 but by Week 4 this figure had increased to 25%.</p> <p>Parents are generally confident about supporting their children in terms of health and wellbeing but less confident about supporting literacy and (to a greater extent) supporting maths</p> <p>Whilst over 50% of parents say that learning</p>	<p>Connect Parent/Carers Survey (April 2020)</p> <p>(Connect, 2020)</p>	<p>Research demonstrates the importance of educational capital in the parental home. Inequities will be visible depending on how much support parents can give to their children in particular subject areas, and what resources are available in the home. This problem is emphasised by an idea of 'learning' closely tied to 'stages of education' as defined by the Curriculum which reduces the chances to recognise what is available in the home – and associated sources of wellbeing – as equally educational and conducive to learning for children.</p>	<p>1,578 responses from parents/carers from 29/32 LAs</p> <p>109 Nursery (7%)</p> <p>1,006 Primary (64%)</p> <p>429 Secondary (27%)</p> <p>33 Other (2%) (Multiple children at different stages; types of school; colleges)</p> <p>Data is 'exploratory' and primarily comes from primary school aged children's parents/carers and therefore, cannot be deemed to be representative of early years/secondary/senior phase children. It does not give any indication as to whether the children have ASN or fall into the vulnerable criteria. As with other digital surveys, one can ascertain that further information is needed from</p>

<p>material is coming from teachers or schools, nearly 40% say that they are finding it themselves.</p>			<p>parents/carers with limited or no digital access.</p>
<p>76% of adolescent girls aged 15-18 note uncertainty about school and education as factors for feeling worried, stressed and overwhelmed</p>	<p>Research briefing: Early findings on the impact of COVID-19 on girls and young women (UK wide). (Girlguiding UK, 2020)</p>	<p>Mirroring insights from the Lockdown Lowdown survey, the cancellation of exams has fuelled anxieties of older girls who feel disappointed and worried about it. This survey reveals, qualitatively and quantitatively, that they face uncertainties around career prospects with many having had their planned work experience, internship or apprenticeship postponed or cancelled.</p>	<p>No equivalent data seems to be available for boys. It is not clear what the background of participants is and therefore, difficult to ascertain how representative the evidence is.</p>
<p>32% agreed that it had made their mental health much worse 51% agreed that it had made their mental health a bit worse School Closures were one of the key factors in influencing these statistics.</p>	<p>Impact of COVID-19 Survey Findings (March 2020) (Young Minds, 2020)</p>	<p>Young Minds' UK national survey highlights the uncertainties experienced by children in the short term and in relation to educational and employment outcomes in the future. For children with pre-existing mental health needs, the support (from formal or informal pastoral support) they need in order to realise their right to education is compromised by school closures. Furthermore, the evidence reveals that, for children who are living in</p>	<p>Evidence from a March survey with 2,111 young people across the UK with a history of mental health needs. It is a digital survey with sampling limitations.</p>

		<p>difficult or dangerous situations, the closures represent the loss of a safe and stable environment.</p> <p>This evidence further backs previous evidence outlining widespread concerns about how grades will be assessed or about the impact on their university or career prospects.</p>	
<p>“Teachers at my schools were aware of challenges related to racism and discrimination”. 13.3% of male respondents strongly agreed with the statement, compared to just 3.8% of female respondents. In fact, more than half of female respondents (55.1%) noted that they disagreed or strongly disagreed with this statement.</p>	<p>“The perceptions and experiences of Black, Asian and Minority Ethnic young people in Scottish schools”</p> <p>Intercultural Youth Scotland (2019)</p>	<p>Findings from a survey, conducted by research consultancy EDI Scotland and Intercultural Youth Scotland, identified particular issues related to the reporting of racism in schools. This included a lack of knowledge or understanding of the racism and discriminatory challenges faced by Black, Asian and Minority Ethnic (BAME) young people. This has implications for the alternative grading process being introduced.</p>	<p>Results are based on a survey co-produced with young people that ran in September 2019, which was completed</p> <p>by 110 BAME young people in Edinburgh.</p>

Question 3b: What key missing information / evidence would have been beneficial to your analysis?

We lack evidence on methods used to engage children and young people in data collection. Hence, it is difficult to know to what extent we have an equitable representation of children's views across different ages, gender, language and socio-economic groups. There is also potentially a lack of children and young people's participation in the designing of research and evidence collection.

We need a more fine-grained analysis of which age groups and gender groups of children – and in which geographical areas – have been by the disruption of work experience, internship or apprenticeship opportunities. In addition, due to the particular stage of development of these children, adolescents receiving secondary education in school or college, we have no information about their potentially vulnerable status: for example, if they care for another adult in the household, or if they may be subjected to potential harm or abuse in the household.

Evidence should identify specifically how BAME children are being affected, given the disproportionate impact of the COVID-19 pandemic on death rates. Are there similar disparities in impact in educational outcomes? Is this evidence being collected? Similar considerations apply to other protected characteristics in order to avoid structural racism in the data collection and overall assessment.

We need more information about the impact of school closure on different types of schools, for example by considering their size as well as their geographical location. In some areas, rural environments need to be considered as a factor of potential exclusion due to differential digital access.

We lack evidence of distribution of household poverty and quality of community services (for instance, access to green spaces; clean air; basic facilities for shopping and so on) in order to assess the extent to which families with children at risk can continue to be supported, for example by health visitors, community nurses or health psychologists (Scottish Government, 2020s). Concerning material assistance and support, we have no information about which families have been most severely affected by the lockdown, preventing them to access the range of facilities they require for everyday needs.

Additional information is also needed with regards to the impact of bereavement – either from COVID-19 or not – on children and families. No sufficient knowledge is available on how families coped with the loss of a close relative and what support they might be given, which in turn, it affects the wellbeing of the children and their ability to continue with education.

We lack evidence of impact of measures on Gypsy/Traveller children, children within Roma communities, refugee and asylum seekers, and children of armed forces personnel.

Question 4a: What qualitative evidence have you used to inform your assessment? What does it tell you		
Evidence collected	Evidence source	Explanation of the importance
Children's views on what life is like during the lockdown	Corona Times Journal 1 (Children's Parliament, 2020b)	<p>It provides a monthly account of the experiences of lockdown for children aged 4-14 involved with Children's Parliament. The evidence is important as it accounts for children's experiences over time, thus surfacing the intersections between children's home life and children's access to quality education. The feeling of loneliness emerges as a key change from regular routines; however, this is visibly counteracted by access to a garden for those who have it, and/or the presence of siblings or pets, and the opportunity this affords to play with somebody, preferably outside.</p> <p>Learning at home is made difficult by technical issues and boredom, due to the repetitive nature of the tasks and content as well as screen 'fatigue'. Physical activities such as sport games and dance are significantly affected as they are quintessentially 'social' activities and they are not often included in the school curriculum.</p> <p>Notably, some children described enjoying their experiences learning from home, emphasising the positive benefits of spending greater amounts of time with parents/carers and/or siblings, and having a quieter environment</p>
Children's views on health and wellbeing during the lockdown	Corona Times Journal 2 Children's Parliament, 2020c)	
Children's views on learning at home and education during the lockdown (with comparisons to life before lockdown)	Corona Times Journal 3 (Children's Parliament, 2020d)	
Children's views on easing lockdown and	Corona Times Journal 4 (Children's Parliament, 2020e)	

<p>thinking about recovery</p>		<p>to focus on schoolwork. Children also positively describe their ‘informal’ learning at home – such as learning about household tasks and cooking.</p> <p>As lockdown progressed (Children’s Parliament, 2020d), children converged on the desire to return to school largely to meet with their friends; they also signalled aspects of schooling, which were reiterated during lockdown, such as repetitive schoolwork and fragmentation of subjects.</p> <p>This evidence points clearly to the importance of prioritising safe spaces for children outside the home, where they can exercise a wider range of physical and intellectual abilities² throughout and post-COVID-19 crisis. Such recognition may lead to widening the range of ‘core’ curricular areas through a wider conception of what are good spaces and educational opportunities for children’s learning.</p>
<p>Qualitative detail to the top-line quantitative evidence produced as a result of the Lockdown Lowdown survey (see Question 3a).</p>	<p>Report: SQA 2020 Exam Results Provisions for COVID-19 – Young People’s Perspectives (20 May 2020)</p> <p>(Scottish Youth Parliament, 2020)</p>	<p>The report highlights key concerns young people have with regards to their education: how estimated grades may penalise pupils who may have performed to a higher standard in exams; the long-term impact this may have on young people’s future education and employment opportunities (particularly those in their final year who will be unable to re-sit examinations). It also highlights concerns about how certain groups of young people may be disproportionately affected such as those taking more practical/course-work heavy subjects and pupils from disadvantaged schools/backgrounds. It highlights concern that young people from more deprived areas may feel an increased negative impact if previous attainment statistics are used by schools.</p>

² There is mounting evidence on the role of gaining access to green spaces for mental health (see, for example, Townsend, M. and Weerasuriya R., 2010).

<p>Secondary school pupils providing their views on final exams decisions</p>	<p>CYPCS Young Advisors in in The National (24 May 2020)</p> <p>(Goodwin, 2020)</p>	<p>Children express disappointment and worry at the lack of consultation over their final exam results and cancellation of exams. They lament lack of motivation to continue study at a distance and lack of support other than weekly check-ins from some teachers online. In addition, the increased and unexpected workload from moving straight into Higher courses during lockdown worsened existing mental health conditions.</p>
<p>Analysis of anecdotal evidence gathered from a national children's service working directly with children and families across Scotland.</p>	<p>Aberlour (2020)</p> <p>Evidence on the Impact COVID-19 on Vulnerable Children.</p>	<p>Aberlour's findings highlight that many low-income families do not have access to devices or technology, and those that do can often experience significant issues with data and credit. They report that not all schools are providing children with digital devices and families without digital resources are struggling to complete and evidence schoolwork. Lack of digital literacy also means some parents are struggling to support children's schoolwork.</p>
<p>Anecdotal and case study evidence gathered from a national organisation working directly with care experienced children and families across Scotland.</p>	<p>Who Cares? Scotland (2020)</p> <p>The Impact Of COVID-19 Guidance on Scotland's Care Experienced Community</p>	<p>Who Cares? Scotland reports that home learning has placed additional pressure on care-experienced parents to educate their children, often with limited resources. Care experienced young people are concerned about receiving their usual finances including bursaries and student loans. They highlight that emergency legislation has resulted in a significant reduction in the requirements of LAs to assess and support children and young people with Additional Support Needs.</p>

<p>Feedback gathered directly from families through the early days of the lock down by local and national support workers.</p>	<p>One Parent Families Scotland (2020) Response to COVID-19 (May 2020)</p>	<p>One Parent Families Scotland report that most parents they are in contact with are concerned about falling unwell, and being unable to support their child if this were to happen. Many parents are worried and anxious about schoolwork, with some parents feel they lack the education to support their children with it at home. They also report that many parents do not have laptops or PCs and rely on mobile phones for the Internet. Many have requested support for obtaining broadband and iPads for their children to allow them to do their homework while self-isolating.</p>
<p>Parliamentary briefing which highlights the impact of the COVID-19 pandemic on gender inequality.</p>	<p>Engender (2020) Engender Parliamentary Briefing: Coronavirus (Scotland) Bill</p>	<p>Engender reports that women are more likely to give the majority of primary care for children – and that this is increasingly affected by school closures with the requirements to balance paid work with increasing childcare and providing support to their children’s learning. Additionally, 90% of lone parents are women. Lone parents will be particularly impacted by school closures – and the proposed part-time learning model – making it even more difficult to either work from home or to find work. Alternatives such as grandparent care or paid childcare are made more challenging because of social distancing requirements.</p>
<p>Briefing from a national organisation working with parents across Scotland.</p>	<p>Parenting Across Scotland (2020) Issues for parents during the Coronavirus outbreak.</p>	<p>Parenting Across Scotland reports that parents are very concerned and confused about the expectations around combining work and children at home (how much home schooling they should be doing). One significant concern is the expectation that families have the digital resource to access the learning resources schools are placing online.</p>
<p>Parliamentary briefing produced by a national</p>	<p>Children 1st (2020) Children 1st Parliamentary Briefing on</p>	<p>Children 1st outline the realities faced by children for whom home is not a safe or loving environment and how this is affecting their right to education. Although children identified as vulnerable are eligible for places at educational hubs under emergency legislation, not all children are accessing this space. Barriers, they highlight, include physical access to the</p>

children's organisation.	Coronavirus (Scotland) Bill	education hubs, with concerns about travelling on public transport and lack of information about how to access education hubs. Children 1st's insights reflect the surprisingly low uptake of education hubs and lack of measures in place to ensure vulnerable children are accessing education hubs. It does note that Attainment Scotland Funding is being used by some LAs for transport to education hubs.
Briefing compiled by a national organisation about impact of measures young carers' education.	Carers Trust Scotland (2020)	This briefing highlights concerns that young people's caring responsibilities and duties may increase following school closures as a consequence of some social care provision being reduced and the need for social isolation as a priority to protect the cared for person and/or if another family member was to become unwell. These are just some examples, which could result in the young carer having a reduced opportunity to engage in home learning activities and therefore putting them at a disadvantage to their peers. In addition, it highlights concerns young people face concerning SQA examinations. Due to their caring responsibilities some young carers reported that their performance during prelims was negatively impacted; including having lack of study time or poor concentration during the exam; resulting in a lower grade being awarded than they were predicted. The briefing calls for clear guidance for those marking examinations so young people's circumstances are accounted for. Finally, it highlights the importance of schools (and staff) as a central support system for young carers and the fact closures risk leaving young carers without vital mental health and social support (see also, The Children's Society, 2020).
Research-based policy analysis.	"Supporting parents and children in the early years during (and after) the COVID-19 crisis." (Conti, 2020)	The study reports an increase in inequality of access to universal services, which is likely linked to increases in inequalities in child development. This evidence is important as it shows the link between education and the level of health for parents and children in the early years. Hence, focusing on all forms of support for improving physical and mental health – from increasing the numbers of health visitors and nurses to ensuring availability of outdoors

		spaces for all – is key to preparing for a strong response to any future pandemic.
Research-based policy analysis.	Policy Brief: Impact of COVID-19 on Children (15 April 2020) (United Nations, 2020)	The Report examines three main channels through which children are affected by the crisis: 1. infection with the virus itself; 2. the immediate socioeconomic impacts of measures to stop transmission of the virus and end the pandemic; 3. and the potential longer-term effects of delayed implementation of the Sustainable Development Goals. Amongst the key recommendations; a. Rebalance the combination of interventions to minimize the impact of lockdown strategies on children in low-income countries and communities and expand social protection programmes to reach the most vulnerable children; b. Prioritize the continuity of child-centred services, with a particular focus on equity of access and c. Provide practical support to parents and caregivers, including how to talk about the pandemic with children, how to manage their own mental health and the of their children.
Academic review article.	“Mitigate the effects of home confinement on children during the COVID-19 outbreak” (Wang et al, 2020)	The Authors point to key issues impacting children and adolescents being psychological impacts from stressors such as prolonged duration, fears of infection, frustration and boredom, inadequate information, lack of in-person contact with classmates, friends, and teachers, lack of personal space at home, and family financial loss. Recommendations include a community-based, partnership approach, for example with parents' committees working together to bridge the needs of students with school requirements and to advocate for children's rights to a healthy lifestyle. Social workers are identified as playing an active role, although there are issues with availability and access to this category of professionals see effect of post-austerity measures on social work (Conti, 2020).

<p>Briefing Paper produced by young people in response to exam cancellations (and accompanying qualitative evidence provided by #iWill ambassadors.</p>	<p>SQA Where's Our Say? MSP Briefing (June 2020)</p>	<p>The briefing reflects the concerns young people have in terms of equality, bias and teacher relations which they feel may have an impact upon their grades. The evidence is particularly significant in terms of adolescent rights and the uniqueness of the challenge for adolescents who are expected to make major life decisions (choosing a university or academic subjects) without having the information to do so – as a result of the change to the SQA processes which lack clarity.</p>
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<p>Question 4b: What key missing information / evidence would have been beneficial to your analysis?</p>
<p>We lack evidence on methods used to engage children and young people in data collection. Hence, it is difficult to know to what extent we have an equitable representation of children's views across different ages, gender, language and socio-economic groups. There is also potentially a lack of children and young people's participation in the designing of research and evidence collection.</p>
<p>With respect to the rights of all children to develop respectful and confident behaviours, we lack evidence on the opportunities that children, and particularly adolescents, have had to continue to socialise with peers and meet new people during lockdown and during the easing of lockdown. There is also lack of evidence about which groups of children, and particularly adolescents, managed to find activities that were equally fulfilling and socially meaningful to pursue during lockdown. We also need more detailed evidence on how the over-reliance on digital communication has impacted their mental health.</p>
<p>There is very little evidence of the views and experiences of children under the age of eight years old.</p>
<p>We lack evidence on the impact of measures on marginalised children and young people – Gypsy/Traveller, refugee, asylum seeker and migrant, as well as BAME children and young people would have been especially useful for our analysis, given</p>

pre-existing evidence to suggest socioeconomic inequalities and systemic discrimination faced by these groups prior to the pandemic may be exacerbated.

We lack evidence on the measures' impact on BAME children and young people given pre-existing evidence at UK level that educational outcomes and school exclusions are highly stratified by race and ethnicity (significant findings in England had already been reported by Strand and Fletcher, 2014). Structural racism is very likely to impact on estimated grades too, given that these will be determined by young people's teachers. As reported by Arshad (2018), the lack of training and retention of BAME teachers in Scotland is an obstacle to ensuring equitable educational outcomes for all children.

We lack evidence on the experiences/views of children and young people using educational hubs and the impact on their education compared to their home-learning peers.

There is little evidence of the impact of measures on children in boarding or residential schools. This has implications for children who are privately educated, as well as those from island communities across Scotland completing their schooling on the mainland or reside in larger towns during term, and for children who are in alternative care.

Question 5: Has a broad range of relevant stakeholders, specifically groups of children and young people, been consulted directly by the body who initiated the measure (for example Scottish Government)?

It is not always evident from available documentation what consultations have taken place. From documents and further information gathering, children and young people were not directly consulted for the measures referred to in this CRIA.

As stated below, for some measures, information gathered pre-COVID-19 from children and young people was used to inform decisions as well as other evidence. Adult stakeholders and their organisations were consulted for some measures. Details that are known of such consultations are included below.

Further information on the developing engagement between Scottish Government and adult stakeholders and their organisations is available in Scottish Government (2020u).

Measure	Groups consulted	If group consists of children and young people	Results of consultation
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		Tick	Was an age appropriate consultation process used? Yes or No	Please provide a brief description of process	What were the findings?	What is the significance to the development of the measure(s)?
Coronavirus (COVID-19): Framework for Decision-Making – Scotland's Route Map through and out of the crisis	General public		No	A consultation was launched online by Scottish Government (2020z) on the 5th May, closing on the 11 May.	Details of responses to this consultation have not yet been published, however the route map was launched on Thursday 21 May 2020.	At time of writing, significance is unknown.
Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020	The CRWIA (Scottish Government, 2020s) on the associated Bill outlines that unprecedented circumstances					At time of writing, significance is unknown.

	presented by the coronavirus outbreak has made it not possible to consult with children and young people on the proposed legislation.					
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Question 6: Has evidence from third party consultations with children and young people been considered in the development of the measure(s)?

It is not always evident from available documentation what evidence has been considered in developing the measures. Details that are known of such consultations are included below.

Adult stakeholders and their organisations were consulted for some measures, who provided information about and from children and young people. Certain evidence from children and young people is referred to within the documents.

Further information on the developing engagement, between Scottish Government and adult stakeholders and their organisations, is available in Scottish Government (2020u).

		External source		Results of consultation
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Measure	Groups indirectly consulted	Source of information	When information collected	Please provide a brief description of process	What were the findings?	What is the significance to the development of the measure(s)?
Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland	Children and young people	How are you doing? online survey with children aged 8-14 (April 2020) (Children's Parliament, 2020a)	April 2020	The framework (Scottish Government, 2020e) references Children's Parliament's 'How are you doing?' online survey with children aged 8-14 (Children's Parliament, 2020a)	They present findings from the survey that "being indoors more and learning at home also impacts on the physical and mental health of children".	The evidence appears to have informed Scottish Government's decision to part-open schools in August 2020, in order to address the negative impact being at home, and learning at home, is having on children's health and wellbeing.

STAGE 3: ASSESSING THE IMPACT

Question 7: What impact will (or does) the measure(s) have on children and young people's rights?		
Measure & Type of impact	Justification for Argument	Likely or actual short/medium/long-term outcomes

All measures in Question 1 .	Negative	Across all measures, children and young people have been denied their right to participate, as outlined in UNCRC Article 12, because of the lack of age-appropriate, accessible consultation methods.	In the short term, it is clear the lack of consultation with children and young people has resulted in the measures failing to recognise and respond to their needs during lockdown, or in the preparation of the lockdown exit strategy. Minimal consultation with children and young people has exacerbated the frustrations, anxiety and worry felt by many and may lead to children and young people becoming increasingly disengaged from decision-making process in the long term.
Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020	Negative	The revocation of childcare hour measures raises concerns about the rights of children in their early years with regards to their early childhood care, learning and development.	In the short-term, the lack of childcare will impact on the ability of families to combine and juggle childcare with study and work. In the longer term, this will impact on the abilities of families to support children financially through further stages of education.
Education (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020 Education (Deemed Decisions) (Coronavirus) (Scotland)	Negative	The Regulations amendment raises concerns about the length of time children and young people may need to wait to receive the outcome of their placing appeal. This has implications for parents/carers and/or children over the age of 12 who wish to	This will affect the education rights of children who have been excluded from school and children with additional support needs (see also Appendix 8). If appeals are to be held virtually, some children and young people may be

<p>Amendment Regulations 2020/149</p>		<p>appeal exclusion as if appeals are successful, the exclusion status on a child's record will be amended to 'authorised absence'.</p>	<p>unable / digitally excluded from being able to participate.</p>
<p>Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020</p>	<p>Positive and Negative</p>	<p>As well contributing to public health infection control, the measures may have indirectly had a positive impact on environmental quality and may enhance the rights of children to a safe and healthy environment.</p> <p>With lack of access to school facilities and the relocation of childcare and children's education in the realm of the home, there are concerns about the quality of education children and young people will receive if largely reliant on parents or carers' guidance and support.</p> <p>It is important to note that despite most evidence suggesting</p>	<p>In the long term, the positive impact on environmental quality may increase children, young people's health, and wellbeing learning outcomes post-pandemic. However, in the short term, evidence suggests that increased time spent indoors is negatively impacting children's learning, health and wellbeing.</p> <p>The lack of access to school buildings and removal of face-to-face teaching has significantly impacted on children's opportunities to learn about difference and to develop positive relationships with peers and other adults. The associated impacts on mental health and wellbeing of children and young people exacerbate both social and educational exclusion and the quality</p>

		<p>children and young people are negatively impacted; there is evidence to suggest that some children are benefiting from home learning. For example, they may be receiving more one-to-one support than may be received at school and having the opportunity to learn new skills, such as household tasks and cooking (see The Corona Times journals, Children’s Parliament 2020b, 2020c, 2020d).</p>	<p>of their educational experience in the long-term.</p> <p>Children are negatively impacted by the lack of peer support and loss of motivation derived from learning and studying at home. This is being experienced in the short-term but may have long terms impacts if children are not supported when childcare settings and schools re-open.</p>
<p>Scottish Government (2020m) Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children</p>	<p>Positive and Negative</p>	<p>Although education hubs have been established in some schools for children of key workers and those deemed as vulnerable, Scottish Government (2020t) evidence suggests that uptake of places at the hubs is low.</p>	<p>It is of high concern that very few eligible children are attending the education hubs – particularly those deemed as ‘vulnerable’, as this suggests violations to children’s rights may be experienced by children within the home (see Appendices 6 and 7).</p> <p>It is difficult to ascertain what the impact will be on children’s rights for those who have attended the education hubs given the diverse make up of participants. One on hand, adult support available and interaction with peers may have a positive impact for</p>

			<p>children who would experience greater breaches of their rights if there were not education hubs available. However, the extent to which children and young people can learn from the hubs remains to be known.</p>
<p>Scottish Government (2020a) Coronavirus (COVID-19): Framework for Decision-Making – Scotland’s Route Map through and out of the crisis</p> <p>Scottish Government (2020e) Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland</p> <p>Education Scotland (2020) Resources to support the refreshed curriculum for excellence narrative</p>	Negative	<p>Whilst resources have been made available by Education Scotland to support schools and families with learning at home, evidence suggests that children’s learning will vary significantly depending on their circumstances at home.</p> <p>Evidence indicates that children’s education is largely dependent on access to and quality of digital devices and Internet, and the support from parents/carers to participate in remote learning online.</p> <p>School closures, and the proposed blended model of reopened schools which will continue to have a part-time</p>	<p>Lack of pre-existing digital literacy for children, young people and parents/carers may negatively affect children’s participation in remote learning in the short term, and has the significant potential to exacerbate pre-existing inequalities in children’s access to quality education in the long term.</p>

		home learning component, impacts, and will continue to impact children and young people's experiences of transitions in education.	
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Question 8: Will there be (or are there) different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
Early Years	Although insufficient evidence to prove as yet, increased time spent at home with parents/carers may increase attachment, early learning and development opportunities.	Evidence suggests early years children are negatively impacted by the measures due to the significant correlation between children's play and movement and the development of and higher order skills (see also Appendix 5). The measures do not consider how children in the early years learn, and for instance, the importance of space for sensorial stimulation and sensory awareness. Thus, it fails to take account the impact that spatial restrictions will have on their learning. The measures therefore impede the realisation of UNCRC Articles 15, 28, 29 and 31 and UDHR Article 26.
Adolescence		Evidence highlights that the measures have a disproportionately negative impact on young people's rights due to exam cancellations and alternative grading processes. Lack of consultation with young people has further contributed to increasing mental health anxiety and stress due to digital inequalities, lack of social contact, peer-support and pastoral support. The measures therefore impede the realisation of UNCRC Articles 3, 12, 15, 24, 28, 29 and UDHR Article 26.

Young Carers		Evidence suggests that the measures may negatively affect children and young people with caring responsibilities' ability to learn at home, and their long-term educational outcomes. The closures of schools removes vital access to a support network for young carers; in addition, the expectation of education to take place within the home on a part-time basis going forward raises concerns about the extent to which this will negatively impact on young carers' abilities to balance caring responsibilities and their learning. Young carers are at increased risk of social isolation due to limited access to digital technology and increased responsibility to provide care at home (Carers Trust, 2020). The measures therefore impede the realisation of UNCRC Articles 28, 29 and UDHR Articles 24, 26 and 27.
Children with existing mental health conditions		Evidence suggests that children and young people with pre-existing mental health conditions are experiencing further challenges as a result of the pandemic (Young Mind, 2020). Lack of access to face-to-face pastoral/peer support due to school closures may exacerbate the concerns and have correlating outcomes for children and young people's education in the short and long term. The measures therefore impede the realisation of UNCRC Articles 24, 28, 29. Specifically, the lack of respite support for families and siblings of children experiencing poor mental health impedes the realisation of UDHR Articles 24 and 25.
BAME Children		Pre-existing evidence raises concerns that systemic racism experienced by many young people in Scottish schools and inherent lack of understanding from school staff to address such discrimination (Intercultural Youth Scotland, 2019) may result in grading bias for BAME young people due to the changes to the SQA exam diet. The measures therefore impede the realisation of UNCRC Articles 2, 28, 29 and UNHR Article 6.

<p>Asylum Seeking, Refugee and Migrant Children</p>		<p>Many parents and carers are/will be responsible for receiving, and communicating, educational instructions from teachers (through, for example, email or digital applications) to their child. Evidence suggests this may put some children at a significant disadvantage – such as children whose parents or carers have no or limited English language abilities. Positive impact may derive from family learning in the local language and culture; however, such learning may not be legitimated and recognised by formal schooling (Calabrese-Barton et al, 2020; Foley et al, 2018).</p> <p>Children of both asylum seeking and refugee families are entitled to additional support for learning provided by their local education authority to suit their specific needs, under the Additional Support for Learning Act 2004 – see Appendices 8 and 4. The measures therefore impede the realisation of UNCRC Articles 12, 13, 28, 29, 30 and UDHR 26 and 27</p>
<p>Children from whom English is an additional language or whose parents/carers' have no/limited English language abilities</p>		<p>See above.</p>
<p>Children with care experience</p>	<p>As discussed in Appendix 6, the measures affect the education rights of children living in alternative care.</p>	

Children living in poverty	As discussed in Appendix 4 , the measures impact the education rights of children living in poverty.
Disabled children / ASN	As discussed in Appendix 8 , the measures impact the education rights of children with disabilities and additional support needs.
Children in boarding / residential schooling	There is insufficient evidence to draw on at the time of writing on the impact on children's rights.

Question 9: If a negative impact is identified for any area of rights or any group of children and young people, what are the options to modify the measure(s), or mitigate the impact?	
Negative impact	What options are there to modify the measure(s) or mitigate the impact?
Lack of autonomy and participation within decision-making	Establish a firmer system of consultation and engagement with children and young people of all ages, and particularly with young people transitioning into adulthood. An independent appeal mechanism would help mitigate this impact and it would support children's ability to formulate and express their own views.
Social and Economic Inequities	To enable equitable access to, and quality of, learning at home for all children and young people, parents/carers and teaching staff should be provided with appropriate training, support and infrastructure (see Appendix 4).
Stress for Parents / Carers	The evidence of the impact of lockdown on children and young people's mental health is a strong indicator of the need for families to be supported by a range of people with appropriate training and expertise. Such support will need to be appropriately resourced with specialists (community nurses; health visitors) trained to work with different groups of people: for instance, new and/or young parents; primary-aged children; young people, due to the incidence of mental health issues across all groups. In addition, while some positive impacts may be identified for children in the early years spending more time at home, partial

	re-opening of childcare services can mitigate the impact of additional stress and burden for single-parent families who are unable to rely on the support of formal childcare, friends or relatives.
Lack of physical movement for young children.	With consideration of the needs of children in their early years, whose learning occurs largely via movement and sensorial stimulation, the provision of appropriate outdoor space is paramount to their educational provision. As lockdown eases, adequate space should thus be made available to young children and made integral to schools catering from the early years through to lower primary. Opportunities for extending the outdoor space may come for example, by restoring brown sites, and opening privately owned green spaces for the benefit of young families.
Children and young people facing social/educational exclusion	The high rates of COVID-19 infections on the BAME community suggests there is a need for actions aimed at addressing their needs more closely. Widening representation of children and carers from these groups on decision-making bodies and the setting up of independent appeals processes may help mitigate the negative impacts of social and educational exclusions. Specifically, the provision of technological support may be in some cases useful for children whose learning is heavily dependent upon the use of digital infrastructures, such as for example, reading and writing pads; access to digital support may also help children to gain access to information in different languages.
Young carers	Establish a greater network of support for young carers with opportunities for respite breaks and/or additional support to continue with their studies and/or employment opportunities.
Lack of social contact and loss of motivation to study.	Develop alternative award mechanisms to recognise and encourage children and young people's informal learning successes at home. Introduce opportunities for children to 'learn through work' for example in areas such as cooking or gardening, and give recognition to their variety of talents and abilities. Such measures may be particularly relevant to children with limited parental/carer support, cultural/communication barriers, and/or caring responsibilities.

Lack of/reduced access to pastoral support through schools	Ensure children and young people are able to identify at least one member of staff they have a pre-existing positive relationship with to receive pastoral support during their learning at home. Teaching staff should receive additional training to monitor children’s wellbeing and provide psychosocial/safeguarding support to children and young people.
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Question 10: To what extent does the measure(s) address Scottish Government’s obligation to respect, protect and fulfil the rights enshrined in the UNCRC in Scotland?			
Measure	UNCRC provision(s) being further implemented through measure	Describe how the effect will be attained through the measure	UN Documents used to make the assessment
Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020	Article 1, 3, 6 and 24	<p>The measures aim to mitigate the risks posed by the COVID-19 virus by restricting movement and socialisation. The measures could be argued to have been made in all children and young people’s best interests and to fulfil and protect children’s rights to life, survival, development and health.</p> <p>As well contributing to public health risk control and protecting the health of all members in the community, the measures have indirectly had a positive impact on environmental quality and may enhance the rights of children to a safe and healthy environment in the long term.</p>	<p>UN Convention on the Rights of the Child (1989)</p> <p>UN Committee General Comment No. 20 (2016) on Adolescence</p> <p>UN Committee General Comment No. 1(2001) on Education</p>

		<p>However, the measures simultaneously compromise a significant number of children's provision, protection and participation rights. The failure to account for children and young people's views in the development of measures raises concern about whether the decisions have been made in their best interests.</p>	<p>UN Committee General Comment No. 12 (2009) on Children's Participation</p> <p>UN Committee General Comment No. 3 (2005) on Early Years</p>
<p>Scottish Government (2020m) Coronavirus (COVID-19): school and early learning closures – guidance about key workers and vulnerable children</p>		<p>As above. With regards to education, it is important to highlight the particular failure to adequately promote, fulfil or protect the rights of children at risk of harm, exploitation, abuse or neglect in the context of school closures/education hubs.</p>	<p>As above.</p>
<p>Scottish Government Coronavirus (COVID-19k): supporting pupils, parents and teachers – learning during term 4</p> <p>Education Scotland (2020) Resources to support the refreshed</p>		<p>As above.</p> <p>Whilst we acknowledge the committed efforts of education staff and LAs to address inclusion in their home/blended schooling response, there are still apparent failures to account for the barriers for children and young people's access to education – and to the quality of education being received by all children and young people – see Questions 7 and 8 and also Appendices 4 and</p>	<p>As above.</p>

<p>curriculum for excellence narrative</p>		<p>8. Lack of consultation with children and young people could have helped mitigate some of the additional breaches of their rights – such as, for example, the cancellation of examinations and alternative grading process.</p>	
<p>Scottish Government (2020a) Coronavirus (COVID-19): Framework for Decision-Making – Scotland’s Route Map through and out of the crisis</p> <p>Scottish Government (2020e) Excellence and Equity during the COVID-19 Pandemic – a strategic framework for reopening schools, early learning and childcare provision in Scotland</p>		<p>The proposed blended model continues to promote and protect children’s rights to life, survival and development whilst simultaneously promoting and protecting (or without compromising) school staff, parents and household contacts’ right to life and the right to the highest attainable standard of health under international human rights law (see Nolan, 2020a: 32 and Appendix 1). However, the extent to which this proposed education model will sufficiently fulfil, promote and protect children’s rights remains uncertain – particularly given the absence of children and young people’s participation in the development of the re-opening school measures.</p>	<p>As above.</p>

<p>Question 11: In what way(s) will (or does) the measure promote or impede efforts to meet the National Outcomes for Scotland for children? (see https://nationalperformance.gov.scot/national-outcomes) If there are GIRFEC indicators of wellbeing that are directly relevant to your response, please note these here (https://www.gov.scot/policies/girfec/wellbeing-indicators-shanarri/).</p>	
<p>Outline how the measure(s) will or do promote or impede efforts to meet the National Outcomes for Scotland for children</p>	<p>List GIRFEC indicators that are directly relevant</p>
<p>The school closure measures have been introduced to promote efforts to meet the following outcomes:</p> <ul style="list-style-type: none"> • We are healthy and active <p>The measures impede efforts to meet the following outcomes:</p> <ul style="list-style-type: none"> • We grow up loved, safe and respected so that we realise our full potential • We are well educated, skilled and able to contribute to society • We respect, protect and fulfil human rights and live free from discrimination • We are healthy and active 	<p>Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included</p>
<p>We grow up loved, safe and respected so that we realise our full potential</p> <p>For some children, home is neither a safe nor a healthy environment. School closures will therefore potentially increase exposure to harm, neglect and abuse (see Appendices 6 and 7). Children’s views were not taken into consideration in the development of these measures.</p>	<p>Safe, Nurtured, Healthy</p>
<p>We are well educated, skilled and able to contribute to society</p> <p>Many children and young people face barriers to accessing quality education due to school closures. As discussed in Appendix 4, learning at home with a significant reliance on digital tools will exclude many children and young people without internet access and/or access to appropriate devices. In addition,</p>	<p>Achieving, Responsible, Respected, Included</p>

<p>parents/carers without the knowledge, language, literacy or confidence to access relevant educational resources will not be in the position to help children progress with their schoolwork. Children and young people who do not gain experience of social, cultural and vocational activities will be prevented from getting access to employment opportunities and develop socially desirable attributes and skills.</p>	
<p>We respect, protect and fulfil human rights and live free from discrimination</p> <p>Children and young people’s views have not been sought in the development of these measures, a clear violation of their human rights. Children and young people from marginalised/disadvantaged backgrounds may be at risk of discrimination as a result of learning from home measures and changes to examinations/grading.</p>	<p>Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included</p>
<p>We are healthy and active</p> <p>Although school closures have been designed to safeguard public health in the pandemic to curb the spread of the virus, there are concerns that the health and wellbeing of children and young people may be compromised in the short and long term. Increased time spent indoors with limited opportunities to participate in physical activity may impact upon physical health and wellbeing. It is well documented that the measures have negative impacts on the mental health of children and young people in the short term and, likely, in the long term.</p>	<p>Healthy, Active, Safe</p>

STAGE 4: CONCLUSIONS AND RECOMMENDATIONS

Question 12: Please provide a summarised overview of your key findings on the impact of the measure(s) on children and young people’s rights, addressing two aims of the Alternative CRIA:

- **to observe and document children’s human rights issues;**
- **to learn from this both in positive and negative developments**

This Appendix focuses on education, but it is important to note that certain elements of this are developed fully in other Appendices.

Whilst decisions to close schools have been understood to be justifiable in human rights terms in order to protect public health (Nolan, 2020a: 30) and, could be interpreted to have been decisions taken in the ‘best interests’ of the child (UNCRC, Article 3), the impact on children and their rights has been widely variable. Those from marginalised groups and/or who are socio-economically vulnerable have felt disproportionately higher impacts. As Nolan (2020a) observes, “there are serious questions to be asked about whether the Government took adequate steps to ameliorate negative risks that became clear following the closure of schools”. Evidence suggests that the rapid, unprecedented shift from school-based to home learning for the majority of children and young people across Scotland has further revealed and exacerbated pre-existing inequalities both in access to educational provision (**see Appendix 4**), and in the way in which quality learning is understood. The latter is particularly evident for children in the early years, for whom no evidence was available about access to appropriate spaces for learning; and for young people, who are experiencing increasing mental health issues (Müller and Goldenberg, 2020). Specifically, for children and young people who were preparing for final examinations, COVID-19 measures contravened their rights to decision-making as per UNCRC Article 12(2), with a significant lack of available data on the negative impacts felt by this age group.

Crucially, the Committee on the Rights of the Child has emphasised that in order to reach a decision that is in the best interests of a child (Article 3) it is necessary to listen to, and engage with, the views of the child (Article 12). To be clear, “there can be no correct application of Article 3 if the components of Article 12 are not respected [...] one establishes the objective of achieving the best interests of the child and the other provides the methodology for reaching the goal of hearing either the child or the children.” (General Comment No. 12). Across all measures, a significant number of children and young people have been denied their right to participate (UNCRC, Article 12), both because of the lack of opportunity to do so, and the lack

of age-appropriate, accessible consultation methods (Lundy et al, 2019; Together, 2020; Wang et al, 2020; United Nations, 2020; Jindal-Snape, 2012; Wall et al, 2017). Furthermore, as highlighted by the recent report conducted by UCLAN (2020), children's participation is vital for developing resilience – and preventing discrimination – at a time of crisis.

School Closures – Learning at Home

The lack of state-provided or private childcare, combined with isolation from grandparents and/or other family members and friends, has caused mounting pressures on parents and carers having to reconcile home working with their child's education. There may be additional constraints on children with multiple siblings, as parents/carers must split their time to support their different needs, and children from lone parent households (One Parent Families Scotland, 2020). Evidence suggests this may put some children at a significant disadvantage – such as children whose parents or carers have disabilities and/or care experience; limited or no educational qualifications or (digital) literacy skills; for whom (Foley et al, 2018) is an additional language; and/or for those disengaged with school staff prior to school closures. In addition, whilst Education Scotland made resources available to support schools and families with learning at home, there is substantial evidence confirming that children's access to specialist education is mediated by parental background and social capital (Moote, Archer et al, 2020).

Furthermore, evidence indicates that lack of pre-existing digital literacy for children, young people and parents/carers, combined with the lack of equipment and resources – may hinder participation in remote learning, which in turn, compromises the child's right to education. This is discussed in more detail in **Appendix 4**.

Conversely, positive benefits may derive from family learning in the local language and culture. However, for this learning to be legitimised and recognised by formal schooling teachers would need to be supported with appropriate teaching methods aimed at enhancing child-led learning and valuing the resources that are present in the children's home environment (Calabrese-Barton et al, 2020), thus meeting both UNCRC Articles 12 and 13.

Educational Resources & Materials

Children's reflections in The Corona Times journal (Children's Parliament, 2020c, 2020d) indicate that their learning is focused largely on literacy and numeracy with less emphasis on other areas of the curriculum such as science or the arts. This does appear to contradict the resources made available by Education Scotland to support learning at home and raises questions around the opportunities children have to exercise a diverse range of human faculties and talents – academic and vocational – within the context of home learning.

We anticipate such impacts to be worsened for children and young people whose parents lack specific expertise across a wide range of subjects (Archer et al, 2020). Furthermore, we anticipate children living in poverty to be adversely affected due to lacking – or being unable to afford – appropriate materials for learning across the curriculum (Child Poverty Action Group and Children North East (2020). Considering the concerns expressed by parents in relation to supporting children with schoolwork (Connect 2020; Parenting Across Scotland 2020), the impact on children's learning cannot be underestimated.

In Scotland, the recent review of the educational outcomes of Learning for Sustainability (Christie and Higgins, 2020) highlighted the commitment to learning beyond the classroom – within local communities, urban and wild spaces – in order to afford young people the opportunity to grapple with democracy and change by critically engaging in issues that they and their families experience everyday. As schools re-open, teaching should be encouraged in a variety of spaces, beyond the classroom and digital platforms, in order to compensate for inadvertent exclusion of children and young people from the full range of educational opportunities that are available to them (UNCRC Article 29 and UDHR Article 26).

Education Hubs

Although education hubs have been established in some schools for children of key workers and those deemed as vulnerable, emerging evidence suggests that uptake of places at the Hubs is low. At the time of writing, there is little evidence about the success of education hubs for fulfilling children's education rights and this raises concerns around the potential for regressed learning during the pandemic. Furthermore, it is unclear what provisions will be made during the summer school holidays and the support children and young people will be able to access prior to schools re-opening in August.

Health and Wellbeing

Despite the clear interrelated implications, the measures have for children and young people's health and wellbeing education, it is unclear how this is being provided to children and young people during the period of school closures. Although addressed in **Appendix 2**, it is important to highlight concerns that the current curriculum is sufficient in itself to mitigate against mental health concerns or indeed to fulfil obligations which Scottish Government have to protect the mental health of children and young people. Children's mental health and wellbeing includes their emotional, psychological and social wellbeing and affects how they reach developmental milestones, learn healthy social skills, develop sound family and peer relationships, develop a sense of identity and positive self-esteem and learn resilience and coping with stress (Tillmann, 2018; Müller and Goldenberg, 2020).

Although discussed in **Appendix 5**, it is important to highlight that play-based learning has powerful benefits for children's health, wellbeing, relationships and resilience, even more so during times of crisis and trauma. Furthermore, engagement with nature has been proven to act as a protective measure for psychological wellbeing (Piccininni, 2018; Barrable and Booth, 2020). Positive evidence appears to be emerging from the introduction of particular non-contact sports (Marshall et al, 2019; Murray et al, 2019). When used in combination with learning in the local community and in the school grounds, as exemplified by the recent Scottish study on food growing in school gardens (Gray et al, 2019), there are opportunities to meet children's rights to a diversity of physical, cultural, social and intellectual experiences at a time of increased restrictions.

Relationships

We lack evidence on how children and young people have maintained social relationships during the pandemic. What is clear is that in order to realise children's rights, socialisation measures will need to be put in place concerning educational and childcare settings to re-integrate children and young people in their existing social groups and help them develop confidence in reconnecting, and building new, relationships. Positive relationships with peers and other adults are key to successful transitions through education and to positive health and wellbeing (Jindal-Snape & Cantali, 2019; Jindal-Snape et al, 2020) and to reduce social exclusion.

It is important to note, however, that pre-existing evidence would suggest that school closures may positively alleviate some children and young people's experiences of face-to-face bullying, and other forms of school-based violence (Hilppö et al, 2020). This could, in turn, have positive outcomes on some children's educational experiences. However, with increased emphasis placed on digital forms of communication to keep in touch with friends and peers, incidences of cyber-bullying may also increase and be detrimental to a child's capacity to learn. With reduced – and potentially increased demand for – pastoral support available from schools due to closures (**see Appendix 2**), children and young people may face breaches to their rights with regards to accessing the support they require in such situations.

Transitions

School closures, and the proposed blended model for reopening schools, which will continue to have a part-time home learning component, will continue to impact children and young people's experiences of transitions in education. Every child has a right to successful transition, where successful transition is defined as having a sense of belonging towards their school, and that they are happy, engaged, and have good wellbeing and educational outcomes (Jindal-Snape, 2016, 2020; Müller and Goldenberg, 2020). As Jindal-Snape (2020) highlights: "Due to COVID-19 and closure of nurseries and schools, several other

transitions have been triggered. For example, transition to home learning; concerns about family members and friends' health; daily encounters through media about death and dying; lack of physical and social contact with peers (unless through technology), and overall uncertainty about when, or if, they will be able to go back to nursery or school, and what that would look like." Children and young people's multiple transitions – and associated wellbeing cannot be supported unless we understand and support the transitions they trigger for their families and professionals, and vice versa (Jindal-Snape, 2016). Children, young people, parents/carers and educational staff will require ongoing support and at present it is unclear how this will be provided within the context of educational settings.

Children have not been consulted about school closures, cancellation of examinations, and now, re-opening of schools. Their agency and voices have been curtailed despite research highlighting the importance of children's voice in the process of planning and preparation for transitions which will then have an impact on their wellbeing (Jindal-Snape, 2016, 2020). Emerging evidence suggests that adolescents are – and will continue to be – significantly negatively impacted, due to disruptions to examinations, work placements, apprenticeships and vocational training programmes (see, Young Carers, 2020; Scottish Youth Parliament et al, 2020a; Who Cares? Scotland, 2020). Failure to obtain qualifications and/or practical, vocational experience puts adolescents at greater risk of unemployment, underemployment, and / or failed admission to higher education (General Comment No. 20). Recognising the transition, which occurs during adolescence with an emphasis upon the movement from being a child to being an adult, is crucial to ensure that rights reflect reality (Kirk, 2020).

Looking Forward

Looking forward, we anticipate that unless significant steps are taken to increase children's participation on matters affecting their lives (thus meeting UNCRC Article 12), measures proposing a blended model of part-time school-based and home-based learning will not be sufficient to fulfil children and young people's right to access quality education. Children will be impacted differently depending on the different types and incidence of economic, social and cultural disadvantage (UNESCO, 2020).

One final, significant emerging outcome of the COVID-19 pandemic is the widespread acknowledgement that this has shone a harrowing spotlight on human rights violations internationally, and that radical change is required in order to transform the lives of children and young people for generations to come. In addition, this has been coupled with an unprecedented surge in movements and campaigns calling for change - Black Lives Matter, Resilient Scotland (Common Weal), Just Recovery coalition – many of which recognise a significantly revised approach to education as paramount to dismantling systemic inequalities, and realising the human rights of all. This has momentous implications for the realisation of children's rights in

Scotland and presents a clear opportunity to fully implement a children’s rights-based approach within education, which could not be timelier given the current trajectory towards incorporating the UNCRC into Scots Law by the end of this parliamentary term.

Question 13: Based on your key findings what recommendations should be made and to whom should they be addressed?

Summary of recommendation	Body addressed to (for example Scottish Government)
<p>Establish and prioritise opportunities for children and young people’s meaningful participation in decisions being made on, for example, learning at home; transitions at all stages of the education system; the education recovery curriculum; health and wellbeing; grading and assessment; and long-term future of education post-COVID-19 in Scotland. These should be developed in collaboration with children, young people and schools/organisations with pre-established positive relationships with children and young people of different ages/lived experiences to ensure accessibility and accountability. Such forums should be age-specific and include all children in full respect of UNCRC Article 12(1) and (2). Particular attention should be given to the digital participation of children and young people in public fora and investing in resources which can be used to expand provision for multiple language users. This may include video-calls for British Sign Language users as well as interpretation, transcription and translation features for all users. Such actions will be consistent with UNCRC Article 12 and Article 17.</p>	<p>Scottish Government, Education Scotland and LAs.</p>
<p>Allocate sufficient resources to ensure more proactive participatory learning approaches to enable children and young people to fully participate in learning at home. Local Authorities must account for the</p>	<p>Scottish Government, Education Scotland and LAs.</p>

<p>diversity, and inequality, of children and young people's home learning experiences.</p>	
<p>Teachers should be equipped with the tools, skills and knowledge to encourage trauma-informed, relationship and play-based approaches underpinned by a children's human rights framework. Interdisciplinary learning approaches can be adopted to offer optimal learning opportunities at home however further research involving children, young people, parents, carers and education practitioners is required to develop approaches which cater for differently impacted groups of children.</p>	<p>Scottish Government, Education Scotland and LAs.</p>
<p>Establish collaborative partnerships between the General Teaching Council for Scotland (GTCS) and Initial Teacher Education Institutions in Scotland over appropriate training and support for teachers delivering blended learning for all children.</p>	<p>GTCS, Education Scotland, Initial Teacher Education Institutions.</p>
<p>Set out a transformational view of the learning environment beyond the confines of school buildings. For example, by investing in training of other community members and drawing upon the resources and spaces – such as community halls; community gardens; libraries and so on, that are available in the community to enable young people to gain access to appropriate resources and support. Such measures could increase the capacity of the educational system to respond to another crisis or pandemic and will promote new opportunities for all children to develop basic knowledge and skills for life and work.</p>	<p>Scottish Government, GTCS and Education Scotland</p>
<p>To ensure positive transitions, involve children and young people in the planning and preparations for their return to early years and school settings, and specifically for those going onto new contexts.</p>	<p>Scottish Government, Education Scotland and LAs.</p>

Ensure that effective measures are in place for mental health provision for educational settings re-opening in August. This could include, for example, delivering mandatory trauma-informed, mental health first aid training for teachers and recruitment of specialist support in educational settings.	Scottish Government, Education Scotland and LAs.
Ensure young people have access to paid vocational training and work-based placements that are possible with physical distancing and part of economic revival opportunities.	Scottish Government, Skills Development Scotland
Support, and allocate resources towards, community-based, intergenerational learning opportunities to complement the re-opening of schools to support children and young people's learning, socialisation, mental health and wellbeing. Steps can be taken to engage community members, furloughed workers, school leavers, student teachers and young people looking for work experience or employment in the provision of such opportunities.	Scottish Government, Education Scotland and LAs, Skills Development Scotland

Question 14: The COVID-19 response is likely to have several phases, with varying degrees of restrictions, and uncertainty about their removal and possible re-impositions. What (if any) additional concerns about children and young people's rights do you anticipate in the coming phases?	
Potential concerns about children and young people's rights	What recommendations do you have that could mitigate these concerns?
Lack of Participation	Provide interactive, ongoing training and development opportunities to teachers but also parents and carers in methods and approaches to facilitating children's participation building on Lundy et al (2019)'s model of creating space, exercising voice, securing an audience and enacting influence (also see Education Scotland, 2018; Cassidy, 2017), in order to support

	<p>pupils across multiple transition points. Specifically, any impact assessment would need to consider the rights of those children for whom on-line / digital working is not accessible (for example, non-verbal children, children with additional support needs), and consider alternative approaches that are more appropriate to the way children in their early years learn (Williamson et al, 2020).</p>
<p>Mental Health and Wellbeing</p>	<p>As outlined in Question 13, it is essential that teaching professionals be properly equipped to support the mental health of children and young people – in the short and long term – and able to refer children and young people in need of additional support to appropriate, specialist services. This will require ongoing investment in training and development, as well as greater investment in specialist services to ensure support is provided to the child or young person with minimal delay (see Appendix 2).</p> <p>It is also important to build on the evidence of the beneficial impacts of the outdoors on mental health by designing, and adapting existing, educational environments for children that make full use of play-based and outdoor learning opportunities, ranging from sports activities, to arts and literature, citizen science, foraging and food growing opportunities (also see Appendix 5).</p>
<p>Boredom, social isolation and food insecurity</p>	<p>Children may experience barriers to participation in sports or leisure activities – particularly if previously reliant on organised activities through schools/clubs. The summer months will exacerbate the feeling of social isolation and boredom. Investment in publicly funded summer clubs could offer some additional, play-based, relationship-based learning approaches over the summer period. This additional support will help those children in transition to primary and secondary schools with gaining more confidence. In addition, offering educational interventions at this time can help mitigate the effects of under-nourishment for children who are ‘at risk’.</p>
<p>Impact of reduced physical activity on health and wellbeing</p>	<p>The impacts of sedentary lifestyles compounded by excess hours spent on screen on the health and wellbeing of children cannot be under-estimated. Building on evidence of the beneficial impacts of the outdoors and physical activity, it is essential that resources be</p>

	allocated towards creating opportunities for increased physical activity amongst children, young people and their families. This could be introduced via schools and/or engage third parties organisations in the creation of non-contact sporting opportunities for children (and mother and toddlers), such as walking and running clubs; silent discos, golfing, angling and tennis.
Increased barriers to accessing further education and employment opportunities	We anticipate that school leavers may experience significant challenges with regards to accessing higher education or vocational employment. For those young people who are not entitled to benefits or to a furlough scheme, opportunities should be provided to continue with training and/or apprenticeship to enable them to provide for their future.

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