Identifying the ‘voice of the child’:
Desktop review of key documents to inform strategic planning for 2016-2020

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For the Children and Young People’s Commissioner Scotland

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Introduction to the desktop review

The Children and Young People’s Commissioner Scotland (the Commissioner) is drawing up a Strategic Plan that will set out what work the Commissioner will undertake over the four year period 2016-2020. This review is part of a broader information gathering process to inform the Commissioner’s strategic planning priorities and ensure that these priorities reflect the views of children and young people across Scotland.

This review aims to highlight ‘the voice of the child’. It summarises the views of children and young people in Scotland as reported in a selection of recent publications.

Scope of the review

A limited number of key publications were reviewed. To be included in the review, publications had to meet the following criteria:

- Include the views of children and young people aged up to 18 years, or 21 years if care experienced;
- Include the direct views of children and young people;
- Include the views of children and young people living in Scotland; and

Within the selected publications the views of children and young people from a range of backgrounds and experiences have been collected in a variety of ways using both qualitative and quantitative measures. The key methodological features of each publication are summarised in Appendix A.

This is not an exhaustive review. Publications were prioritised for inclusion based on relevance to the Commissioner’s work and how well each publication met the above criteria for inclusion.

In addition, three other review publications are included. These documents each summarise reports on the views and experiences of children and young people within a broader scope than the current review. Notable and complementary findings from these reviews are occasionally referenced. Readers are referred to these publications for further detail.

Structure of the review

The review has been structured with broad reference to the reporting clusters defined by the UN Committee on the Rights of the Child. These clusters are a thematic grouping of articles from the United Nations Convention on the Rights of the Child (UNCRC). This review uses seven of these cluster headings:

1. General measures of implementation
2. General principles
3. Civil rights and freedoms
4. Family environment and alternative care
5. Basic health, disability and welfare
6. Education, leisure and culture
7. Special protection measures

A full list of the reporting clusters and associated articles is included in Appendix B.
1 | General measures of implementation

1.1. Protection of children’s rights

Children and young people say that governments have a responsibility to protect the rights of children and young people.

“They are our future - the Government have a duty to protect our future.”

In a study of minority ethnic children and young people, 89% felt that their rights were respected in Scotland (Currie 2015).

1.2. Awareness of rights

Many children and young people have heard of children’s rights before, however their understanding of these rights is often superficial and many have a limited awareness of the UNCRC (Elsley et al. 2013).

- In a national survey of children and young people, 39% stated they had not heard of the UNCRC prior to the survey (Elsley et al. 2013).
- A survey of minority ethnic children and young people found that 40% had not heard of the UNCRC before taking part in the study, although 93% had heard of rights (Currie 2015). Younger children in this study were more likely to have heard of the UNCRC (89% of 9-15 year old had heard of the UNCRC compared to 36% of 16-18 year olds).²
- None of the young gypsy/traveller participants had heard of the UNCRC, although some had heard of ‘rights’ (Article 12 2015).

Children and young people have limited knowledge of the Children and Young People’s Commissioner Scotland (the Commissioner). 45% of minority ethnic children and young people surveyed had not heard of the Commissioner prior to the survey and few understood his overarching purpose (Currie 2015).

Raising awareness

Having an awareness of their rights could be powerful. A young gypsy/traveller said:

"I have learnt so much about my own rights and I am becoming very confident with myself"³

- Young people in care considered that knowing about their rights might have prevented some of the negative processes they had experienced in the past (Article 12 2015).
- Young offenders felt that learning and knowing their rights is essential to their development (Article 12 2015).

Many children and young people have said they would like further measures taken to educate them about their rights (Elsley et al. 2013).

- In a national survey of 1445 children and young people, over 60% agreed that the Scottish Government should be required by law to make sure that children and young people are aware of the rights given to them by the UNCRC (Currie 2015).
- Young gypsy/travellers recommended that the UNCRC be promoted widely in a format accessible to young people in the gypsy community (Article 12 2015).
- Young offenders wanted better support to understand the UNCRC and what it means while in prison (Article 12 2015).
- School visits by the Commissioner helped to raise awareness of children’s rights and the Commissioner’s role. The minority ethnic children and young people surveyed were not aware of any other rights-awareness raising measures (Currie 2015).

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¹ Scottish Youth Parliament 2015 p.31
² This finding should be interpreted with caution as the sample size of the older age group in this study is significantly smaller than the younger age group. Of 46 participants, only 5 were aged between 16 and 18 years.
³ Article 12 2015 p.87
2 | General principles

2.1. Discrimination

Many children and young people in Scotland report they have experienced discrimination because of their age, sexuality, disability, ethnicity, culture or family situation.

- Some felt young people in general were often discriminated against and stereotyped (Article 12 2015). Many complained that they were stereotyped as troublemakers arguing that adults had ‘forgotten they were young once too’ (CRFR 2015 p.2).

- Young gypsy/travellers report very high levels of discrimination. They are often the victims of hate crimes and racial harassment. Children as young as 10 years old report feeling disliked by members of the settled community (Article 12 2015).

- As well as direct discrimination, children with a disability highlight poverty, the impact of welfare reform and community accessibility as discriminatory factors (Article 12 2015).

- Minority ethnic children and young people report that they regularly experience or witness discrimination along ethnic, religious or cultural lines, including anti-Muslim sentiment and Islamophobia (Currie 2015).

- Lesbian, Gay, Bisexual and Transgender (LGBT) young people say that homophobia, biphobia and transphobia are problems across the country and in their local areas. Transgender young people and LGBT young people living in rural areas were less likely to feel accepted by their community and family. Only 52% of transgender participants thought Scotland was a good place to live for LGBT people. Only 27% of LGBT young people in rural areas felt their local area was a good place to live (Lee et al. 2013).

- Young female carers report experiencing sexism in the form of abusive taunts online, assumptions that they were or should be the main carer in their family and gendered expectations and language used in school by some teachers (Article 12 2015).

- Children in care felt stigmatised or judged by corporate parents and others as ‘one of those bad kids who’ve been put in a home’ (Space Unlimited 2015).

“Sometimes they stereotype us because we are in care and think we are bad”

- A feeling of being judged pervades young people’s experience of youth justice services due to format of the interaction, the way it is conducted and who conducts it (Space Unlimited, 2015).

The stigma faced by groups of children and young people is compounded for some.

- Young carers faced further stigma if they cared for someone with a mental illness. Children and young people living with mental illness in the family may feel they don’t want to speak out because of the stigma and stereotypes associated with mental illness (Article 12 2015).

- Children in care with a disability felt their peers viewed them with further stigma, singling them out as being even more different than their non-disabled looked after peers (Article 12 2015).

Many of these groups report experiencing bullying at school (see section 6.).

Despite experiencing discrimination, minority ethnic children and young people say they do not feel institutionally discriminated against and feel they are protected from discrimination in Scotland (Currie 2015). Similarly, although 88% of LGBT young people though homophobia was a problem in Scotland, and 77% considered it a problem in their local area, 71% agreed that Scotland was a good place to live as a young LGBT person.

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4 45% of those living in rural areas feel accepted by their wider community compared to 69% in urban areas and 52% in suburban areas; For feeling accepted by their family the figures are rural: 56%, urban:75%, suburban:64%). Lee et al. 2013

5 Who cares? Scotland 2014a p.14
“Although there is undoubtable homophobia, at least our government and police forces are on our side and don’t stand for hate crimes. Yes, Scotland could be better, but the fact that our government recognises the LGBT community as part of society is a big step.”

The impact of discrimination

Discrimination can impact on many aspects of children and young people’s lives.

- Children in care report discrimination affects their education, social and family lives (Article 12 2015).
- Young carers said stereotyping had affected their participation, for example particular opportunities in school had been limited under the assumption that the young person might ‘not be able to cope’ because they are a carer (Article 12 2015).
- Young offenders worried they would be discriminated against by potential employers and did not feel they were treated equally when they had to disclose their convictions. They felt the current disclosure system was unfair, particularly if they had served their time for a petty crime (Article 12 2015).
- Young carers also worried that future employers may discriminate against them if they disclosed that they are a carer (Article 12 2015).
- Young gypsy/travellers report difficulty accessing quality healthcare as a result of having no fixed address, and experience of prejudice causing a reluctance to engage with health care professionals. Discrimination also impacts on their willingness to engage with education and creates difficulties gaining employment. Consequently, many hide their ethnicity from employers (Article 12 2015).

“At college I was made to feel worthless. People would snigger and laugh at you and then you think ‘well, what’s the point’”

“I was employed in a clothes shop as a teenager. One day my cousin came in and we were told to watch them because they were ‘gypsies’. I told them that was my cousin they were talking about and a few weeks later I was accused of stealing clothes from the shop.”

Conversely, being accepted by the wider community can have a positive impact. LGBT young people who feel included and accepted by their wider community were significantly more likely to be employed, in education, feel confident reporting a hate crime to the police and less likely to consider themselves to have mental health problems (Lee et al. 2013).

Addressing discrimination

Several groups of young people - including minority ethnic children and young people (Together 2015), young gypsy/travellers (Article 12 2015), and young carers (Article 12 2015) - singled out the media as a primary cause of the discrimination they face.

“The media targets us, there is never anything positive said about travellers and they always stereotype us. It makes people judge us”

To tackle discrimination, children and young people recommended measures to increase societal awareness of different groups.

- More representative reporting of particular groups may help. Young gypsy/travellers recommend more neutral and ethical reporting of gypsy/travellers in the media (Article 12 2015). LGBT young people would like to see improved visibility and representation of LGBT young people (Lee et al. 2013).

“If all sexualities and gender identities were portrayed as normal a little boy for example could come home saying they’re interested in another boy without the need to explain he’s gay”
Education in schools, and community awareness campaigns may help. Young gypsy/travellers recommend that schools include meaningful education about culture, history and contribution of Scottish gypsy travellers have made to Scottish society (Article 12 2015). LGBT young people recommended LGBT inclusive education from a young age (Lee et al. 2013).

“All the wider community needs to become aware of trans issues and educated about gender as a whole, and what that means for both themselves and gender variant people” 11

Young gypsy/travellers also recommended increased training and awareness raising for key professionals such as teachers and health professionals to help build trust and encourage young gypsy/travellers to access health care and education (Article 12 2015).

2.2. Respect for the views of the child

It is important to children and young people that their views and concerns are taken seriously and not trivialised by adults. They want to be meaningfully consulted about decisions that affect them personally. They also want to be consulted about wider social issues that affect other children and young people (Article 12 2015). Not having an opportunity to be heard in the development of policy has previously been raised as a particular issue for vulnerable groups such as disabled children, minority ethnic children and young gypsy/travellers (Together 2015).

In a survey of minority ethnic children and young people, many felt that politicians failed to adequately address issues that affect children in the speeches they deliver or the policies they pursue (Currie 2015).

Young people think it is important that the government listen to their views regarding policy decisions, for example on tackling poverty (Scottish Youth Parliament 2015).

Young gypsy/travellers have said they think it’s important that their community is consulted in local authority decisions (Article 12 2015).

Young people want to be involved in supporting or changing practice in local youth justice services that they have previously accessed (Space Unlimited 2015).

“Children need to be heard. They have amazing ideas” 12

“We are the future. We do not simply become important the moment we can vote, or the moment we become ‘adults’. We are valuable members of society and our say deserves to be heard” 13

“Things would improve if people listened to us” 14

Children and young people want to be actively involved in addressing problems, finding solutions and generating positive change. If they make a complaint they don’t want to feel that the matter will be completely taken out of their hands (Children’s Parliament 2015).

Children and young people report mixed experiences of being consulted or listened to.

Some children and young people in care (Article 12 2015), young care leavers (Together 2015), young people with a disability (Together 2015), young carers (Article 12 2015) and young offenders (Space Unlimited 2015) have reported feeling that their views are not consistently sought, listened to or taken seriously.

Young people have expressed frustration at being kept out of the decision making process when they have made a complaint (Article 12 2015).

“They [the adults] usually make decisions without asking us – we get told later” 15

Minority ethnic children and young people reported that parents (75%) and teachers

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11 Lee et al. 2013 p.21
12 Currie 2015 p.26
13 Scottish Youth Parliament 2015 p.32
14 Article 12 2015 p.87
15 Children’s Parliament 2015 p.18
(70%) usually or always sought their opinion on decisions that affect them. However, many said that politicians do not generally seek their views on policies that affect them (Currie 2015).

- Young people in care report feeling dissatisfied with how they are informed and involved in decisions that have affected their life in the care system (Article 12 2015).
- Young disabled people felt that their options were often limited by well-meaning but over protective parents and services who decided what they perceived was in their ‘best interests’. Young disabled people spoke about their need to participate, to take risks and to be trusted in the decision they choose to make about beliefs, relationships or activities (Article 12 2015).
- In one study with young disabled people some expressed the view that they were often only asked about issues which adults consider important, rather than issues that matter to them (Stalker et al. 2013).

“Having a say is important for young disabled people in order for us to make our own decisions. Sometimes parents wrap you up in cotton wool to protect you from the outside world. It is important that you have choices in your beliefs, religion and all matters which affect your lives” 16

- Young carers said people at school often made decisions for them without asking them what would help. Participants spoke of feeling put down at school in relation to assumptions made about their commitment, ability to cope and academic ability (Article 12 2015).
- Some young people resented that adults did not consult them about why they socialised in certain areas or did not want to socialise in others. Instead they were moved on to places that the adults considered more appropriate for young people such as parks or youth clubs (CRFR 2015).

When young people are consulted it is important to them that the information they provide is seen to be influencing change.

- Young people involved with youth justice services often feel ‘over-consulted’ (Space Unlimited 2015).

“Look, is this actually going anywhere? That’s what’s important to me. Are people going to listen to us and change stuff as a result...otherwise why bother wasting our time talking about it all again?” 17

Supporting children and young people to be heard

Children and young people have emphasised that having the support of people that they know and trust is important to ensuring children and young people are listened to (Children’s Parliament 2015).

- Young people have reported that inconsistent advocacy provision is a particular obstacle to their effective participation in decisions (Together 2015), and is a factor in deciding whether or not to pursue a complaint (Children’s Parliament 2015). Young people were more likely to raise a complaint if they knew the adult they were taking their complaint to (Children’s Parliament 2015).
- When attending Children’s Hearings, children and young people speak of the anxiety caused by not knowing who the panel members are and the difficulty of recounting their sometimes traumatic past experiences to strangers (Who Cares? Scotland 2014a).
- Children feel their peers are more likely to understand them and take complaints seriously (Children’s Parliament 2015). Young people with experience of the justice system suggested that peer support initiatives could help young people to raise issues and influence change while in detention (Article 12 2015). In their interactions with Throughcare and other services, peer support could guide them...
through what to expect, what they shouldn’t put up with, and where else they can get support (Space Unlimited 2015).

Children and young people may not know how to voice their opinion on issues that are important to them, and may need support and encouragement to do so.

- Children and young people do not always know who to complain to or how to complain. Ideally they would like a range of choices about where to take their complaints (Children’s Parliament 2015).
- A group of young people from one housing estate were angry that they had not been consulted about regeneration in their area. They said they did not know how to voice their opinion, nor did they want to (CRFR 2015).
- Children in care reported there were times they felt that what they said was dismissed as ‘cheek’ when in reality they were trying to articulate something which was important to them but did not know how to express themselves (Article 12 2015).

Being able to have a say in the decision and issues that are important to them can have a positive impact on a child or young person’s wellbeing.

“It helps boost our confidence in life”

The opposite also appears to be true. Children and young people who felt their views were not consistently heard or had difficulty raising their concerns said this generated feelings of powerlessness (Together 2015), resentment towards professionals (Who Cares? Scotland 2014a), and diminished confidence (Children’s Parliament 2015).

**Children’s hearing system**

There are mixed opinions about how well the Children’s Hearing System supports children and young people to be heard.

Many report having a negative experience.

- Some children and young people reported feeling judged, ignored, not listened to, barely addressed when in the room, feeling excluded from the process and not understanding it (Space Unlimited 2015).
- Some have said they found the process stressful and that it felt more like a punishment than a process that was looking out for their wellbeing (Who Cares? Scotland 2014a).

“I was at hearings from the age of 7 and refused to go any more because I found the environment horrible and invasive.”

- Having to attend hearings during school hours caused frustration for some. They found it difficult to focus at school if they had been at a hearing that day (Who Cares? Scotland 2014a).

Others report a more positive experience. One survey found that 68% of young people had felt they were the most important person at their last hearing. 73% had given their views at their hearing and of these, 88% said they felt listened to (Kurlus and Henderson 2015).

An ‘all about me’ form should be sent to all children and young people to provide panel members with the young persons views on different aspects of their lives. The results of one survey suggest this form is more appropriate for a younger age group. 56% of surveyed children aged 7-11 had completed their ‘all about me’ form and all of these said it helped them to prepare for their hearing. Conversely, only 28% of young people aged 12-18 had completed their form and of these only 56% said it had helped them to prepare for their hearing (Kurlus and Henderson 2015).

CYP have also said…

- Children and young people have been involved in recent policy developments. Children with experience of the care system have led a successful campaign which succeeded in increasing the care leaving age for young people and widening the eligibility criteria to Aftercare services (Together 2015)

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18 Children’s Parliament 2015 p.8

19 Who Cares? Scotland 2014c p8
3 | Civil rights and freedoms

3.1. Freedom of association

Several groups of children and young people, particularly those from minority groups or disadvantaged areas, have spoken about fear preventing them from accessing community spaces.

- Young minority ethnic women reported occasional feelings of fear at going outside particularly after dark and when alone.
  
  “…whenever you go out you get really horrible stares…you can’t call it direct discrimination. It’s just that feeling you’re being stared at.”

- In some areas, young people reported that gangs were an issue and prevented them from accessing public spaces (Article 12 2015).

- Some young people from a disadvantaged area spoke about avoiding public spaces because of a fear of victimisation, particularly racial harassment.
  
  “I was scared. Just walking about basically. I didn’t trust it, I didn’t like going outside our flat even.”

- Many LGBT young people report feeling that there are not enough spaces where they can safely socialise without fear of victimisation. This is particularly true for young gay women (39%) and young LGBT people from rural areas (35%) (Lee et al. 2013).

- A fear of violence and being frightened to go out has risen among 11-16 year olds (Together 2015).

Young people reported that they often faced fear or negative judgement from older generations when they associated in public spaces (Article 12 2015). This was seen as a particular issue for more disadvantaged areas. Some young people in these areas report a high level of policing of anti-social behaviour.

Some said that they have been banned from some public spaces and local shops (Article 12 2015) or moved on when engaged in activities that they considered social, such as chatting, cycling or playing ball games (CRFR 2015).

Children and young people raised concerns over the high use of ‘stop and search’ by police in their area. Some reported being stopped and searched repeatedly throughout the day. This practice was seen as unfair and unnecessary. Young people were concerned about their peers’ general lack of awareness about the right to refuse and the implications for refusal (Space Unlimited 2015).

Having spaces to safely associate with their peers was considered very important to young people’s wellbeing. For example, LGBT young people highlighted the importance of being able to socialise in an explicitly LGBT inclusive environment where they did not have to worry about what others thought. They said that such positive community involvement could make it easier for young people to come out, help them to deal with the discrimination faced by the LGBT community, and help them to feel more accepted. LGBT young people who attended an LGBT youth group were more likely to feel included and accepted by the community and to feel happy with their life as an LGBT young person (Lee et al. 2013)

“They accept me fully and support me with my gender identity issues. We all share our experiences so that we know we aren’t alone with our problems. We also share positive moments and personal milestones, which lift our spirit.”

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20 Currie 2015 p.14
21 CRFR 2015 p.3
22 Lee et al. 2013 p.20
CYP have also said…
- Children report feeling significantly restricted and disempowered by dispersal powers, including orders which disperse groups of two or more from designated public spaces. (Elsley et al. 2013)
- There have been strong calls from children to ban the use of mosquito devices (Together 2015).
- Children see punitive tools, such as ASBOs as an ineffective deterrent and would like to be able to talk and interact with police in non-punitive ways (Together 2015).

3.2. Right to privacy

Children have raised concerns that over-sharing of information can lead to a violation of their right to privacy (Together 2015) particularly in relation to health and advocacy (Elsley et al. 2013).

Access to social media

Social media is a big part of many children and young people’s lives. They value their access to social media and their online privacy.

- Young carers report that social networks provide support, freedom, privacy and space away from adults and their caring duties (Article 12 2015).
- Young disabled people spoke about the importance of social media for socialising with friends (Stalker et al. 2013).
- Some young people in care, including those in residential (Article 12 2015) and foster care (Elsley et al. 2013), raised the issue of privacy rights with regard to adults blocking or limiting their access to social media sites or monitoring their use of these sites.

Children and young people want to feel trusted with regard to their use of social media. They recognise there are dangers (Article 12 2015) and are familiar with messages about online safety (Elsley et al. 2013). They want to learn how to use technology safely but can be reluctant when they experience it negatively such as cyber bullying and when adults focus on the risks such as being approached by strangers (Together 2015).

CYP have also said…
- The right to privacy and to confidential space is important to children (Together 2015).

3.3. Freedom of religion, thought, conscience

Freedom of religion

In a survey of minority ethnic children and young people there was general agreement that all the necessary provisions are in place to allow people to follow their own faith in Scotland. However many also acknowledged that they and people they know regularly face discrimination along religious lines, for example facing harassment as a result of wearing religious dress (Currie 2015). Young people have also raised concerns about the particular targeting of the Muslim community (Together 2015). Some young Muslims felt that they and others in their community were regularly asked to answer for the actions of a minority of extremists.

“Whenever a Muslim does a terrorist attack, it affects all the Muslims in the world…I feel very discriminated against” 23

CYP have also said…
- They have concerns about sectarianism in Scotland (Elsley et al. 2013).

Voting

Children and young people generally welcomed the extension of voting rights to 16 and 17 year olds in the Scottish Independence referendum and the Scottish General Elections (Together 2015).

- Minority ethnic young people reported that they were excited about voting in the General Election and expressed support for lowering the voting age to 16 in all UK elections (Currie 2015).

23 Currie 2015 p.15
4 | Family environment and alternative care

4.1. Parental guidance and support

Children and young people consider their parents and carers to be role models, an important source of information about rights, and an influence on their attitudes (Elsley et al. 2013). They feel that having protective and supportive parents played an important role in making them feel safe and happy (Together 2015). One survey of children and young people found that 81% of participants felt that a supportive family was needed to be successful in life (Elsley 2014).

“I put a good relationship with people in, like your house… your Mum and Dad, like, if you’ve not got one then you’re not going to do well at school because you don’t want to go home, so like it’ll be worse for you.”

Minority and ethnic children and young people reported a generally positive experience at home (Currie 2015).

▪ They felt parents were generally considerate of their feelings and opinions, and always or usually consulted children on decisions that affect them, both day to day matters as well as larger decisions such as moving home or school.

▪ Older participants thought their opinions on big decisions do not necessarily influence the outcome but that they don’t always have the wisdom necessary to make these decisions anyway.

4.2. Young carers

In a study by the Scottish Youth Parliament, young carers spoke about the impact of their caring duties on other aspects of their life (Scottish Youth Parliament 2014).

Finances are a significant concern for many young carers. 74% of respondents reported feeling anxiety or stress due to their financial situation. Those in further and higher education report that concerns about money affects their ability to study.

▪ Some report that their current bursaries are insufficient, forcing them to take on work alongside their caring duties and education.

▪ Others report finding it difficult to pay for transport to and from university or college. This can be a significant factor in where they decide to study, and sometimes limits their ability to attend class.

▪ Of the young carers surveyed who were receiving Education Maintenance Allowance (EMA) 46% said they had lost a payment due to being absent because of caring. EMA payments were often spent on supporting the basic needs of their family.

▪ Some young carers were frustrated that they lost Carer’s Allowance if they entered full time education. The financial strain that results from the removal of this allowance was a factor in some choosing to leave, or not to pursue, full time education.

“It has been hard with my school moving campus to organise transport when the council said I am not entitled to receive a free bus pass… Others in my situation are able to get dropped off at school by their parents, whereas I can’t.”

Young carers have reported that it can be difficult to balance their caring duties with their education. Many felt it was difficult to do well in their education when managing caring duties at home. They reported that their caring duties caused them to be distracted, tired, late to school, to miss classes, and left them less time to study.

25 Scottish Youth Parliament 2014 p.16

24 Elsley 2014 p.12
“Caring mainly affects my homework and getting it in on time, but it can affect getting to school on time if I have to help my mum get ready in the morning…”

Young carers reported that caring duties left them limited time for employment or training opportunities. Some reported that it was difficult to maintain a full time job, or to take advantage of opportunities that could help them with future employment such as internships, extra curricular activities and additional classes. Those looking for work found it difficult to fulfil the requirements for Jobseekers Allowance, run the household and provide care.

“I attended work or placements, then I was kicked out due to attendance being poor.”

- On a positive note, 73% of all participants believed they have more opportunities available for example from young carers’ groups or skills learned through caring. Several had been inspired to enter medical or caring professions as a result of their role.

Young carers also report that their caring duties impact on their social life. They worry about having enough money to socialise and many spoke about sacrificing time with friends or time to themselves to manage their caring duties. Some report feeling isolated and lacking friends their own age as a result.

“...I never get a break because I am juggling my work and looking after my mum when I get home from work. Sometimes I feel like I have no space just for me.”

“...I feel I have had to grow up a lot quicker than others my age. I feel I missed out on being a child.”

Young carers said they wanted more financial, emotional and practical support.

- More than half surveyed said their family did not receive enough financial support.

- Awards, bursaries, loans and additional funding for being a young carer were considered important for young carers to be able to afford to attend college or university.

- Young carers in full time work said they would like more flexible jobs programme that takes their caring responsibilities into account.

- 38% of young carers surveyed said they do not feel well supported. They reported that support from school, college and university was sometimes inconsistent or non-existent.

- Young carers feel that their role and the impact of caring on their lives is not well understood by their peers or teachers. Additionally, some do not disclose their caring status to their school, education institution or employer. Awareness raising efforts may support young people to identify themselves and improve the support they receive.

- Young adult carers said they needed greater support during the transition from school to college or university.

“I need more support from doctors, social services and school. My mother needs expert full-time care, not care from her daughter.”

- Several young carers said they enjoyed participating in their local young carers’ group and meeting other young carers – these groups gave them space to be themselves and speak to people who understood them.

4.3. Children and young people in care

“Young people in care shouldn’t be treated any differently”

Looked after children have highlighted a number of issues that affect their lives including stigma, isolation and exclusion, the need to be listened to and how strong relationships can help to provide the support and information they need to resolve problems and concerns (Together 2015).

26 Scottish Youth Parliament 2014 p.15
27 Scottish Youth Parliament 2014 p.35
28 Scottish Youth Parliament 2014 p.25
29 Scottish Youth Parliament 2014 p.26
30 Scottish Youth Parliament 2014 p.28
31 Article 12 2015 p.54
Many believe they have been criticised, judged and wrongly blamed for their circumstances (Article 12 2015).

Young people reported general feelings of mistrust and negative judgement from adults because of their ‘looked after’ status (Article 12 2015).

They recommended that media, TV shows and music should be used to educate people and dispel negative myths and stereotypes.

The need for support into early adulthood was a prominent theme.

Contact with family and friends

Children and young people in care said they want to be able to continue relationships with other children and adults who are important to them (Together 2015), such as foster siblings or staff, when they move placements (Who Cares? Scotland 2014b).

They reported that they want to be placed near their families as frequent moves had a negative impact on their sense of belonging. Some said it could be tiring to travel distances to visit family and that contact was much easier and more enjoyable if they were accommodated within their local community (Who Cares? Scotland 2014b).

They highlight that good quality contact with those who are important to them outside of the care system instils a sense of normality and was essential to their wellbeing.

Some young people reported facing difficulties in securing regular contact with siblings or those not viewed as immediate family. For example, they felt that having a separate children’s hearing from their sibling hindered progress in establishing sibling contact, and that ‘no contact’ decisions could have a serious negative impact on their relationship.

“I feel like it should be our choice if we should have family around us no matter what our situations are.” 32

“They’re still my family, and once I leave here (the care system) they might be all I have.” 33

How and where contact occurs is important (Who Cares? Scotland 2014b).

Some young people said that the frustration they sometimes feel about supervised contact with their birth parents was eased when their social worker discussed the reasons for supervised contact.

Supervised contact in the community could cause embarrassment and strengthen the stigma that young people in care face and feel.

“It was obvious to everyone we were with someone from social work.” 34

In one survey, all young people reported that contact was best when it occurred in a neutral venue in the community or a family member’s home. All felt that contact in social work offices or similar had a negative impact on the quality of contact.

Young people felt telephone contact with immediate family should be an automatic entitlement. They felt it helped to rebuild broken relationships and helped to prepare for face-to-face meetings.

Young people valued privacy during phone calls. If calls were monitored or they thought they might be, they reported that it negatively affected the phone conversation.

Having positive relationships with staff and carers was important to young people in helping them to feel supported to have positive experience of contact.

When young people had a different view of how well supervised contact had gone to the supervisor, they often felt decision makers did not acknowledge their views (Who Cares? Scotland 2014b).

“All families and friends fall out, but when I tell them they want to interfere too much. I just want people to talk to, not change everything straight way…when it’s good, nobody says let’s do more of this quickly.” 35

Generally young people felt that decisions relating to contact should be reviewed often as

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32 Article 12 2015 p55
33 Who Cares 2014b p.9
34 Who Cares 2014b p.5
35 Who Cares 2014b p.10
relationships can change on a daily basis (Who Cares? Scotland 2014b).

Residential care

Young people in residential care generally reported feeling safe and cared for.

- They would like more support and to be involved in planning for their placement moves, preparing to leave care and after they had left care (Together 2015).
- They reported that living in rural areas affected their choices and opportunities with respect to transport, leisure, accessing local amenities and spending time with friends. Many felt reliant on staff to take them places, said that they did not get to see their friends enough. Some had moved considerable distance away from old community making it harder to keep in contact. They recommended more funding to help those in care living rurally to access service and have same experiences as their peers (Article 12 2015).
- Young people in residential care said it was important that they have their own possessions and a say in how their room was decorated. Choosing how to spend their money also helps to give them a sense of their own self (Article 12 2015).

CYP have also said...

- There is poor quality food in residential care and they wanted to be more involved in discussions and decisions about food issues (Elsley et al. 2013).
- Young people thought there were too many rules which could impact on relationships and taking part in activities (Elsley et al. 2013).

Kinship care

Children in kinship care have highlighted a wide range of support structures that would help them including emotional support, practical support with family contact, support with school work and access to other support services and opportunities to enjoy leisure facilities. Children 1st collected the views of 177 children between the ages of 5 and 11 who were in kinship care (Children 1st 2014).

- The majority of young people were looked after by their grandparents.

- 33% would like further support to help them with their feelings about living away from their parents.
- 30% indicated that talking and spending time with a fun new group would be welcome.

“I would like to go swimming or football clubs but my gran is not always able to take me due to illness, so I miss out. I would like if someone could take me and my gran would get a break too while I am there.” 36

- Some comments highlighted concern for older family members caring for them.

“My granny is fun sometimes but she is not young anymore I worry about her and money is tight.” 37

- Other comments suggest a need for help and support for children dealing with the emotional fallout of living apart from their parents and family members.

“I would like to see my dad. He knows where I stay but he doesn’t come.” 38

CYP have also said...

- There are generally positive about experiences in kinship care. The move to kinship care is made easier by knowing their new carers, a gradual move, not moving far and not having to change schools. Challenges including adapting to new parenting approaches, concerns about the health of older carers, and missing contact with extended family (Elsley et al. 2013).

Permanence

When a young person is removed from the family home, permanency planning seeks to return them home as soon as possible, or when that is not possible, to find another permanent placement such as adoption, foster care, residential units or kinship care.

Who Cares? Scotland spoke to 15 care experienced young people about their

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36 Children 1st 2014 p.11
37 Children 1st 2014 p.12
38 Children 1st 2014 p.12
understanding and experience of permanence (Who Cares? Scotland 2014c).

- The majority of participants linked the term permanence to feelings of belonging and consistency of accommodation. However, those who had had a negative experience of permanency planning or multiple placement moves emphasised that even with good permanency planning, future security cannot be guaranteed.

- Young people recommend that the explanation of permanency must take a multiagency approach and involve people the young person has a relationship with.

- It was important to them that professionals were realistic and honest with them throughout planning.

  “People tend to promise good things because they want the best but if promises are made but the promises can’t be fulfilled, young people feel hopeless and upset.” 39

- Multiple placement moves can have a negative impact on an individual’s identity, creating a lack of belonging and inability to identify ‘home’. Young people spoke about this impacting on their future.

  “I always had a bag permanently pack so I was always just ready to go” 40

Young people said that permanence can work best if birth families are in agreement with the decision. This means the young person is generally better placed to embrace their placement.

- Several spoke about being worried about how permanence with another family could impact on their birth family.

- Siblings need to be supported to understand permanency decision to avoid instilling feelings of rejection and worthlessness. One person said a better understanding of the decision making process would have better enabled her to support her siblings placement.

“When my brother got permanence plans and I didn’t, I felt like the black sheep of the family” 41

Young people felt the plans that worked best were those formalised within a year. Plans that took longer often ended negatively.

Leaving care

Young care leavers identify the need for better access to financial and practical resources and emotional support (Together 2015).

There were mixed responses from young people when asked when they would like to leave care – some said 18, others 21, many said it doesn’t matter as long as they feel ready (Who Cares? Scotland 2014a).

- 45% said they would not feel ready to live alone straight from care. 45% wanted to live in the same local authority. 33% hadn’t thought about what area.

- Young people aged 14-19 years who were still looked after often hadn’t thought about their future after care. Young people who were no longer looked after believed that we must recognise the importance of having these conversations early and often.

- Relationships with trusted adult professionals can be key to positive transitions out of care – particularly someone who can support a young person to recognise when they are ready to venture into independent living or next step towards it.

- Almost 90% of care leavers who had chosen to leave care between the age of 16 and 21 would like the option to return to care again if they need to.

CYP have also said...

- Care leavers report feeling isolated, alone and uncertain about their future. The vast majority felt negative when leaving care. Having someone to listen to them or help them made them feel more included (Elsley et al. 2013).

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39 Who Cares? Scotland 2014c p.5
40 Who Cares? Scotland 2014c p.6
41 Who Cares? Scotland 2014c p.7
5.1. Access to health services

Children from vulnerable groups continue to face barriers in accessing and using health services.

- 45% of LGBT young people reported that they did not feel safe and supported by the NHS, and that there was inadequate mental health support for LGBT children and young people (Together 2015).

- A few minority ethnic children related experiences of feeling that their GP was not listening to them or taking them seriously, however generally this group were positive about their experiences accessing health services (Currie 2015).

- Young carers highlighted inequalities within their families’ access to good quality healthcare. They felt more needed to be done to support those affected by mental ill health, including their families and young carers. Services which allow young carers respite from caring duties are valued and regarded as vitally important to the young carers own mental and physical wellbeing (Article 12 2015).

- Young gypsy/traveller people can find it difficult to access good health care. Participants recommended more flexible healthcare for the Gypsy traveller community and increased training for health care professionals to build trust and encourage young gypsy travellers to access decent medical care (Article 12 2015).

- Young people have called for increased family planning services within education including free contraception and child care workshops (Together 2015).

- Young people are often concerned, embarrassed or worried about visiting their GP particularly in relation to discussing sexual health. They talk about having positive experiences with health professionals who are patient, respectful, understanding and take time to listen (Together 2015).

5.2. Children with disabilities

Children with disabilities spoke about a lack of meaningful involvement in service planning and decision-making. They do not always feel they are supported to fully enjoy their rights.

- Young people from Glasgow Disability Alliance believe that due to the additional issues they face, the UNCRC should go beyond the age of 18 for young disabled people and call for it to protect them up to the age of 25 (Article 12 2015).

- They complained about having to wait a long time for essentials such as equipment, suitable housing and adaptations to their living environment. Personal assistants and equipment were essential for enabling choice, freedom and independence and living ordinary lives (Article 12 2015).

  “Assistance should be available so you can go out wherever and whenever you want. It is important so you can meet new people and access places”

- Young disabled people were disappointed with the lack of available support, provision and choice for themselves and their families as they moved from child to adult services (Article 12 2015).

- Young disabled people’s fulfilment of rights and opportunities were often limited due to the localities they lived in. The physical environment of the local community could be a barrier for those with mobility issues (Article 12 2015).

- The cost of activities and transport is high and young people felt that mainstream services did little to assist participation – the financial support needs of disabled people are often overlooked (Article 12 2015).

- Good transport is very important to young disabled people. They raised issues including getting on and off public transport, the accessibility and availability of transport, and the quality of roads and pavements (Article 12 2015).

- Young people recommended that the disabled population be adequately represented when building new developments including consideration of

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42 Article 12 2015 p.16
pavements, access to cash machines and play parks (Article 12 2015).

- Many young disabled people had negative experiences of education. Transitions were a key concern. They spoke of having to go to a different special high school from their primary school friends. Many experienced bullying and felt they had to fight for their needs to be met (Article 12 2015). The accessibility of information, support and guidance around post-school transitions has been found to be particularly inconsistent and challenging to navigate by young deaf people (Together 2015).

- Young disabled people have raised the need for more information about moving from school to college, university or work and concerns about insufficient careers advice (Stalker et al. 2013).

- Young disabled people expressed overall satisfaction with the support provided at school. They said it was important that learning assistants get the balance between providing support but avoiding intrusion in young people lives (Stalker et al. 2013).

- The majority had experience of receiving a service that was discontinued. A few reported that services that they had found helpful and would like to have continued had been withdrawn. This was often a decision made by other people (Stalker et al. 2013).

- Young disabled people spoke positively about social groups they attended. However they spent most of their leisure time with family and friends (Stalker et al. 2013).

CYP have also said...

- Disabled children continue to face multiple violations to their rights, including not feeling listened to and a lack of information regarding the reasons for decisions that affect them (Together 2015).

- They repeatedly identify the importance of establishing and building friendships and socialising and yet insufficient personal support and lack of autonomy from their parents can often prevent them from doing do. They have called for steps to be taken that would allow them in increase their independence and build friendships (Together 2015).

5.3. Standard of living

Children and young people living in disadvantaged areas of Scotland talked about physical deterioration such as litter, graffiti, vandalism and derelict spaces or buildings.

- They identified several ‘empty’ or ‘dead’ spaces including local playing fields and shared gardens that served little function.

- They were aware of the stigma placed on their neighbourhood and the people in their neighbourhood by people outside of this area.

“They think, ‘oh it is junkies in here, drinkers in there, alcoholics. Just generally tramps and all that’.” 43

- Physical and social disorder had become part of everyday life for some people.

“It’s just life, you see it aw the time” 44

Young gypsy/travellers also reported issues around their living environment, including high electricity rates, poor energy efficient heating and going without basic necessities such as heat. They reported that being forced to leave traveller sites leaving forced more children and young people into roadside encampments. They reported that unsanitary and unsafe site conditions sometimes resulted in illness.

“Our rubbish doesn’t get lifted often enough and we can get rat problems on site.” 45

“Our sites are very far away from everything: swimming pools, school (we don’t get transport provided anymore), cinemas, shops and places to eat.” 46

“We would like a better park to play in on site, the one we have is rusty and dangerous because you slip.” 47

Child poverty

A survey by the Scottish Youth Parliament asked young people for their views on poverty, it’s impact and how to tackle it (Scottish Youth Parliament 2015).

43 CRFR 2015 p.2
44 CRFR 2015 p.2
45 Article 12 2015 p.82
46 Article 12 2015 p.82
47 Article 12 2015 p.82
There was a strong consensus that poverty can affect people from all backgrounds.

42% felt young people and families are in poverty because of things they cannot always control such as low wages, unstable income, disability or illness. —and 47% thought because of both these things.

11% thought families may be in poverty because of the choices they make such as irresponsible spending, drug and alcohol misuse, and having a large family.

Young people were asked about the causes of poverty. Overall, participants believe it largely to be economic or choice based and were less likely to recognise relationship or demographic causes.

Young people thought people living in poverty would be more likely to experience anxiety, isolation, being bullied or feeling discriminated against (Scottish Youth Parliament 2015).

“Well I think if all of your friends or people you know go to the after school clubs, school trips, that kind of isolates you from them. You're singled out, you're not with them, just a spare person.”

Children and young people strongly believe that their views need to be listened to when governments are trying to tackle poverty (Scottish Youth Parliament 2015).

68% thought governments were not spending enough money tackling poverty.

They were concerned about benefit sanctions, zero hour contracts, low wages, food banks and the stigma surrounding poverty (Scottish Youth Parliament 2015).

“Governments claim to spend millions of pounds on poverty campaigns across Scotland and the UK but personally I have seen no improvement and rates of child poverty are steadily increasing.”

Some said they were not aware of anti-poverty measures taken by governments or how effective they have been.

“I don’t know where to find information about how the government spent money.”

“I have heard about a thing called a child poverty strategy but I don’t know if it is working”

5.4. Support services

Young people express mixed relationships with professionals from support services.

They say that some social workers are highly attentive and caring, making sure the young person is well informed and supported, while some experienced virtually no relationship at all with them or a negative one. In these cases the social worker was not approachable or was perceived not to care (Space Unlimited 2015).

Young people who had worked with throughcare justice teams had nothing but praise for them. They felt the adults went above and beyond their professional commitments and often maintained long-term relationships with the young person even after they had moved on from being direct service users (Space Unlimited 2015).

Young people described feeling lost and unsupported by all those they came into contact with during the court process (Space Unlimited 2015).

With regard to legal services, the biggest issue was that the professional ‘doesn’t know you, doesn’t care and usually has only just met you for five minutes’ was representing them. Young people question the set up and timing of these services and how much effort is invested in the relationship (Space Unlimited 2015).

Third sector organisations received consistently high praise. Young people had a sense that their relationship with third sector professionals was genuine and meaningful. They reported that people stuck with the young people through hard times and good, questioned and challenged behaviours, but didn’t judge actions and believed in the young person’s potential and future (Space Unlimited 2015).
6 | Education, leisure and culture

6.1. Education

Recent studies have found that children and young people are often positive about school and education (Elsley 2014).

- Minority and ethnic children and young people reported a generally positive experience in schools. 39% of minority and ethnic children and young people though the right to education was the most important listed in the UNCRC. The majority enjoyed attending school, enjoyed their subjects and had a positive relationship with teachers (Currie 2015).
- Another survey found that 88% of children and young people felt an education was needed to be successful in life and 75% felt education could provide a route out of poverty (Elsley 2014).
- Looked after children felt that attending regular, consistent education placements can provide stability (Who Cares? Scotland 2014c).

Young people felt that individual skills, teachers, and a supportive home environment contributed to success at school.

- Young people felt that individual skills and qualities contribute to doing well at school, including confidence, positivity and commitment, working hard, studying and getting qualifications (Elsley 2014).

“If you have confidence in yourself it means you’ll do better because you will try harder.”

- Young people felt that teachers had a role in helping individuals who were experiencing challenges in and out of school, and were considered a significant influence on young people’s learning (Elsley 2014).
- Many felt that a supportive home environment was essential to their education. The support of parents gave them confidence and pushed them to do the best they can do. Some parents may work long hours or night shifts meaning a parent may be absent and this could put stresses and strains on home life (Elsley 2014).

“I think support’s really important because if your family is not supportive it’ll make you feel less loved and less confident and just make you feel really, really bad”.53

Many young people feel that growing up in a family that does not have a lot of money does not make a difference to how well a young person does at school (Elsley 2014). However, children and young people have also reported that living in poverty creates challenges at school and can affect their learning and opportunities (CPAG 2015).

- Children and young people identified school uniform as a significant household cost. Nonetheless, many young people agree school uniform was a good idea. Uniforms removed the pressure of having to wear different clothes everyday (CPAG 2015). Some young people saw uniforms as equalisers (Elsley 2014), while others said other differences such as bags, shoes and the condition of clothing are still noticeable and may indicate how much money someone has (CPAG 2015).

- Having the basic tools for school work such as pens, rulers, jotters and calculators are considered essential to doing well at school (Elsley 2014). Some young people spoke about sanctions for not having these essential items at school (Elsley 2014; CPAG 2015) or if have been unable to complete homework tasks because they do not have the right resources (CPAG 2015).

53 Elsley 2014 p.18

52 Elsley 2014 p.12
“When people say, ‘I’ve not got a pen the noo’ he’s like, ‘Oh, why don’t you buy one?’ But it might be down to personal finances. And they don’t realise that because they’re teachers and on a high wage.”

- Children and young people reported different expectations around online homework – while some teachers make it clear that homework does not have to be completed on a computer others expect children to have online access (CPAG 2015).
- Young people raised some concerns about additional costs for specific subjects (Elsley 2014; CPAG 2015).
- School trips and special days or activities at school were also mentioned as an additional cost. 71% of survey participants felt that growing up in a family without a lot of money made a difference to how many school trips they could go on (Elsley 2014). Not being able to afford to go on school trips can cause embarrassment and disappointment.

“I’m not angry at my mum because she’s just had a baby and has three kids but it’s pressure for the kids and pressure for the parents because my mum felt guilty that I couldn’t go...Why do we have costly trips them? I mean I know they’re more fun maybe but it puts people under pressure and it makes people embarrassed and disappointed if they can’t go.”

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CYP have also said...

- When supporting children at risk of exclusion, practitioners should look beyond challenging behaviour to try and understand the contributing factors (Together 2015).

6.2. Bullying

Experience or awareness of bullying, harassment and threats at school have been reported by various groups of children and young people.

- Many children in care spoke of being bullied, particularly in secondary school. This experience compounds feelings of being out of place, and made their experience of school extremely negative, challenging or short lived (Together 2015).
- Children and young people with a disability reported that bullying has an impact on their confidence and ability to participate (Together 2015).
- Many minority ethnic children and young people reported incidents along religious or cultural lines, although none felt they were routinely bullied.

“From what I’ve seen there’s a lot of (people) picked on, like, for the way they are or the way they’ve been brought up or where they’ve come from.”

- 69% of LGBT young people surveyed had experienced homophobic bullying in school (Together 2015).

Children and young people considered cyber bullying to be a serious issue that schools should have a responsibility to address (Together 2015). Different groups of children and young people had varying levels of confidence in anti-bullying measures at their school.

- The majority of minority ethnic children and young people surveyed said they were aware of anti-bullying measures at their school and felt confident that they could approach teachers should an episode of bullying occur (Currie 2014).
- Only 44% of LGBT young people surveyed said they would feel confident reporting homophobia, biphobia or transphobia in school (Lee et al. 2013).

6.3. Leisure and culture

Children and young people value free time, access to leisure activities and opportunities to socialise with their friends.
- Young disabled people say that leisure and socialising is important to their wellbeing (Together 2015).
- Doing activities outside of school was beneficial to their confidence, could help them develop new skills and could contribute to ideas about future educational and employment options. It helped them being happy making them healthier and fitter. Overall young people thought that out of school activities had many benefits and that having less money could affect their ability to participate (Elsley 2014).
- Children in care homes said participating in a range of activities such as dancing, drama, art, music, rugby etc. is essential to their wellbeing (Together 2015).
- Children and young people had mixed experiences of being able to access play and leisure activities.
  - Minority and ethnic children and young people were satisfied that they were given their right to play in Scotland. The majority were involved with at least one youth or sports club outside of school and talked about enjoying TV, computer games or socialising with friends (Currie 2015).
  - Children in kinship care would like increased access to activities such as going to the cinema or leisure centres but often faced financial barriers to accessing these activities (Children 1st 2014).
  - Regeneration activities had resulted in the privatisation of some spaces such as playing fields which excluded those who couldn’t afford to pay to use the facilities (CRFR 2015).
  - Young disabled children and young people have reported difficulty in accessing play activities or socialising with friends due to, for example, a lack of accessible transport and financial barriers (Together 2015).
  - Friends were mentioned as an important source of support. Not having enough money could mean that young people felt left out of activities in which their friends were participating. Not having money could mean a young person be bullied which might negatively impact on their learning (Elsley 2014).

The limited availability of safe and age appropriate spaces for leisure in their community was a barrier for some. Some suggested there are fewer safe and appropriate leisure options for teenagers than there are for other children and young people.
- A group of young carers recommended more spaces, places and activities for young people over 12 to go and socialise safely (Together 2015).
- A group of young people from a housing estate said newly developed spaces focused on the needs of younger children and overlooked the needs of teenagers (CRFR 2015).
- It was felt there were a lack of places for children to play safely – parks are often vandalised. Young people felt there is nowhere for teenagers to go within their community (Together 2015).
- LGBT young people report that there are not enough spaces where they can safely socialise and be open about their sexual orientation and gender identity and highlight the importance of welcoming youth groups and inclusive socialisation opportunities (Lee et al. 2013).
- Only 29% of LGBT teenagers aged 13-17 felt there were enough places for them to safely socialise, compared to 53% of LGBT young people aged 18-25. It was suggested that the option to attend bars, and university societies gave more options for the older age group. Younger LGBT people reported socialising in outdoor spaces where many may face or fear harassment if their identity is know (Lee et al. 2013).
- Some young people from disadvantaged areas spoke about spending most of their leisure time and activities at home or in organised activities rather than hanging out in public spaces, or being very careful about where, when and how they accessed particular spaces (CRFR 2015).
- Children in care homes said living in rural areas created barriers to accessing leisure spaces and activities (CRFR 2015).
7 | Special protection measures

7.1. Juvenile justice

Young people in detention spoke about the rights that were most important to them and expressed a wish for greater access to these rights (Article 12 2015).

- Young people in detention valued participating in leisure activities, opportunities to interact with their peers, and the ability to practice their religion or culture as appropriate. However, some felt that these rights could sometimes feel like privileges.
- Access to education was also highly valued. Many indicated they would like increased variety and access to educational opportunities.
- Family contact was considered vitally important to young people’s wellbeing. Young people suggested more flexible contact times.

Many young people indicated that bullying was intrinsic to prison life. Vulnerable young people in protection halls within the prison faced additional discrimination and stigma. To overcome this, young people recommended a separate protection space for those who have not committed a sexual offence (Article 12 2015).

Transition from prison to the community could be eased (Article 12 2015).

- Increased contact with family in the lead up to liberation would make transition to the community more manageable.
- Young people said that being unable to apply for community care grants in prison makes it difficult to set up a home and settle when released. They suggested more transitional housing needs to be made available.

Young people with experience of youth justice services spoke about the quality of services being affected by the approach of individual professionals and the integration of key services (Space Unlimited 2015).

“Nah man, none of them talk to each other…the police, the courts, the social…you end up having to tell them all the same things. And worse than that, one of them tells you one thing is gonna happen, something else does, but you never see them again to ask about it.”

- Positive accounts of youth justice related to individuals who believed in the young person, were there for them during their worst spells, helped them understand their choices, a sense that they had gone above and beyond their job and that they actually cared.
- Consistency of service was important to young people but was sometimes lacking.

“I don’t get why, when your Throughcare worker or your social worker is off or away, why don’t they just let you wait for them to come back before your next appointment? They make you go and meet someone else, who doesn’t know you and who, most of the time, doesn’t seem that interested because they won’t be working with you again anyway. They never do anything with what you tell them, they don’t help you, and anything that needs to happen ends up waiting till your one is back, so what’s the point?”

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57 Space Unlimited 2015 p.10
58 Space Unlimited 2015 p.10
8 | Final summary

General measures of implementation

Children and young people in Scotland have a limited understanding of their rights under the UNCRC. Many have expressed that they would like to know more about their rights.

General principles

Many children and young people have personally experienced discrimination because of their age, sexuality, disability, ethnicity, culture or family situation. They reported that discrimination had a negative impact on many aspects of their lives, but were particularly concerned about the impact it had or could have on their employment opportunities.

Children and young people feel they are not consistently consulted about decisions that affect them personally or about wider policy decisions that will affect other children and young people. They want to be involved in these decisions. They want their opinion to be taken seriously and for their participation in decisions to be meaningful, not tokenistic.

Several groups of young people feel that adult decision makers sometimes don’t involve young people in decisions because of assumptions about a young person’s ability to participate in a decision based on their age, disability or family situation.

Civil rights and freedoms

Children and young people from minority groups and those from disadvantaged areas have spoken about the fear of negative judgement, harassment and high levels of policing preventing them from accessing public spaces.

Where in Scotland a child or young person lives may have an impact on how well their rights are realised. Young people in care, and young people with a disability spoke of difficulty accessing the same opportunities as their peers because of limited amenities in their area. Young LGBT people living in rural areas were far less likely to feel that their local area was a good place to live.

They value their access to social media as a source of information and socialising.

Family environment and alternative care

Young carers report that their caring duties can sometimes have a negative impact on other aspects of their lives including their finances, education, employment and social life.

Several groups of young people report a need for additional support at key transition points such as moving from primary school to high school, moving from school to higher education, moving care placements or leaving care.

Young people spoke about the importance of having a trusted adult to support them.

Basic health, disability and welfare

Children from vulnerable and minority groups report barriers to accessing and using good quality health services.

Young disabled people report a number of barriers that limit fulfilment of their rights including the accessibility of their local environment, access to accessible transport, and the availability of support.

Education, leisure and culture

Children and young people valued their education. They reported that poverty can create many challenges at school that can negatively affect their experience of school and their access to opportunities.


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Space Unlimited (2015) Youth in Justice: Young people explore what their role in improving youth justice should be. Centre for Youth and Criminal Justice


Together (Scottish Alliance for Children’s Rights)


## Appendix A | Methodology of Core References

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<thead>
<tr>
<th>Reference</th>
<th>Whose views?</th>
<th>Methodology</th>
<th>Date data collected</th>
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<td>Capability Scotland (2015) Disabled children and young people:</td>
<td>17 young disabled people 12-16, from four schools across Scotland.</td>
<td>Interviews; action research</td>
<td>Not specified</td>
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<td>Empowered and effective decision making: Consultation Report.</td>
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<td>Your space or mine? The role of public space in the lives of young people.</td>
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<td>Edinburgh: Centre for Research on Families and Relationships.</td>
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<td>Child Poverty Action Group in Scotland (2015) The Cost of the School</td>
<td>339 children and young people primary 5-S6 from eight Glasgow primary and</td>
<td>Workshops and focus groups</td>
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</tr>
<tr>
<td>Day</td>
<td>secondary schools</td>
<td></td>
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<tr>
<td>Children 1st (2014) Consultation with children and young people in kinship care</td>
<td>177 children and young people in kinship care. 54 aged 5-8; 54 aged 9-11.</td>
<td>Survey</td>
<td>Summer 2014</td>
</tr>
<tr>
<td>Children’s Parliament (2015) Together we can fix it: A consultation with children about their right to complain. Website. Also reported in Scotland’s Commissioner for Children and Young People (2015) ‘We may be Children, but we all have rights’</td>
<td>15 children aged 9-14 attending school in South Lanarkshire and Midlothian. One primary school and three high schools.</td>
<td>Semi-structured focus groups.</td>
<td>2015</td>
</tr>
<tr>
<td>Elsley, S. (2014) Learning Lessons: Young People’s Views on Poverty and Education in Scotland. Scotland’s Commissioner for Children and Young People and Save the Children</td>
<td>885 (survey) and 64 (focus groups) young people aged 11-18, from 12 schools across Scotland.</td>
<td>Self complete survey; focus group</td>
<td></td>
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<tr>
<td>Reference</td>
<td>Whose views?</td>
<td>Methodology</td>
<td>Date data collected</td>
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<td>Scottish Youth Parliament (2014) <em>A Costly Youth: The impact of caring on young people in Scotland.</em></td>
<td>165 (survey) and 60 (focus group) young carers and young adult carers aged primarily aged 12-25.</td>
<td>Quantitative online survey; Semi-structured focus groups</td>
<td>February-May 2014</td>
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<tr>
<td>Space Unlimited (2015) <em>Youth in Justice: Young people explore what their role in improving youth justice should be.</em> Centre for Youth and Criminal Justice</td>
<td>Young people aged 13-25 with varying experiences of youth justice services.</td>
<td>Workshops; action research</td>
<td>April-November 2014</td>
</tr>
<tr>
<td>Stalker, K., MacDonald, C., King, C., McFaul, F., Hawthorn, M. and Patrizio, L. (2013) “It always comes down to money”: <em>Recent changes in service provision to disabled children, young people and their families in Scotland.</em> Scotland’s Commissioner for Children and Young People</td>
<td>19 young disabled people aged 12-20, 15 males and four females</td>
<td>Focus groups and one individual interview</td>
<td>2013</td>
</tr>
<tr>
<td>Who cares? Scotland (2014b) <em>Contact. The views of care experienced young people.</em></td>
<td>11 care experienced young people, aged 14-21. 9 local authorities were represented</td>
<td>In depth semi-structured interviews.</td>
<td></td>
</tr>
</tbody>
</table>
Appendix B | UNCRC reporting clusters

This review has been structured with reference to the clusters determined by the UN Committee on the Rights of the Child, as reported in: UN Committee on the Rights of the Child (2015) Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1 (b) of the Convention on the Rights of the Child.

1. General measures of implementation
   - Article 4: Protection of rights
   - Article 42: Knowledge of rights
   - Article 44, paragraph 6: Implementation measures

2. Definition of the child
   - Article 1: Definition of the child

3. General principles
   - Article 2: Non-discrimination
   - Article 3: Best interests of the child
   - Article 6: The right to life, survival and development
   - Article 12: Respect for the views of the child

4. Civil rights and freedoms
   - Article 7: Birth registration, name and nationality
   - Article 8: Preservation of identity
   - Article 13: Freedom of expression
   - Article 14: Freedom of thought, conscience and religion
   - Article 15: Freedom of association
   - Article 16: Right to privacy
   - Article 17: Access to information

5. Violence against children
   - Article 19: Protection from violence
   - Article 24, paragraph 3: Harmful practices
   - Article 28, paragraph 2: Corporal punishment
   - Article 34: Sexual exploitation
   - Article 37 (a): Torture or other cruel, inhuman or degrading treatment or punishment
   - Article 39: Rehabilitation of child victims

6. Family environment and alternative care
   - Article 5: Family environment and parental guidance
   - Article 9: Separation from parents
   - Article 10: Family reunification
   - Article 11: Illicit transfer and non-return
   - Article 18, paragraph 1 and 2: Parental responsibilities and state assistance

7. Disability, basic health and welfare
   - Article 6: The right to life, survival and development
   - Article 18, paragraph 3: Childcare services and facilities
   - Article 23: Children with disabilities
   - Article 24: Health and health services
   - Article 26: Social security
   - Article 27, paragraph 1-3: standard of living
   - Article 33: Measures to protect children from substance abuse

8. Education, leisure and cultural activities
   - Article 28: Right to education
   - Article 29: Goals of education
   - Article 30: Cultural rights of children belonging to indigenous and minority groups
   - Article 31: Leisure, play and culture

9. Special protection measures
   - Article 22: Refugee children
   - Article 23: Children deprived of their liberty
   - Article 25: Review of treatment in care
   - Article 27, paragraph 4: Recovery of maintenance for the child
   - Article 20: Children deprived of a family environment
   - Article 21: Adoption
   - Article 32: Child labour
   - Article 33: Measures to protect children from substance abuse
   - Article 35: Abduction, sale and trafficking
   - Article 36: Other forms of exploitation
   - Article 37 (b)-(d): Children deprived of their liberty
   - Article 38: War and armed conflict
   - Article 39: Rehabilitation of child victims
   - Article 40: Juvenile justice