

# Child Rights Impact Assessment (CRIA): A review of comparative practice across the UK

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## **Annex 1**

Documentary analysis of CRIAs or UNCRC considerations from England and Scotland

Table 5: UK CRIAs or UNCRC considerations in England (up to 11 May 2017)

Table 6: CRWIAs in Scotland (up to 11 May 2017) ..... 44 - 52

## Key Points

- ) CRIA provides for the systematic consideration of the direct or indirect impact of legislative, policy or administrative decisions on either an individual child, specific groups of children, or children generally – these impacts can be short-, medium- or long-term
- ) There is no single, global model of CRIA in place – individual governments can develop a model best suited to their specific requirements which addresses local priorities and objectives
- ) CRIA tends to follow a set of steps or stages common across Impact Assessment (IA) practice: screening/initial assessment; scoping; data collection, evidence gathering and stakeholder consultation; assessing the impact; options and recommendations; monitoring and review
- ) The effectiveness of CRIA is dependent on certain elements of good practice being recognised and addressed in the development and delivery of the CRIA model in use:
  - o Setting out a clear purpose for CRIA
  - o Making it mandatory with a clear material scope
  - o Support at senior levels of government
  - o Building in resources
  - o Beginning CRIA as early as possible in the policy development process
  - o Using a template and guidance to ensure consistency
  - o Providing training and support on CRIA and the UNCRC
  - o Being able to access up-to-date, comprehensive and reliable data
  - o Ensuring children’s views and experiences inform the CRIA
  - o Opening up the CRIA to external scrutiny through publication/stakeholder involvement

<b>CRIA in the UK</b>	
<b>England/UK</b>	<p>In 2010, the UK Government committed to give due consideration to the UNCRC Articles when making new policy and legislation, supplemented by a more recent commitment to introduce a new core learning and development offer on the UNCRC through Civil Service Learning, and to work with the Joint Committee on Human Rights on how to promote and embed good practice, including through the use of CRIA</p> <p>To mid-May 2017, only five government Bill-related CRIAs, or papers which considered the Articles of the UNCRC, could be identified – four from the DfE, one from the Home Office. None are full CRIAs</p> <p>DfE officials are developing a CRIA template and considering whether additional guidance is necessary, and working with Civil Service Learning to develop a training package which aims to build a network of UNCRC and CRIA champions in each government department across Whitehall</p>
<b>Northern Ireland</b>	<p>There is no requirement to undertake CRIA – there is an existing duty under s.75 of the Northern Ireland Act 1998 to assess and consult on</p>

	<p>the likely impact of policies on the promotion of equality of opportunity through an Equality Impact Assessment (EQIA)</p> <p>Children under 18 are considered under 'age' in the EQIA, though there is no requirement to assess the impact of a policy against the Articles of the UNCRC</p> <p>Proposals to introduce CRIA made by NICCY to the NI Government have been unsuccessful – the response to date is that any CRIA would have to be part of EQIA</p> <p>The draft Children and Young People Strategy 2017-2027, which refers to the UNCRC, provides an opportunity to pilot a CRIA process as part of EQIAs developed under the strategy, or as stand-alone IAs</p>
<b>Scotland</b>	<p>Child Rights and Wellbeing IA (CRWIA) was introduced in June 2015, reflecting the dual-track children's rights and child wellbeing duties set out in the Children and Young People (Scotland) Act 2014</p> <p>CRWIA is not mandatory, but the current Scottish Government has made it part of their implementation strategy to deliver their duties under the 2014 Act</p> <p>To mid-May 2017, 18 CRWIAs led by departments across Scottish Government were published – though publication can sometimes be delayed, the expectation is that all CRWIAs are published on a SG gateway page</p> <p>There is a set of templates, guidance and general human rights information; a 20 minute basic e-learning course; and one full-time equivalent children's rights policy lead available to provide advice and support</p> <p>The Scottish Government plans to evaluate the template and guidance as well as the e-learning course that supports them at some point in the future – a proposed focus is to ensure the toolkit package best supports officials to use CRWIA as a policy development/policy improvement tool</p>
<b>Wales</b>	<p>The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers to have due regard to the requirements of the UNCRC, and to issue a Children's Rights Scheme which sets out the arrangements Welsh Ministers have in place to make sure they comply with the duty including a CRIA procedure</p> <p>CRIAs can cover policies, legislation, Regulations, strategies, projects and programmes – virtually anything covered by the due regard duty</p> <p>From 2012 to date, around 260 CRIAs from across the Welsh Government have been undertaken – the Welsh model CRIA was evaluated in 2016, and a new version of the template and guidance are currently being tested</p>

	<p>A 20 minute e-learning training course is mandatory though additional face to face training, advice and support is available to officials from a four-member Welsh Measure Implementation Team – the Team is also thinking about developing more advanced training to supplement the basic course</p> <p>To get ministerial buy-in, the due regard duty is part of ministerial training, and the Ministerial Advice (MA) template includes a section on children’s rights and the UNCRC</p> <p>The CRIA toolkit, advice and guidance provide a steer to do CRIA as early as possible in the policy formulation, development and decision-making process</p> <p>Welsh Government officials can decide whether or not to publish their CRIA though all are listed in a quarterly newsletter including the titles of unpublished CRIAs which are available on request</p>
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## Methodology

The review is based on data gathered through desk research, a set of 10 telephone interviews plus 1 response to the same set of interview questions by email, and a documentary analysis of CRIAs or UNCRC considerations undertaken and published by government officials in England/UK (since 2010) and Scotland (from June 2015), as well as random examples of CRIAs with different material scopes for Wales, and child/young person related EQIAs for Northern Ireland.

Documents for the desk research were identified using British Library bibliographic services and Google Scholar, the Unicef and Save the Children websites, and the [CRIA Community of Practice](#).

Interviews involved government officials who lead on CRIA in their respective jurisdictions (NI did not take part); policy leads in each of the four offices of the Children’s Commissioners in the UK, as well as the Equality and Human Rights Commission; academics in Wales and Northern Ireland who have researched and written on CRIA; and one NGO children’s rights advocate who has been involved in drafting a CRIA. All quotes from interviewees have been anonymised.

## 1. UN framework for CRIA

Article 4 of the UN Convention on the Rights of the Child (UNCRC) requires governments ‘ . . . to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC . . . ’.

When examining governments on the implementation of the UNCRC, the UN Committee on the Rights of the Child pays particular attention to the general measures of implementation. Legal measures include: direct incorporation of the Convention into domestic law, which makes the full range of children’s rights enforceable in domestic

courts (the method favoured by the Committee); indirect incorporation, which gives the Convention some effect in the domestic legal order (different forms of which are in place in Wales and Scotland); and sectoral incorporation, where particular rights are given legal recognition in discrete areas of law such as adoption, children in care, child protection or education (the current situation in England and Northern Ireland).

Non-legal measures include a range of other structures and processes that States can use to progress implementation of the Convention, of which child impact assessment, or CRIA, is one.

*Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment . . . This process needs to be built into government at all levels and as early as possible in the development of policy.*  
(UN Committee on the Rights of the Child, 2003, para.45)

Unicef maintains that no government can know whether the best interests principle is being fulfilled *'without there being a rigorous process in place to assess the impact of law, policy and practice on children'* (Innocenti Research Centre, 2004, p.13).

International children's rights advocates who argue for systematic CRIA to be undertaken by domestic governments advise it is needed because:

- ) Children's wellbeing is as vital to the nation as a healthy environment, society and economy, yet is rarely given the same priority
  - ) Children are largely excluded from public decision-making processes, with no voting ability and limited advocacy power except through adults
  - ) Government responsibility for children tends to be fragmented across departments and agencies, and their visibility in government processes is low
  - ) Children make more use of and depend more on public services than adults – there is a high probability of adverse effects on children when those services fail
  - ) Children have poorer access to complaints mechanisms, remedy and redress
- (Corrigan, 2006; Mason and Hanna, 2009; Unicef Canada, 2014)

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## **2. What is CRIA?**

CRIA *'involves examining existing and proposed policies, legislation and changes in administrative services to determine their impact on children and whether they effectively protect and implement the rights expressed in the Convention on the Rights of the Child'* (Unicef, 2014, p.2). It is based on the premise that children have needs and rights that are separate and different to adults and that these must be given due consideration, as well as the proposition that there is no such thing as a child-neutral policy – whether intended or not, every policy positively or negatively affects the lives of children (Unicef, 2013). CRIA is a way of mainstreaming international children's rights principles and standards into domestic policy development, programme prioritisation and decision-making (Lundy and others, 2012; Eurochild, 2014).

A CRIA provides for the consideration of the direct or indirect impact of legislative, policy or administrative decisions on either an individual child, specific groups of children, or children generally. These impacts can be short, medium or long-term (Corrigan, 2006). CRIAs aim to look at policy or draft legislation through a 'child rights lens', measuring the impact on children against the Articles of the UNCRC and domestic human rights and child wellbeing frameworks.

## 2.1 Ex ante and ex post CRIA

There are two main types of CRIA. *Ex ante* CRIAs provide an opportunity to systematically examine the potential impacts on children of legislation, policies and programmes as they are being developed and, if necessary, avoid or mitigate any negative impacts. *Ex post* CRIAs – child rights impact evaluations – provide an opportunity to evaluate whether the legislation, policies or programmes have met their original aims and review the impacts (intended and unintended) they have had on children leading, if necessary, to future reform of the laws, policies or measures. The vast majority of CRIA undertaken within the UK, the EU and internationally are *ex ante* CRIAs. However, where CRIA is bedded in, there is a growing interest in using an *ex post* analysis in some jurisdictions.

### Case study: CRIA in New Brunswick, Canada

The province of New Brunswick in Canada introduced a mandatory CRIA process for all Cabinet level legislative and policy decisions in 2013. The New Brunswick CRIA forms part of the Cabinet document process and is presented in summary form as part of the Memorandum to Executive Council (MEC), though Cabinet members can request the full version of the CRIA. The aim is for government to assess potential positive and negative effects on child's rights before making any decision, in order to ensure that they have enough time to address any issue that might arise, and seek out suitable alternatives.

Although the New Brunswick government has adopted an *ex ante* CRIA model, its Child and Youth Advocate [children's commissioner equivalent] has begun to undertake some *ex post* CRIA analysis, and is increasingly adopting this process in its Advice to Government functions as a means of improving CRIA practice in New Brunswick.

(New Brunswick Child and Youth Advocate, 2016)

## 2.2 The interdependence of the general measures of implementation

Being able to produce well-evidenced, in-depth CRIA relies on having other general measures of the UNCRC in place (Mason and Hanna, 2009; Unicef, 2013), in particular:

- ) Awareness-raising and capacity building about children's rights and the UNCRC, and a child rights based approach to policy development and legislative reform
- ) Sufficient and reliable data on children's lives that covers all areas of rights, can be disaggregated, and can inform legislative, policy, programme and service development and delivery
- ) Clarity about budget allocations that impact on/support children and young people

- ) Cross-government and cross-sectoral coordination to ensure that children's rights and the CRIA process are visible within government, and the interdependence and indivisibility of children's rights are recognised in the development of policies and addressed in the CRIA

Equally, undertaking CRIA also supports the advancement of some general measures of implementation, for example, by increasing the child rights awareness of those involved in the CRIA process, and providing an opportunity to detect and address gaps in the available data.

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### **3. Setting up a CRIA model**

Although impact assessment, including CRIA, tends to follow a common set of steps or stages, there is no single, global model of CRIA in place (Unicef, 2014). Governments adopting it are able to create their own, bespoke model suited to their specific requirements and addressing local priorities and objectives.

#### **3.1 Developmental stages**

Certain basic decisions need to be made during the development of a suitable model.

- ) Governance
  - o Which person/body has overall responsibility for ensuring high-quality reporting is carried out and results in positive action?
- ) Process
  - o What types of instruments and which decisions should be subject to a child impact assessment: draft legislation, regulations, statutory guidance, policies, strategies, consultations, programme evaluations? Government departments whose functions directly impact on children, or any function that may have an impact on children? If the requirement is not universal, who decides when one is necessary?
  - o When should the assessments be made (i.e., at all or only some stages in the decision making process)?
  - o Who should undertake them (policy leads, policy analysts, children's rights experts, or a cross-sectoral team)?
  - o To what degree should children and parents/carers, and other stakeholders, be involved?
  - o What happens to the assessments (i.e., are they to be made public) and will decision makers be required to act on them?
- ) CRIA content
  - o What should be included in a CRIA?
  - o How does one identify, in any given decision, the 'best interests of the child'?
  - o Should there be different levels of assessment/reporting depending on the nature of the policy or measure?

(Hanna, Hassall and Davies, 2006)

When developing and deciding on the final format and content of the various CRIA tools to support the assessments – whether broad guidelines, a primer, template or



checklist – it is helpful to involve the key stakeholders who will be using it, including through an initial period of piloting and refining the model (Foresti, Baños Smith, and Jones, 2009).

### **Case study: What CRIAs should include**

Typically, CRIAs follow common impact assessment practice and processes so, in some form, include each of the following:

#### **1. A set of core questions**

- ) A coherent set of key questions to guide people through the impact assessment process, and ensure that the CRIA embraces a whole-child perspective.

#### **2. Screening/initial assessment stage**

- ) It is impractical to assess every policy, activity and decision. Therefore, a screening or filtering process is common to most impact assessment procedures. Screening the policy or measure acts as a preliminary check to help determine whether a full or more in-depth CRIA is required, and provide a record of the basis for that decision and the decision itself, often signed off by someone in a senior position.

#### **3. Scoping**

- ) Scoping helps to identify what information the assessor already has access to, and what still needs to be collected in order to do the CRIA. With the CRIA taking a whole-child perspective, a scoping stage promotes working across departments and disciplines, and supports the development of a more accurate and comprehensive CRIA. It can identify occasions when it would be useful to involve experts from outside government. It should set out what children’s rights are going to be affected in order to lead into the evidence-gathering and impact assessment parts of the CRIA process.

#### **4. Data collection, evidence gathering, and consultation**

- ) CRIAs aim to produce evidence-based, reasoned assessments that inform policy and decision making and which take into account the rights of children and young people.
- ) Almost all impact assessment processes recommend consultation with key stakeholders on significant or substantial policies. CRIAs should ensure that children and young people’s views and experiences are sourced, included and recorded, and make it clear how these views have informed the children’s rights analysis, and the CRIA’s conclusions/recommendations.

#### **5. Impact assessment**

- ) This is the analytical process of carrying out the impact assessment, and the framework used needs to be clearly outlined and explained. For example, some CRIA models will measure the proposal against all the Articles of the UNCRC while others, including many of those developed for local government, simplify the rights framework by measuring the proposal against the four general principles of the UNCRC, or present all findings under ‘the best interests’ principle.
- ) The assessments generally focus on positive impacts that will help progress children’s rights, or negative impacts that will require modification of the policy or mitigation of its anticipated effects. Additional factors that can be considered include: the likelihood of the

impact; the severity of the impact; the level of vulnerability of the children and young people affected; the level of significance different groups place on the impact; the number of children and young people affected; and/or a consideration of how the competing interests of different groups of children should be dealt with.

#### **6. List options and recommendations**

- ) When a negative impact is identified, the impact assessment should list options to the proposal being considered, and their projected impacts. Where possible, it is advisable to identify any associated resource implications.

#### **7. Monitor and evaluate**

- ) Ideally, impact assessment is an ongoing process. In reality, the majority of CRIAs are snapshot, one-off assessment exercises that become stand-alone documents. Building in a monitoring and review process can be vital to ensuring that the original policy aims are met whilst respecting, protecting and fulfilling the rights of the children affected by those policies/measures.
- ) Monitoring the CRIA process itself is important in evidencing its effectiveness.

#### **8. Reporting**

- ) All impact assessment mechanisms result in some form of report. Many of those drafted for central and local governments are classed as ministerial/representative member advice so are unpublished in their original form, though summary versions may be made available. In the case of CRIAs, several sources recommend that a non-technical summary report written for children and young people, or the wider general public, should be published.

(Corrigan, 2006; Mason and Hanna, 2009; Unicef, 2013)

### **3.2 Implementing CRIA**

***'The successful delivery of CRIA is a long-term piece of work.'***  
**Interviewee from England**

Literature reviews and experience identify many potential benefits of CRIA. They can:

- ) Make children visible in policy and decision-making processes that affect them, with a particular focus on vulnerable or marginalised groups of children
- ) Raise awareness of children's rights and the Articles of the UNCRC
- ) Promote and embed children's rights in the minds of policy-makers, legislators and decision-makers
- ) Mobilise dedicated resources for children's rights
- ) Set out the full range of impacts for children before decisions are made
- ) Maximise positive benefits and avoid/reduce/mitigate negative impacts for children, including the identification of unintended consequences of proposals
- ) Determine the 'best interests of the child' through comprehensive analysis
- ) Carry out evidence-based policy by bringing research evidence and analysis to bear on policy decisions that affect children, and in fact build the evidence base by highlighting gaps in what is currently available
- ) Bring consultation with children and young people and other key stakeholders into the assessment process where resources and timescales allow

- ) Identify and address factors that may have life-long impact for children, including future generations
  - ) Avoid or minimise discrimination and inequitable treatment through early identification of differential impacts for children in different circumstances
  - ) Consider obligations under the UNCRC early in the policy formulation process rather than waiting until violations are identified through complaints mechanisms, in monitoring reports, or by being challenged in court
  - ) Improve cross-departmental and cross-sectoral coordination by considering impacts upon the whole child (some commentators relate this to the use of child wellbeing as well as child rights indicators)
  - ) Create space for substantive dialogue and consideration of conflicting rights claims
  - ) Increase the legitimacy of, and public support for, government decisions through greater transparency in policy development, and the involvement of different stakeholder groups including children and young people
  - ) Contribute towards UNCRC monitoring
- (Corrigan, 2006; Foresti, Baños Smith, and Jones, 2009; Unicef Canada, 2014; Grace, 2016; New Brunswick Child and Youth Advocate, 2016).

However, in practice they can be overly bureaucratic, too often regarded as an additional burden on busy officials and in effect used to justify decisions that have already been made. CRIAs are not carried out in a vacuum – they are just one of several Impact Assessments (IAs) that a public body or official may be required or expected to do, and are undertaken as part of complex and crowded policy formulation and decision-making processes and procedures which are inevitably influenced and affected by the political and bureaucratic environment in which those decisions are being made (Corrigan, 2006; Grace, 2016).

They need to be done well to prove their value and support the work of government.

### **3.2.1 The signs of ineffective practice**

#### ***'The most common question is 'do we need to undertake a CRIA?'*** **Interviewee from Wales**

Impact assessment practice in general is too often poor, and CRIAs can:

- ) Be avoided through inconsistent take-up by policy makers
- ) Be superficial in scope and in depth
- ) Be undertaken too far into the policy formulation and development process, which limits their capacity to influence the final shape of the policy or legislation – these also tend to be snapshot, one-off CRIAs
- ) Fail to disaggregate between different groups of children, or identify potentially differential impacts
- ) Reveal, but not rectify, significant gaps in the evidence available on how the policy measure or legislative change will impact on children
- ) Fail to make the links between the evidence and the potential impact of the policy
- ) Fail to include stakeholder engagement – particularly the direct involvement of children – in the development of the CRIA, often due to constraints on time and resource as well as the 'late start' of the CRIA process itself, but also a reticence on the part of officials who feel underprepared to consult with children

- ) Lack specificity because of limitations in the official's understanding of children's rights and how to interpret the Articles of the UNCRC – people who are undertaking CRIAS must have a reasonable understanding of children's rights rather than just an understanding of the procedure for undertaking the assessment
  - ) Fail to include measurable indicators against which to assess the impact and allow for future evaluation – there are particular challenges in identifying and agreeing a list of child rights indicators
  - ) Be risk-averse – making them public documents too early in the process makes it less likely that they will record policy discussions where a negative impact has been identified
- (Corrigan, 2006; Foresti, Baños Smith, and Jones, 2009; Harrison, 2010)

### **3.2.2 Pointers towards effective practice**

A number of factors can increase the likelihood of CRIA processes being successfully implemented in central or local government, or other institutions (Desmet, 2013; Mason and Hanna, 2009; Unicef Canada, 2014).

In broad terms, these relate to:

- ) **A clear purpose for CRIA**

*'The biggest challenge from those we read and analyse is that the purpose of CRIA is not really fully understood. . . . It is difficult because children's rights is conceptual, abstract, academic . . .'*

**Interviewee from Wales**

*' . . . [it is] something different which we think reflects the anticipatory and preventative approach we have to a more joined up form of policy making – thinking longer term and increasingly to the next generation.'*

**Interviewee from Scotland**

CRIA has a number of purposes. It can: raise awareness of and generate learning about children's rights and domestic obligations under international human rights frameworks including the UNCRC; normalise and embed the concepts and language of rights, such as 'duty bearers' and 'rights holders', in domestic policy development processes; frame and guide the formulation of child rights based policy and legislative options; improve UNCRC compliance; support the government's responsibility to monitor the implementation of the UNCRC; and set out what children should be able to expect from government.

*' . . . it completely depends on having somebody who 'gets it' – a kind of champion – within whichever area you're working.'*

**Interviewee from Scotland**

Perhaps of most benefit to those undertaking CRIA is making sure they understand how it can be used to improve children's policy, building from a compliance model of assessment to a genuine policy development tool which can advance the implementation of the Articles of the UNCRC through the progressive realisation of children's rights – what one interviewee described as using the CRIA as 'an organic document'.

***'There's the process but also a full understanding of what the purpose is, and a desire to be proactive around children's rights is missing – but the methodology of impact assessment is not necessarily going to address that.'***  
Interviewee from England

### **Case study: Championing CRIA**

#### **CRIA on the [Minimum Age of Criminal Responsibility \(MACR\)](#)**

In November 2015, the Scottish Government set up an [advisory group](#) to consider the policy, legislative and procedural implications of raising the minimum age of criminal responsibility from 8 to 12 and provide proposals for consultation, asking them to report their conclusions by March 2016. As part of this, the group agreed to co-produce a CRWIA; it was one of the first CRWIAs to be done.

The group was chaired by the Scottish Government Care and Justice Division, and included representatives from Police Scotland, Social Work Scotland, Victim Support Scotland, the Scottish Children's Reporter Administration, the Centre for Youth and Criminal Justice, the Children and Young People's Commissioner for Scotland (CYPCS), Together: the Scottish Alliance for Children's Rights and COSLA, among others.

The CRWIA was written alongside the work of the advisory group and the drafting of its report, and both were published in March 2016. Those involved in the drafting of the CRWIA made sure advisory group discussions influenced what appeared in the CRWIA.

On [1<sup>st</sup> December 2016](#), the Justice Minister announced that the Scottish Government would bring in legislation in 2018 (the Year of Young People) to raise the age of criminal responsibility.

*'The establishment last year of an advisory group by the Cabinet Secretary for Justice was a necessary and sensible step to examine in detail the implications of raising the age to 12 . . .*

*'The advisory group represented a wide range of disciplines, including those working with children and with victims, as well as the police and the Crown Office, and it reported in March 2016 with a number of recommendations on which we have consulted. That consultation ran from March to June, with 95% of all respondents supporting an increase in the minimum age of responsibility to 12 or above. That overwhelming support was across the board, including statutory agencies such as the police, organisations that support victims of crime and charities that support vulnerable children. We also undertook engagement over the summer with key groups that are likely to be affected by any change in the law, including young people themselves.'*

*'The reform signals our commitment to a smart, evidence-led and rights-proofed approach. A child rights and wellbeing impact assessment was commissioned as part of the review.'*

Although not solely a Scottish Government CRWIA, the MACR CRWIA was strongly supported by the Scottish Government alongside the work of the MACR Advisory Group, and was intended to be an exemplar of how the CRWIA template and

guidance could help structure a children's rights approach to the policy considerations, and provide a record of a policy as it developed. To date, it is the only CRWIA led by stakeholders, and is also therefore a useful exemplar for future partnership work.

***'It went from officials not knowing what CRWIA was to officials understanding the value and importance of it, and how it improves policy development – particularly Justice, which was one of the hardest to talk to and now is one of the best, and championing CRWIA.'***

**Interviewee from Scotland**

However, there are additional challenges in convincing officials that they should be doing a CRIA when they are working on policy areas which, while not child-specific, may still have an indirect impact on children – they often need additional information, advice and support. The fairly academic discussions about human rights and the rights frameworks needs to be grounded and made real.

***'The more relevant the piece of work, the easier it is to make those links across. Our advice is to think about children and young people and their families, and that has certainly has had an effect when people are thinking about the economy and transport and poverty, and things like that.'***

**Interviewee from Wales**

## ) **The CRIA mandate**

The UN Committee on the Rights of the Child recommends that States introduce a statutory obligation to conduct systematic CRIA. Only a minority of countries have adopted CRIA and, of those, only a few have made it a legal requirement – most have chosen alternative ways of ensuring CRIAs are undertaken, and not all of these make CRIA mandatory. The Flemish model shows that, even where there is a legislative basis for CRIA, the parameters of the assessment can alter as political attentions shift focus and the interest in child-specific strategies dwindles or changes.

## **Case study: A legislative basis for CRIA**

### **JoKER in Flanders**

Flanders was the first jurisdiction to introduce CRIA in 1997 through an *ex ante* child impact report called KER which applied to anyone under 18. In 2001, KER became mandatory, supported by legislation. In 2005, the separate KER was integrated into Regulatory Impact Assessments (RIAs) though it retained its distinct status within that integrated assessment package. In 2008, KERs became JoKERs (child and youth impact reports), extending the impact assessment coverage to all children and young people up to age 25. This expansion mirrored the development of Flanders' Youth and Children's Rights Policy Plan.

The material scope of the JoKER is limited to cover only legislative proposals (called draft decrees) submitted by the government that have a direct impact on the interests of children and young people. An evaluation of JoKER undertaken in 2011/12 found that around 19% of the draft decrees had a JoKER attached among the RIA suite of impact assessments. The limited scope meant there was a notable absence of child

rights analysis relating to regulatory measures and budgetary decisions. The evaluation also found that including all 18 to 25 year olds caused confusion among those drafting the JoKER, with too many JoKERs *'lumping children and young people together in one category'* and thereby failing to take into account the differential impacts on age groups or the specifics of the rights-based framework provided by the UNCRC.  
(Desmet, Op de Beeck and Vandenhole, 2014)

Other countries promote the use of a child rights lens through other means. For example, although CRIA has been or is practised in a number of EU member states including Austria, Belgium (Flanders), Finland, Italy, Sweden, and the United Kingdom (Wales and Scotland), not all of these require CRIA through statute, or even as a distinct process. Other EU States<sup>1</sup> undertake CRIA as part of Human Rights Impact Assessment or Social Impact Assessment.

***'If it is introduced as a legal requirement or a piece of strong policy guidance – maybe as part of a strategy – I am convinced that, flawed as they are and dependent as they are on the people who do them, and the resources and the data – there is something very beneficial by putting this explicit dedicated gaze to this lens of child rights on government activity. It will elucidate issues that may not otherwise come to light, and I believe that genuinely should result in improved policy provision for children.'***

**Interviewee from Northern Ireland**

### **Case study: CRIA mandated through a children's strategy**

#### **CRIA in Sweden**

In 1999, the Swedish Riksdag (Parliament) passed a Bill endorsing a national strategy for implementing the UNCRC, named the Child Rights Policy. The strategy included a requirement that:

- ) The UNCRC must inform all decision making affecting children
- ) Child impact assessments must be made in connection with all government decisions affecting children
- ) Government employees whose work impacts on children must be offered training to enhance their knowledge of the UNCRC

Following a review, a Bill was introduced in 2009 leading to the endorsement of a new strategy to strengthen children's rights in 2010, including a requirement that all legislation concerning children be formulated in accordance with the UNCRC.  
(Barnombudsmannen, 2010; Lundy and others, 2012)

#### **) Support at a senior level of government**

Even where CRIA is a legal requirement, having high-level champions promoting it is critical to its continuing effectiveness. That requires buy-in from the top: government ministers and senior officials should ensure staff are aware of, trained and motivated to

<sup>1</sup> Denmark and Estonia consider children's rights specifically; Croatia, Denmark, Estonia, France, Germany, Latvia, Slovakia, Slovenia and Romania consider children as a vulnerable group  
<http://fra.europa.eu/en/publication/2015/mapping-child-protection-systems-eu/impact-assessment>

undertake CRIA. When policy proposals are presented to them, they should ask to see the CRIA. Having departmental champions – usually officials who have undertaken CRIA themselves and found it beneficial to the development of the policy – is particularly helpful, especially those who may have been involved in, and understand the value of, direct consultation with children and young people.

***'The CRWIA is more widely adopted and has greater buy-in. Has had a massive impact on the way in which policy is developed in Scotland and the way in which civil servants and wider groups are looking at children's rights and talking about children's rights – in a way that hasn't happened before.'***  
Interviewee from Scotland

***'Championing CRWIA almost makes up for the lack of a statutory basis for it.'***  
Interviewee from Scotland

However, it is also important to recognise how quickly political priorities can change and ministerial interests move on.

***'The direction in travel in government currently is all about delivery, and the focus on children's rights through the Measure and the Children's Rights Scheme has been put to the side. The Wellbeing of Future Generations Act is the shiny new thing and officials have to be reminded about children's rights.'***  
Interviewee from Wales

*'The presence of political will at the relevant levels of leadership will be essential to ensure the assessment's success, raise the quality of the process and assure that the findings will be taken seriously and followed up by the relevant authorities.'* (Unicef, 2010, p.20) One of the core purposes of doing a CRIA is to present a range of options that would comply with and/or better realise children's rights. Interviewees pointed out that governments with large majorities do not always explore the possible impacts of their policies quite so closely because they do not feel they need to defend them. Policies are driven through with little opposition and sometimes these policies are subject to little or superficial levels of internal scrutiny, including through the impact assessment processes.

***'It's like the tail wagging the dog – there was perhaps a reluctance to use CRIA to challenge policy and legislation.'***  
Interviewee from Wales

## ) Resourcing

***'The business of government is complicated and resource-intensive anyway, so why shouldn't they be doing CRIA as part of that?'***  
Interviewee from Wales

CRIAs can range from fairly simple processes involving one policy section in government, to cross-government assessment, to a process that spurs further research including co-production or consultation with an expert advisory group or those who will be affected by the policy, including children and young people. In each case, doing a CRIA comes with resource implications: staff time, the costs of commissioning additional research, or the costs of carrying out public or targeted consultations. *'The costs of carrying out a CRIA should be balanced against the key benefits of identifying*



*potential problems and negative impacts on children early in the process so that they can be dealt with as efficiently as possible through policy or programme design, rather than through costly post-implementation design modifications.*’ Unicef, 2010, para.6.2.5)

In addition, CRIAs should identify the resource implications of proposals to mitigate or modify negative impacts. But that is not often recorded: for example, the evaluation of the Welsh CRIA model noted *‘a general lack of attention paid to budgets and resources to support implementation of a proposal in CRIA analysis’* (Hoffman and Morse, 2016, p.4).

### **Case study: recognising the resource implications of doing CRIA**

#### **CIA in Finland**

In 2006, the National Institute for Health and Welfare (THL) in Finland – a research and development institute under the Finnish Ministry of Social Affairs and Health – published a handbook on Child Impact Assessment, intended to help central and local government policy-makers and authorities identify the child's best interests. Unusually, it recommends that approximately 1% of the total budget for a project is reserved for anticipating child impacts and suggests that this could be used to help with additional costs such as stakeholder consultations. (Unicef, 2011)

#### **) Timing**

***‘You can usually tell by the quality whether or not someone has started it as early as possible. . . My general feeling is that it is much more of an afterthought than a proactive consideration at the outset of policy development.’***

#### **Interviewee from Wales**

Timing is a critical factor in whether or not the CRIA genuinely informs policy and decision-making. *‘Where there is an ongoing policy or legislative debate there are often set decision-making points for influencing the process. These should be carefully assessed and understood at the beginning of planning the CRIA so that the preliminary and final results of the CRIA process can be integrated into the broader decision making process.’* (Unicef, 2010, para.6.2.5)

Producing them late into the CRIA process in part may be related to having a ‘settling in’ period for those new to CRIA, until they begin to understand and make use of the policy development potential of the tool. This in turn may be helped by having ongoing access to materials and training on a child rights based approach to policy development, and ensuring all officials have the appropriate training on how to use the CRIA tool itself.

Despite the evaluation of the Welsh model CRIA finding that the majority of CRIAs in Wales were being undertaken almost as an afterthought, some in Wales feel that more of the more recent CRIAs are being done in the early developmental stages of the policy. And in Scotland, some of the more recent CRWIs appear to be using the tools on offer as they develop the policy.

## ) **A template and guidance**

***'We need to consider that the UNCRC and CRIA can mean something different to each person, so without a template and guidance would lead to inconsistent outcomes. Having a consistent process and documentation to use alleviates the fear factor for those doing it for the first time. Having a clear process with pointers keeps the focus on where you want the end result to be, and the assessment to go.'***

**Interviewee from Wales**

Templates provide transparent and replicable steps to undertaking CRIA. They also provide prompts to consult with and engage children and other stakeholders who will be affected by the policy/legislation during the development of the CRIA.

***'You have to make sure it's seen as a tool and something that's helpful: [doing] this [CRIA] makes sure your policy is sound and meets all your objectives, and that is it less likely to be objected to because you've clearly set out your thinking and, where there's been a more contentious issue, you've shown how you've reached that conclusion.'***

**Interviewee from Scotland**

A template can help inform officials about, and lead them to, information they need to take into account like the Concluding Observations, or additional resources that may help them to interpret the Articles of the UNCRC like the General Comments. There are a number of ways the template and central team with responsibility for providing support on CRIA can help: through hyperlinks in the template and guidance, briefings or summaries of the general comments and Concluding Observations, and resource lists of additional information on specific articles with particular reference to the four general principles (Unicef, 2010).

***'... even more important is the guidance and support officials would need to receive in order to be able to fill out that template properly.'***

**Interviewee from England**

The guidance should cover issues like timing, how to consider children's rights, how to assess resource implications in the context of the CRIA, how the policy area relates to UN recommendations, and how to consult with/involve children and young people. It can also refer officials on to outside experts who can advise on a particular children's rights issue.

***'Officials are very familiar with the information they need in their policy area, but less familiar with context or anything that sits behind children's rights. They are not aware of or familiar with any general commentary – and are not making time to investigate it.'***

**Interviewee from Wales**

## ) **Training and support**

***'It is all about the implementation and the support and commitment behind it. We could simply introduce a tool but, without the training, it would have very little impact.'***

**Interviewee from England**

*'To be able to understand whether specific actions will have an impact on child rights, it is necessary to have a reasonable understanding of what those rights mean'* (Unicef, 2010, para.6.3). Those undertaking CRIAs need to have an understanding of children's rights, not just a familiarity with the procedure for undertaking the impact assessment. This requires ongoing education and training that makes assessors aware of children's rights obligations and the fundamental principles and values that underpin children's human rights including non-discrimination, empowerment, accountability and, ideally, the inclusion and involvement of the groups who will be affected by the policy decision (Harrison, 2010).

Training can start at baseline/introductory level, and lead to more advanced training which can be aimed at departmental champions or cross-government CRIA contacts in the civil service. The format is important: e-learning courses are helpful but insufficient on their own – face to face training sessions allow officials to ask questions about how a child rights based approach and the CRIA process can be applied to the policies on which they are currently working. Ongoing training for any official who may be involved in the development of a CRIA is needed to refresh their understanding of the process.

***'At the moment, it's a CRWIA for basics – but as things develop, there will be a need a CRWIA level 1 and CRWIA 2 about reflecting back on how they've done their CRWIAs, what they think it's achieved, whether it's had the impact and, if it hasn't, why not, and do that in a training environment with government officials.'***

**Interviewee from Scotland**

***'... if they don't use their training on CRIA quickly, we need to reinforce the learning because it quickly goes. With a higher level of established knowledge, we would be able to develop the process much more. Also staff turnover is huge (they move on or move to different areas), so we need to be able to provide different levels of training to newer and continuing staff.'***

**Interviewee from Wales**

## **) Comprehensive and reliable data**

The UN Committee on the Rights of the Child recommends the *'collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realisation of rights'* (2003, para.48).

*'The CRIA should start by mapping out and taking stock of existing data and information on the various issues. Based on what is available, the level of detail required and the time frame or budget, it may be possible to base the assessment adequately on the available evidence. Related to this is the question of what levels of detail are required for different parts of the assessment and how robust the existing information or evidence is'* (Unicef, 2010, p.41).

Interviewees said that officials will be very familiar with the evidence base and field within which they are working, and they will know what the impacts are likely to be. But when they are looking at proposals through a child rights/UNCRC lens, they may require a different data set and information to inform the judgements they are making in that context.

***‘ . . . officials were conflating what they know about from the policy perspective with the impact on children’s rights.’***

**Interviewee from Wales**

A second point is that it may be possible to work from the existing evidence base but, if not, the CRIA should trigger a consultation or the commissioning of further research to ensure officials can make an informed assessment of the potential impact *on children’s rights* of the policy or legislative proposals. The evidence base should include a combination of quantitative and qualitative data that provides information on the views and experiences of children who will be affected by the policy, as well as that of other stakeholders.

***‘So often, officials don’t have to do any more direct involvement of children and young people because the research has already been done, but then there are areas where there hasn’t so the CRIA is a really good opportunity to fill that gap.’***

**Interviewee from Scotland**

Also relevant to the use of data, however, is how the CRIA can be used to identify indicators against which to measure the impact of the policy over the short, medium or longer-term. The UN Committee on the Rights of the Child recommends that governments develop indicators to cover all rights in the UNCRC and that they should collect comprehensive and reliable data, which shows whether children are enjoying their rights in practice (UN Committee on the Rights of the Child, 2003).

***‘Experience from EQIA is that it is easier to grasp impact if you have indicators to forecast impact – you require baseline measures and a commitment to monitor or review at the end of a specified time period. You need to know how to break down what it means to enjoy those rights, and how to assess the impact, and how to measure it in an ongoing basis.’***

**Interviewee from England**

#### **Case study: child rights indicators**

##### **Equality and Human Rights Commission (EHRC)**

The EHRC’s Combined Measurement Framework incorporates four separate frameworks that were developed between 2007 and 2010: the Human Rights Measurement Framework, Equality Measurement Framework, [Children’s Measurement Framework](#), and Good Relations Measurement Framework. The Combined framework provides the data for the EHRC’s periodic publication, [Is Britain Fairer](#), and covers England, Scotland and Wales, but not Northern Ireland which has its own Equality Commission and sets of indicators, including a set in development through its next ten-year Children and Young People strategy **[see section 5.2.2 below for more information]**

#### **) Engagement of children and young people**

*‘A CRIA provides an opportune moment to bring children into the public decision making process. Indeed, meaningful participation of children should be considered a key step of a CRIA’* (Unicef, 2010, p.51).

The meaningful participation of children, as well as of agencies that advance their interests, is one of the most challenging aspects of the CRIA process for officials.

Both the template and guidance should remind those undertaking the CRIA of the need to make sure the views and experiences of children and young people, as well as other stakeholder groups, informs the development of the policy, the assessment of the impacts, the choice of indicators used to measure the impact, and ideally the way in which the policy will be monitored and reviewed.

However, when facing a decision about whether or not to directly involve children and young people in the development of the policy through the CRIA, officials lack confidence, time, resources, and are apprehensive about how to involve children.

***'There is a perception that engagement requires a specialist set of skills that not everyone has . . . and there are budgetary constraints: for example, legislative teams have no budget at all for consultation.'***

**Interviewee from Wales**

Interviewees in both Wales and Scotland pointed out that officials have access to a tight network of stakeholder groups or local authority youth fora/councils who can facilitate, or be commissioned to undertake, direct consultations with children and young people.

#### **Case study: learning to involve children and young people**

##### **CRWIA on the [Minimum Age of Criminal Responsibility \(MACR\)](#)**

The MACR CRWIA, published in March 2016, recommended that direct consultation with children and young people take place as part of the development of the policy.

Throughout June and July 2016, a series of events were held with various groups of children and young people across Scotland including those who would be affected by the change as well as those who have had negatives experiences from contact with the criminal justice system from an early age – as perpetrators and as victims.<sup>2</sup>

This involvement encouraged Scottish Government Justice officials to work with the Children's Parliament and the Scottish Youth Parliament to consult with children and young people on the next area of policy they were considering – stop and search powers – with officials present at those consultation sessions. ***'I don't think that would have happened if it hadn't been for the [MACR] CRWIA.'***

**Interviewee from Scotland**

#### **) Publication**

***'One of the impacts is reputational – how is this going to go down with the public if you propose this policy?'***

**Interviewee from England**

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<sup>2</sup> Scottish Government (2016) [Minimum age of criminal responsibility: analysis of consultation responses, and engagement with children and young people](#).

***'We advise people that CRIA is a cycle and not just done as a one-off, and also advise them do not be afraid to put it out there as a draft and get some feedback from a wider range of stakeholders.'***

**Interviewee from Wales**

Pressing for the automatic or premature publication of a CRIA can be problematic. As one interviewee noted, ministers do not introduce policies to have a negative impact. If publication takes place early on, the tendency is to assess a positive impact. If they are to be used as a policy development tool which can challenge the rationale and assumptions behind a policy and make an honest assessment of potential impact, they may have to be done privately rather than publicly.

Otherwise, to avoid public exposure, the CRIA template will be filled in after decisions have been made which means they are being used more as a reporting and external communication mechanism than a policy development mechanism.

However, the UN Committee recommends that some form of the CRIA be published which, in terms of making the government more accountable, is important. Publication can be timed with certain parts of the policy development process: with a strategy announcement, a consultation paper, a draft Bill or draft Regulations. At a later stage, a final CRIA document can be a record of the deliberations that took place, the process itself, the conclusions reached, and the evidence on which those decisions were made.

***'One purpose of the impact assessments is to allow independent bodies to scrutinise government policy-making. And particularly with CRIA where children and young people should be involved in the assessments themselves, the idea that they wouldn't be public or published is quite an odd proposal, and it is quite difficult to bring those two together.'***

**Interviewee from England**

### **) External scrutiny**

CRIAs make government more accountable to children and young people, their parents/carers, and those who work with or for them. They also open up governments to increased levels of scrutiny. CRIAs can provide civil society with the opportunity to unpick, analyse, challenge and change policies.

In terms of quality assurance, it is very difficult for the central team of government officials who are responsible for advising colleagues on 'how to do CRIA' (and the template, guidance and training programme) to criticise the results. The policy leads are responsible for producing them, and the central team is there to play a supportive role.

***'...too harsh a scrutiny will put people off. Officials need a hand-holding approach.'***

**Interviewee from Scotland**

One interviewee suggested there is a case for CRIAs to be carried out by a team of children's rights experts entirely separate to the policy development process. This would mean the central team would be the experts brought in to help their policy colleagues see and assess the policy through that child rights lens.

***'That would be an important part of the process through the support that expert team could offer by reviewing CRIAs, making improvements and encouraging officials to think in more detail about particular aspects.'***  
**Interviewee from Wales**

And external scrutiny could play a greater role in quality assuring the CRIA process and final report, making sure they are accurate, comprehensive, clearly argued and accessible.

***'We often get involved in CRIA development through scrutiny committees which raise awareness and get people on board.'***  
**Interviewee from Wales**

Children's rights NGOs want to play a more active role in quality assuring CRIA, but can find it difficult to comment on them when they have never been involved in developing one. They too are CRIA novices. To aid external scrutiny, it is important to ensure that training and capacity building in doing CRIA is available to organisations outside government.

***'Empowering NGOs to support quality assurance is a really strong way forward – and in doing that, that will encourage government to look at quality assurance at an internal level.'***  
**Interviewee from Scotland**

## ) **Monitoring the impact of the CRIA**

***'Assessing the impact of impact assessment – that's the only way we're going to make sure it's not just a paper exercise.'***  
**Interviewee from Scotland**

There is very little material available on the implementation of child impact assessments, reflecting *'the fact that, while child impact assessment has often been recommended, it has less often been implemented, and its impact on policy development and decision making has not been well evaluated'* (Angus, 2007, p.4).

There are three elements to monitoring the impact of a CRIA: the impact of the CRIA process on the officials who undertake it; the impact of the CRIA process on the development of and decisions made on the policies; and the impact the CRIA has on outcomes for children. There is growing evidence that involvement in a CRIA has an impact on officials' levels of awareness and understanding of children's rights and the UNCRC and on policy development – particularly when the CRIA has triggered or been part of direct consultation with children and young people.

***'CRWIA combats working in silos, helps officials think about how what they're proposing links in with other strategies, policy proposals and legislation – it feels much more joined-up.'***  
**Interviewee from Scotland**

***'One of the purposes of the Welsh Measure from the perspective of the child rights community was to promote culture change within the Welsh Government, and CRIA makes a contribution towards that, though not necessarily in relation to outcomes but in relation to a particular***

*policy/legislation. The change is made through institutional culture change – as a result, children and young people have greater visibility in the Welsh Government.'*

**Interviewee from Wales**

### **Case study: the impact of CRIA**

#### **Local CRIA in New Zealand**

A New Zealand pilot of local CRIAs in Auckland City and Manukau City Council areas demonstrated how impactful the CRIA process could be on those taking part: the youth teams leading the work in the councils; other council colleagues; those working in the services being assessed; and the parents/carers and children and young people who took part in the local consultations used to inform the CRIA all reported that it had changed the way they thought about, and worked with, children. (Mason and Hanna, 2009)

However, the clear message from both the literature and interviews is that it is very difficult to identify a causal relationship between what appears in a CRIA (which is normally produced once in the lifetime of a policy proposal) and later impacts on children – even where these outcomes are measured using the same framework as the original CRIA. There are too many variables in play.

*'There is a gap in terms of government impact assessment and government review of policies . . . it's the same in EQIA, there is very infrequent monitoring of actual impacts after the initial assessment was done.'*

**Interviewee from England**

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## **4. CRIA in the UK**

**Please note that quotes in this section are not just limited to government officials, but also include comments made by other interviewees.**

In its most recent set of Concluding Observations on the implementation of the UNCRC, the Committee recommended that the UK (UN Committee on the Rights of the Child, 2016):

- ) *Introduce a statutory obligation at national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children (para 9.a)*
- ) *Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies (para 9.b.)*

Related recommendations were made by the Committee in previous sets of Concluding Observations: linking the failure to undertake CRIA with the UK Government's inability to identify how much expenditure is allocated to children (UN Committee on the Rights of the Child, 2008, para.18-19); and expressing broader concerns at the lack of a rights-based approach to policy development in government (UN Committee on the Rights of the Child, 2002, para.14).



## 4.1 UK Government (England)

### 4.1.1 Impact assessment

In 2010, the then-Minister of State for Children and Families made *'a clear commitment that the government will give due consideration to the UNCRC Articles when making new policy and legislation, in doing so, we will always consider the UN Committee on the Rights of the Child's recommendations but recognise that, like other State signatories, the UK Government and the UN Committee may at times disagree on what compliance with certain Articles entails'* (Teather, 2010).

Cabinet Office guidelines on making legislation suggest it would 'be helpful' for government departments to address the compatibility of government Bills with the UNCRC in the explanatory notes that are published with each Bill (Cabinet Office, 2017, para.12.29) to aid both parliamentarians and the Joint Committee on Human Rights (JCHR). The reference to the UNCRC appears in a chapter setting out requirements that the Minister in charge of a government Bill make a statement that, in his or her view, the Bill's provisions are compatible with ECHR rights or, if not, that the government wishes the House to proceed with the Bill.<sup>3</sup>

Despite this, in its scrutiny of the Children and Social Work Bill, the JCHR noted the inconsistency with which this assurance was being met: *'... there are a number of examples of Bills having a really significant impact on children's rights where no such assessment was carried out: the Legal Aid, Sentencing and Punishment of Offenders Bill, the Welfare Reform Bill and the Courts and Criminal Justice Bill, to name just a few. The lack of such assessments is a matter of public record: we and our predecessor committee have criticised departments for the failure to carry out such assessments; the UK Supreme Court found the household benefit cap to be in breach of the UNCRC; and the UN Committee on the Rights of the Child has also now commented on the lack of an obligation to systematically conduct a child rights impact assessment when developing law and policies affecting children.'*<sup>4</sup>

On 12 January 2017, during debates on the Children and Social Work Bill, the Minister for Vulnerable Children and Families made further commitments:

*'...we have introduced a programme to raise awareness of the UNCRC among civil servants and to increase understanding of what it means to have regard for the articles on carrying out public duties in relation to children. The programme will include a new core learning and development offer through Civil Service Learning, and an offer through the policy profession led by the director-general for children and social care and the chief social worker. . . . we have made a commitment to work with the Joint Committee on Human Rights on how to promote and embed good practice, including through the use of children's rights impact assessments.'*<sup>5</sup>

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<sup>3</sup> Section 19 Human Rights Act 1998

<sup>4</sup> JCHR (2016) [Legislative scrutiny: \(1\) Children and Social Work Bill, \(2\) Policing and Crime Bill, \(3\) Cultural Property \(Armed Conflict\) Bill. Third report of session 2016-17](#), para.29

<sup>5</sup> House of Commons Hansard (12 January 2017), [Public Bill Committee, Children and Social Work Bill](#), Seventh sitting, col.219-220

**Table 1: CRIA in UK Government/England**

<b>Material scope</b>	Currently, ad hoc selection of Government Bills. In the future, the initial focus may be on DfE-led policies and legislation.
<b>Personal scope</b>	Not explicit but presumably children up to the age of 18
<b>Tools</b>	In development
<b>Support &amp; review</b>	Team of 3 overseeing UNCRC developments
<b>Publication</b>	Currently, occasional when CRIA is undertaken on a Government Bill. Future CRIAs may be working documents rather than public documents, so may not be published, but any CRIA is FOI-able

To 11 May 2017, only five CRIAs or UNCRC consideration papers could be identified: four drafted by policy/Bill teams in the DfE, and one by the modern slavery team in the Home Office [see table in Annex 1].

All five assessments related to Government Bills, and only one on the Children and Social Work Bill was a Child Rights Impact Assessment, though even that was not a systematic assessment of impact. The other four combined a consideration of UNCRC articles with consideration of ECHR requirements. They provided minimal or no review of the evidence for the assessments made, and failed to refer to any stakeholder consultations. All five were used as compliance statements though it should be noted that, as impact assessments published with Bills, they would have been drafted after the policy decisions had been made. None of the five mentioned any monitoring or review of the findings.

### **Case study: Home Office ECHR/UNCRC compliance memorandum**

The Modern Slavery Bill was subject to pre-legislative scrutiny in 2013-14, then presented to the UK Parliament as the Modern Slavery Bill in June 2014. In April 2014, the Joint Committee on the Draft Modern Slavery Bill noted that, despite Cabinet Office guidelines, no CRIA had been made for the Draft Bill and recommended that the Home Office summarise the anticipated effects on children in the explanatory notes to the government Bill.<sup>6</sup> The Home Office responded by publishing a joint [ECHR/UNCRC Memorandum to the Modern Slavery Bill](#) in June 2014 when the Bill was presented to Parliament.

The Joint Memorandum sets out what the Home Office considers to be the most relevant Articles of the UNCRC as well as the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The government's overall conclusion is that, *'in affording increased protection for victims, and potential victims, of slavery and human trafficking . . . the Bill substantially enhances the rights of children under the UNCRC.'*

However, the Joint Memorandum is a commentary rather than a systematic assessment of impact – it records decisions already made and is meant to reassure rather than analyse. Although it provides a broad narrative of how selected sections of the Bill should impact on children, it fails to refer to the evidence base from which its conclusions are drawn: for example, why the government chose to pilot independent child trafficking advocates rather than establish a children's

<sup>6</sup> Joint Committee on the Draft Modern Slavery Bill (2014) [Draft Modern Slavery Bill report](#).

guardianship service (which is not mentioned), as recommended by the UN Committee. There is no reference to research on the views and experiences of the children who may be affected by the legislation. There is no mention of a monitoring/reviewing process in the Joint Memorandum, though elsewhere the government has committed to providing a Post-Legislative Scrutiny memorandum on the Act within three to five years of Royal Assent.<sup>7</sup>

### Case study: CRIA on a DfE Bill

The DfE's [CRIA on the Children and Social Work Bill](#) is, to date, the most complete example of a CRIA undertaken by UK government officials, and is published as one of a collection of five IAs. It provides an overview of the children's rights implications of the different measures in the Bill, sets out policy intentions for each broad policy area rather than specific Bill clauses, explains how the measures comply with Articles of the UNCRC as well as relevant recommendations made in the Concluding Observations, and assesses the anticipated impacts on children (all are considered as complying with the UNCRC). However, it does not consistently include quantitative data on the children affected or provide supporting evidence to show how its conclusions have been drawn.

For example, the assessment of the proposals to introduce 'innovative ways of working' in children's services by allowing local authorities to seek exemptions from children's legislation offers no real consideration of how the disapplication of existing legal protections could discriminate against the children living in those local authority areas, nor are any options presented to avoid/mitigate against any differential or negative impact. Instead, the CRIA offers a bland assurance that *'the power is ultimately about getting better outcomes for vulnerable children and/or achieving those outcomes more effectively'*. This failure to evidence the proposal or look at it through a child rights lens in the CRIA is notable; a lack of evidence was one of the reasons the innovation clauses were voted out of the Bill during its parliamentary passage.

Each section of the CRIA refers to consultations with children where they have taken place. For example, it summarises findings from consultations with looked after children and care leavers, though it is worth noting these were not initiated by the CRIA process. The CRIA also commits the government to conduct a further consideration of the impact on children's rights when developing Regulations to the Bill.

#### 4.1.2 Recent developments

***'The DfE should really start again and rethink the methodology and process of impact assessment – treat it anew. There is an opportunity to really think how is it going to work to support intelligent policy-making. Look at EQIA and learn from that experience – at what point in EQIA did monitoring the impact more or less disappear?'***

The DfE has responsibility for CRIA, and for UNCRC oversight across government. The Minister has said that all submissions within the DfE must say whether they have

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<sup>7</sup> Joint Committee on the Draft Modern Slavery Bill (2014) [Government response to the report from the Joint Committee on the Draft Modern Slavery Bill](#)

considered the UNCRC, and there is one-page internal advice to guide officials on how to do this which is being tested and will be subject to review. A team of three in the Child Protection and Safeguarding Unit within the DfE has oversight of UNCRC implementation, and the development of CRIA.

***'We want it be embedded within policy thinking at the outset rather than at the end, or only when thinking of primary legislation.'***

Though only in the early stages of working with Civil Service Learning to develop a training package, the assumption is that the learning package will help by raising awareness of the UNCRC as well as CRIA itself. No decision has yet been made about whether or not the training would be mandatory, though there is a suggestion that the case for mandatory CRIA could be made for some policy areas (eg, children's social care). The initial focus will be on developing baseline training.

***'The best solution would be to place CRIA on a statutory basis – then it's most likely to be picked up and get the highest level of scrutiny . . . But we need to be realistic about how likely that is at the moment, and steps can be taken along the way that could achieve further impact.'***

***'Some of the challenge is to raise awareness and gain commitment within the civil service, and then consider what else might support it.'***

The UNCRC team in the DfE is developing a CRIA tool with input from the CRC advisory group which is jointly chaired by DfE and CRAE and, separately, from civil service policy. The DfE team has also looked at what is already available in Wales and Scotland, as well as the recommendations in the evaluation of the Welsh CRIA model. Overall, they favour the relative simplicity of the Welsh model. The aim is for a CRIA tool embedded in the policy development process, supported by training and the ministerial commitment.

Some outside government, however, disagree over the inclusion of a screening/initial IA stage.

***' . . . that's quite a dangerous thing to have in there unless it's very carefully constructed so that departments could not opt out on the basis of very little evidence. But I do understand the need for something in there for policy-makers to decide whether or not they need to undertake one.'***

Some of the support responsibility falls to the UNCRC team, but the government is aiming to build a network of UNCRC and CRIA champions in each government department across Whitehall. A number of departments were part of the Geneva delegation when the UK Government was last examined in May 2016, so the aim is to build on that experience.

## **4.2 Northern Ireland**

### **4.2.1 Impact assessment**

Section 75 of the Northern Ireland Act 1998 places a duty on designated public authorities<sup>8</sup> to promote equality of opportunity across nine different grounds, including

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<sup>8</sup> The list of public authorities is in Schedule 2, Parliamentary Commissioner Act 1967

age. Under Schedule 9 of the Act, each public authority is required to develop an equality scheme setting out how it will:

- ) Comply with and consult on the duty;
- ) Assess and consult on the likely impact of policies on the promotion of equality of opportunity (the basis for EQIA);
- ) Monitor any adverse impact of policies;
- ) Publish the results of such assessments and monitoring;
- ) Ensure and assess public access to information and services provided by the public authority

In its guide to the statutory duty, the Equality Commission for Northern Ireland (established under Schedule 9 of the Act) explains that the aim of s.75 is *'to change the practices of government and public authorities so that equality of opportunity and good relations are central to policy making, policy implementation, policy review and service delivery.'* (Equality Commission for NI, 2010, p.5)

Unicef recognises that integrating a child perspective into other impact assessment processes can be a useful alternative, or the first step towards, developing a culture of CRIAs as a routine part of government law and policy making (Unicef, 2010). Associated advantages are that the CRIA can become mandatory by proxy if the other impact assessment is required by law, and that the experience of measuring the policy/draft legislation against UNCRC requirements raises awareness of children's rights within government. Success depends on there being a set of child rights-specific questions and considerations within the impact assessment template and guidance. However, research for NICCY indicates that, although there is a general assumption that potential impacts on children will be considered in the EQIA, the few that have noted any potential impact on children fail to differentiate between different age groups or groups of children with different life experiences (Byrne and Lundy, 2011).

### **Case study: NICCY EQIA and CRIA on the Welfare Reform (NI) Bill**

In 2012, Goretta Horgan and Marina Monteith of the University of Ulster were commissioned by the NI Commissioner for Children and Young People (NICCY) to undertake a [CRIA of the Welfare Reform \(NI\) Bill](#) which would introduce Universal Credit to NI. The CRIA was meant to provide an evidence base on which legislators in the NI Assembly could base discussions about the impact of the proposals on families with children in NI. A draft EQIA to the Bill had been published in 2011 but failed to take any account of the impact of the welfare reforms on children and young people. The CRIA showed that children's rights would be seriously compromised by some of the proposals but, despite the Minister for Social Development committing to giving serious consideration to its findings, the [final version of the government's EQIA](#) contained no further consideration of the impact of the welfare changes on children.<sup>9</sup>

The Act also established the NI Commission for Human Rights. Its functions include: a duty to advise the NI Government and Assembly of legislative and other measures which ought to be taken to protect human rights (s.69(3)); and a duty to advise the

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<sup>9</sup> NICCY (2012) [Briefing for the Northern Ireland Assembly Social Development Committee, 21 June 2012](#)

Assembly whether a Bill is compatible with human rights (s.69(4)). In both cases, 'human rights' refers to ECHR rights.

Neither the equality nor the human rights duties require the NI Government, the Assembly or public authorities to assess the impact of a policy or strategy against UNCRC articles.

**Table 2: Impact assessment in NI**

<b>Material scope</b>	All new policies
<b>Personal scope</b>	Children under 18 are considered under 'age' in the EQIA, though the guidance suggests that narrower age bands may be more appropriate when assessing policies concerning young people <sup>10</sup>
<b>Tools</b>	<p>NI's Policy Toolkit is intended to provide a practical overview of the key steps and key phases in the policy development process. It is divided into individual workbooks, and Workbook 4 provides a <a href="#">Practical Guide to [integrated] Impact Assessment and an exemplar template</a>, with the same basic methodology applying to all IAs undertaken in NI.</p> <p>There are two stages: a screening and EQIA process. The EQIA process comprises:</p> <ul style="list-style-type: none"> <li>) Policy aims</li> <li>) Data collection</li> <li>) Assessment of impact</li> <li>) Consideration of measures to mitigate/alterative policies with estimation of future impacts</li> <li>) Consultation</li> <li>) Decision-making and publication of EQIA</li> <li>) Annual monitoring and publication of monitoring results</li> </ul> <p>The majority of policies only undergo the Screening process and do not progress to a full EQIA. Where a full EQIA is undertaken, the EQIA guidance recommends that public authorities allow a 12 week consultation period in order to assess the views of those who will be affected by policy decisions.<sup>11</sup></p>
<b>Support &amp; review</b>	<p>The Equality Commission for Northern Ireland has a duty under the 1998 to keep under review the effectiveness of the duties imposed by s.75</p> <p>There is no government training on the UNCRC or children's rights</p>
<b>Publication</b>	<p>EQIAs are developed after an options paper has gone to the Minister, and can be made available with a consultation paper, or published '<i>as part of the decision making documentation</i>'.<sup>12</sup></p> <p>Public authorities are required to publish a report on the results of EQIAs (Schedule 9, para.9 NI Act 1998).</p>

<sup>10</sup> Equality Commission for Northern Ireland (2005) [Section 75 of the Northern Ireland Act 1998: practical guidance on equality impact assessment](#)

<sup>11</sup> Ibid

<sup>12</sup> Ibid

## Case study: EQIA on a child/young person-focused policy area

In 2012, the Department of Education (DE) undertook an [EQIA on Priorities for Youth Work in Education](#), a policy aiming to refresh youth work education and ensure services are accessible to the most disadvantaged or disengaged young people. The EQIA list of policies/objectives 'with a bearing on this policy' included the UNCRC among other domestic strategies and policy priorities. There is no further reference to children's rights within the EQIA.

The EQIA screening provides disaggregated data (where available) on the children and young people (up to 25) who would be affected under each of the nine s.75 categories,<sup>13</sup> assessing a positive impact for most of these while also noting a potential differential impact in relation to age. For this reason, the EQIA includes a section on mitigation which makes it clear that budgetary pressures has led the government to decide to prioritise youth services for 9 to 18 year olds. The EQIA records that, as part of the monitoring of these changes, any adverse impact on other age groups as a result of this decision will lead to a review of the policy.

Despite this initial assessment, the EQIA did not progress beyond the screening stage. A full EQIA would have triggered a stakeholder consultation exercise which would have included the young people who would be impacted by the policy.

### 4.2.2 Recent developments

For several years, NICCY has used its own CRIA template to assess and provide advice to government on policy announcements or legislation. In 2011, NICCY commissioned the Unesco Child and Family Research Centre to develop a more appropriate Child Impact process for government which, although never published, was presented as advice to the NI Government. The government was not receptive to the proposal to introduce a new impact assessment process, made it clear that any child impact assessment would have to be part of the EQIA, and that any further development of a CRIA-type element to EQIA would have to be negotiated with NI's Equality Commission.

***'... the EQIA fails to provide that dedicated gaze on children and it's limited in two ways: it's just equality, not broader rights – it's a non-discrimination focus – and segregates children amongst everything else.'***

***'EQIAs are done at the end of the process and are an administrative exercise'.***

That situation has not changed. Interviewees made clear their collective belief that there is little likelihood of the NI Government adopting a separate CRIA process: broadly, in the power-sharing government, one party supports human rights (including children's rights) and the other does not. The Bill of Rights process, which emerged as a key component of the peace process in Northern Ireland only to be overtaken by the proposal for a UK Bill of Rights, remains stalled. In its response to the original proposals for a NI Bill of Rights, the NI Government dismissed recommendations to include a broad range of child-specific rights, and there is no sign their position on that has

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<sup>13</sup> These are: religious belief; political opinion; racial group; age; marital status; sexual orientation; gender; disability; dependants

changed.<sup>14</sup> Interestingly, interviewees said the implications of the Brexit deal for Northern Ireland may have reinvigorated a cross-party interest in human rights.

However, there are other developments that may lend themselves to the promotion of children's rights and the promotion and use of CRIA, if not the full establishment of a distinct CRIA template, guidance and process.

***'I think, if we're talking about any way, we're talking about the children's strategy being the way forward.'***

## ) **Children and young people strategy**

The Children's Services Co-operation Act 2015 places a 'duty to co-operate' on public authorities in order to improve to the wellbeing of children and young people, addressing one of the main blockages which was a lack of 'joined-upness' between government departments and agencies.

The NI Government is also required to adopt a children and young persons' strategy setting out how it proposes to meet the wellbeing duty, and report on the impact of this strategy, with the reporting cycle yet to be agreed. The definition of wellbeing includes reference to *'living in a society which respects their rights'* (s.1(2)).<sup>15</sup>

Under section 1(4), the Act also specifies:

*In determining the meaning of wellbeing for the purposes of this Act, regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child.*

A [draft children and young people strategy](#) was issued for public consultation in Dec 2016. The draft strategy links the NI Government's duty to report on the delivery of UNCRC rights to the strategy. It also includes a suite of proposed indicators under each of the eight wellbeing outcomes which will be used to review progress and assess the impact of actions. In the draft strategy, the NI Government states that *'Both the UNCRC articles and Concluding Observations serve as a helpful and important guide to making sure that our policies – whether they hold direct or indirect consequences – consider children.'* (Department of Education, 2016, para.4.34).

The question is how officials can operationalise that intention. Arguably, setting up a CRIA process would support this, allowing for the systematic consideration of the wide range of policies that will be developed under the strategy using a children's rights framework to inform the child wellbeing outcomes.

However, one interviewee notes that the strategy is a wellbeing framework, and children's rights are 'tucked in' to wellbeing. The Scottish experience of considering both children's rights and child wellbeing within a CRIA could be of interest to NI – the

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<sup>14</sup> NI Office (2009) [A Bill of Rights for Northern Ireland: next steps consultation paper](#)

<sup>15</sup> The eight wellbeing outcomes in the Act are: physical and mental health; the enjoyment of play and leisure; learning and achievement; living in safety and with stability; economic and environmental wellbeing; the making by them of a positive contribution to society; living in a society which respects their rights; living in a society in which equality of opportunity and good relations are promoted between persons who share a relevant characteristics and person who do not share that characteristic



proper scrutiny of the impact of a policy or legislative measure on children's rights can also demonstrate how the policy can further a child's wellbeing.

### **Case study: EQIA on the draft Children and Young People Strategy**

An Equality and Human Rights [screening form](#) published with the draft Children and Young People Strategy notes that, because the strategy should have a positive impact on children in NI, there is no need for a full EQIA.

However, it also maintains that policies being developed or revised in the light of the strategy will be subject to IA screening and, if appropriate, an EQIA, to ensure this is the case.

***'We could argue that the delivery of the children's strategy should include impact assessment because any interpretation of the outcomes should be based on the Articles of the UNCRC.'***

***'... they should make the UNCRC much more visible in the children's strategy, and make it clear how it would deliver on the Articles of the UNCRC as they develop the other actions associated with the strategy. ... that is the vehicle to get government departments to think about children's rights.'***

The strategy will not be finalised until the parties are able to agree and form a new government.

## **4.3 Scotland**

### **4.3.1 Impact assessment**

The Scottish Government has the power through Schedule 5 of the Scotland Act 1998 to *'observe and implement international obligations'*.

Part 1 of the Children and Young People (Scotland) Act 2014 places all Scottish Ministers under a duty *'to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC, and if they consider it appropriate to do so, take any of the steps identified by that consideration'* (s.1(a) and (b)). They are also required *'to take such account as they consider appropriate of any relevant views of children of which the Scottish Ministers are aware'* (s.1(2)), and *'to promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children'* (s.1(3)). Ministers are also required to report on the steps they have taken to further UNCRC rights every three years (s.1(4)).

Getting it Right for Every Child (GIRFEC) is Scotland's national approach to improving the wellbeing of children and young people. The 2014 Act places key elements of GIRFEC in statute including eight child wellbeing indicators – Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (known by the acronym SHANARRI) (s.96).

The dual child rights/child wellbeing frameworks are included in the Scottish Child Rights and Wellbeing Impact Assessment (CRWIA) model. Although CRWIA has no

statutory basis, the current Scottish Government has made it part of their implementation strategy to deliver their Part 1 duties.

**Table 3: CRWIA in Scotland**

<b>Material scope</b>	Not specified – available CRWIAs cover Bills, draft Regulations, guidance and strategies. Implemented within the Scottish Government as ‘a policy development and improvement approach’, and to support so called ‘long lens’ and ‘next generation’ thinking
<b>Personal scope</b>	Dual UNCRC and SHANARRI child wellbeing indicator assessment framework. The UNCRC assessment covers children up to age 18; the child wellbeing assessment covers children up to age 18 and some vulnerable groups of young people up to age 25 [i.e. those requiring transition services]
<b>Tools</b>	<p>Set of <a href="#">CRWIA templates</a>, <a href="#">CRWIA guidance</a>, <a href="#">quick reference guide to children’s rights legislation in Scotland</a>, 20-minute <a href="#">e-learning training module</a></p> <p>All are accessible through the <a href="#">CRWIA gateway page</a></p> <p>Templates for:</p> <ul style="list-style-type: none"> <li>) Cover page</li> <li>) Screening</li> <li>) Scoping</li> <li>) Data collection and evidence gathering, involvement and consultation</li> <li>) Assessing the impact</li> <li>) Recommendations, monitoring and review</li> <li>) Summary versions for policies, or Bills</li> </ul> <p>CRWIA may be undertaken as part of a joint impact assessment (e.g. an EQIA) provided there is cross-referencing of issues relevant to each impact assessment, and that outputs are published separately</p>
<b>Support &amp; review</b>	1 part-time children’s rights lead in the Children’s Rights and Participation Team
<b>Publication</b>	Yes. The CRWIA guidance suggests publication of the summary version; however more recently, the majority of teams have chosen to publish in full, and some as ‘work in progress’ – demonstrating its increasing use as an iterative approach being actively used to consider next steps. It means new work appears as simple dated updates within the appropriate Stages of wherever teams are at, within the templates.

Between June 2015 and 11 May 2017, 18 CRWIAs have been published [**see table in Annex 1**]. They were led by departments from across the Scottish Government. All assessed a positive or neutral impact.

Several did not get past the Screening stage, two of these (the Adoption Register, and the Transport Strategy refresh) because they were not introducing new policies. Another on Freedom of Information claimed the changes would affect only a small number of children so a full CRWIA was not necessary.

One on the Welfare Funds (Scotland) Regulations 2016 brands itself as a joint EQIA/CRWIA, but is clearly drafted through an equality rather than child rights lens.

However, there are some impressive examples: the CRWIAs on the Carers (Scotland) Act 2016; Health (Tobacco Nicotine and Care) (Scotland) Bill; Mental Health Strategy; and Pregnancy and Parenthood in Young People Strategy summarise the evidence and results of consultations, including some with children and young people, and record how the measures would be monitored. They also serve as an example of CRWIAs that are developed throughout the process. More recent CRWIAs on the Child Poverty Bill, and another on Contracted Employment Support, have presented themselves as 'works in progress' that will be amended as the legislation/policies develop.

Two of the CRWIAs, details outlined below, suggest the CRWIA drafting process led to new developments in terms of the policy, or delivery of the policy.

### **Case study: CRWIA on draft regulations**

The CRWIA for the [NHS Model Complaints Handling Procedure](#) is a particularly comprehensive example. The development of proposals for a new '*person-centred approach to a complaints handling procedure*' was overseen by a Steering Group, and based on Scottish Government-commissioned research on complaints handling as well as a public consultation. All of these precede the development of the CRWIA.

Although the set of templates were published and dated as a single set, the CRWIA appears to record changes made as the proposals were developed and consulted on.

In its earlier stages, it sets out the policy aims, identifies the groups of children most likely to be affected, lists relevant Articles of the UNCRC (though that list is incomplete, e.g. it neglects to include Article 17 re the right to access information) and SHANARRI indicators. The CRWIA also records data gaps on: the number of complaints made by children and young people or those complaining on their behalf, the reasons for making a complaint and the experience of making a complaint, leading to a commitment to the routine collection of children's views of the health service.

The final stages of the CRWIA assess the potential impact of the policy as positive, but also provide a list of recommendations which would help make the procedure more accessible to children. It also reports on a 'CRWIA workshop' which took place and led to additional recommendations for guidance on consent, and enabling the use of social media to make a complaint.

Monitoring will take place through a reporting process set up through the regulations.

### **Case study: CRWIA on draft statutory guidance**

The CRWIA for the [Children and Young People \(Scotland\) Act 2014 draft statutory guidance to Part 3 \(Children's Services Plans\)](#) is branded as an exemplar of '*the 'long lens' Child Rights and Wellbeing approach to policy improvement developed for use by Scottish Government policy managers*'.

The duty on local authorities, health boards and partners to prepare a Children's Services Plan is relevant to any child living in that local area. The CRWIA sets out the policy aims, identifies local services that have a direct impact on children (e.g. education, children's social care, youth services, support for parents etc.), and those that have an indirect impact (e.g. housing, public transport, community safety etc.). It lists virtually all UNCRC Articles and all SHANARRI indicators to reflect the breadth of the duty. It lists official data sets for disaggregated groups of children, and summarises published evidence on children's involvement in local planning as well as the results of participation work with children which took place during a consultation on the draft Bill. At a later stage in the development of the CRWIA, this information is supplemented by a summary of the responses to the consultation on the draft Part 3 statutory guidance itself.

The CRWIA assesses the impact of the draft guidance as positive, explains that judgment and also indicates how this positive impact could be realised. However, it also notes that the Act's local consultation requirements through intermediaries do not satisfy the UN Committee's recommendation that public authorities develop a direct relationship with children. This has led to a Scottish Government commitment to undertake pilots on best practice models of participation by children and young people at a local level.

#### **4.3.2 Recent developments**

CRWIA is not mandatory in Scotland, but the CRWIA model was developed for use across government as a direct consequence of the s.1 duty.<sup>16</sup> The intention is that they will be undertaken for new policies, measures and legislation. In addition to the 18 CRWIAs published so far, there are known to be around ten more in development.

When the CRWIA launched in June 2015, legislation going through Parliament and policy areas that would directly impact children were prioritised for CRWIA work. Those working on Bills were also encouraged to recognise the CRWIA's potential as a policy improvement approach for implementation of their enacted legislation. The next phase of development of the CRWIA policy improvement approach is to increase the number of CRWIAs being undertaken on policy areas that will have an indirect impact on children.

***'... we saw very quickly that CRWIAs could have most impact for CYP beyond these children-specific policies.'***

Scottish Government officials can call upon the support of a central Team which comprises two part-time children's rights policy managers working as a job-share, i.e. one full-time equivalent post.

***'... important ... is the personalised 'clinic' that the Team has offered to colleagues – offering a friendly ear/face to support them to understand how they can use the CRWIA to greatest effect, both as an IA, and crucially as an improvement approach.'***

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<sup>16</sup> Campbell, A (2014) [Children and Young People \(Scotland\) Bill Stage 3 debate](#), 19 Feb 2014, col.27746

Some interviewees expressed concern about the Team's capacity to respond to the growing demand for information, advice and support on CRWIA: their role and work needs greater recognition at Director level to make sure they are respected as the experts who can help their colleagues deliver on the Part 1 duty. The central Team are aware of this and say part of their forward plan is the offering of targeted training to Directors and Deputy Directors, particularly those who do not work on children's policy areas.

Although the aim is to ensure CRWIAs start early in the policy development process, realistically it can be **'when folk find out about CRWIAs'**. The Team would also like to increase the number of exemplar CRWIAs available to help those who are new to the process. This can also provide evidence of the benefits of recent improvements to the CRWIA tool: e.g., recently teams have been encouraged to publish 'work in progress' at whichever Stages of the CRWIA they are at, and to provide simple dated updates of new work.

NGOs report that many officials they meet with do not seem to realise they should be doing a CRWIA. Despite their increasing use, CRWIAs are not mandatory, so their material scope remains unclear. So far, there are CRWIAs on strategies, some Bills and draft regulations, but not all consultations. Some CRWIAs appear after a consultation paper has been published, which makes it harder to refer to them in any responses made during the consultation period. Several appear on the Scottish Government CRWIA webpage many weeks or months after they have been written – there seems to be a time lag between them being finalised and being published.

***'We need a better system for publication.'***

When reflecting on whether that delay may be impacting on the quality of the CRWIA, the reception it might get, or the impact that the CRWIA is having or can have on that policy area, officials note how the CRWIA process itself is still evolving and aims to bring a more 'proactive transparency' to policy development and improvement.

***'... we envisage situations in the future where a wider group of stakeholders can be encouraged to come forward in order to contribute as part of a 'strengths-based' partnership approach. . .'***

All interviewees were positive about the templates and guidance available, though officials feel that useful updates could be made to the guidance and other online materials to better support their use as a policy improvement tool.

***'It acts as not just an implementation tool but also a training tool; it helps to signpost officials to where they need more information and support; it's also a way of highlighting organisations that can work with officials to help them do the CRWIA as best as possible; and it streamlines the process as well.'***

The template offers the option of publishing a summary version of the CRWIA, and not all interviewees support that.

***'... in terms of accountability, if you're able to publish in full, it allows others when looking at a proposal to really see behind your thinking and where your policy is coming from – and providing a summary is much more cursory view of it and you don't really get the same sense, like a sanitised version of it.'***

The first phase of training, in June 2015, was developed with an external expert who, with the central UNCRC team, delivered a series of workshops for Scottish Government officials. Online training is through a 20 minute e-learning course which provides basic information on the international human rights framework, the UNCRC and CRWIA, and is supplemented by online information products.

NGO interviewees want to see more face to face training, and the Scottish Government is planning to do more multi-media and platform training to take account of different learning styles, and to make sure children’s voices are part of the programme.

*‘The current training isn’t enough – there should be a quarterly training morning for officials new to CRWIA or nervous/unsure about undertaking CRWIA because that’s the level we’re working with at the moment. But a morning session every quarter for those who knew they have to do a CRWIA, and they could come with ideas or their policy in mind . . . It’s just to give people that kind of confidence at the very beginning.’*

The Scottish Government plans to evaluate the template and guidance as well as the e-learning course that supports them at some point in the future.

#### 4.4 Wales

##### 4.4.1 Impact assessment

Section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers to have due regard to the requirements of the UNCRC and its Optional Protocols when exercising any of their functions. ‘Functions’ include:

- ) Everything that the Welsh Ministers may do because legislation has given the Welsh Ministers the power to do it, and
- ) Everything the Welsh Ministers must do because legislation has placed a duty on the Welsh Ministers to do it

The 2014 Children’s Rights Scheme, made under s.2 of the Measure, sets out the arrangements Welsh Ministers have in place to make sure they comply with the duty including a CRIA procedure. This includes setting out the CRIA process which goes beyond the CRIA template.

*‘The process can range from thinking about the impact of decisions on children in the course of day-to-day work activity, through to the formal application of a structured impact assessment template accompanied by a record of the outcome and decisions.’*

(Welsh Government, 2014a, p.9)

**Table 4: CRIA in Wales**

<b>Material scope</b>	Policies, legislation, Regulations, strategies – very broad approach under the due regard duty in the Measure. However, the annual budget is not subject to a CRIA, but an Integrated Impact Assessment which may or may not refer to children specifically
<b>Personal scope</b>	Covers children and young people up to age 18

<b>Tools</b>	<p>Template<sup>17</sup> and guidance, 20-minute online training module</p> <p>The 2014 CRIA template sets out a six-stage procedure:</p> <ol style="list-style-type: none"> <li>1. What's the piece of work and its objectives?</li> <li>2. Analysing the impact</li> <li>3. How does your piece of work support and promote children's rights?</li> <li>4. Advising the Minister and ministerial decision</li> <li>5. Recording and communicating the outcome</li> <li>6. Revisiting the piece of work as and when needed</li> </ol> <p>The 2017 draft revised version sets out four steps:</p> <ol style="list-style-type: none"> <li>1. Describe the proposal</li> <li>2. Describe and explain the intended outcomes of the proposal, with a focus on children and young people</li> <li>3. Explain how the proposal is likely to impact on children's rights</li> <li>4. Summarise your assessment from Steps 2 and 3</li> </ol> <p>With a separate page setting out Arrangements for monitoring and review.</p>
<b>Support &amp; review</b>	<p>The Measure Implementation Team supports Ministers and staff in having due regard and in utilising the CRIA process effectively. This includes:</p> <ul style="list-style-type: none"> <li>- providing constructive challenge and support</li> <li>- providing information on when and how to undertake a CRIA</li> <li>- providing examples of good practice</li> <li>- providing information on ways in which to consider the effective participation of children and young people</li> <li>- enabling staff to draw on children's rights expertise outside of the Welsh Government</li> <li>- providing options for publication of CRIAs</li> <li>- maintaining a central database of all CRIAs by department received through the dedicated mailbox<sup>18</sup></li> </ul>
<b>Publication</b>	<p>All CRIAs relating to legislation and regulations must be published. Other CRIA titles are listed on the Welsh Government's CRIA Newsletter and must be made available upon request</p>

The 2014 Welsh CRIA model has been evaluated, and recommendations made to change Steps 3 through 6 of the current template, and that clearer guidance on the UNCRC and CRIA itself be provided to the officials using it (Hoffman and Morse, 2016). In particular, the authors recommend the removal of references to advice to ministers and ministerial decisions, since CRIAs are meant to be used to advise ministers without being unduly influenced by political considerations. These changes will reduce the number of steps in the model from 6 to 4. The recommendations also note the need to strengthen the guidance on the possible discriminatory impacts of a proposal and the need to consult with children and young people. The Welsh Government has agreed to revise the model to reflect these recommendations.

<sup>17</sup> These documents are available on the Welsh Government intranet

<sup>18</sup> Welsh Government (2015) [Report on the compliance with the duty under section 1 of the Rights of Children and Young Persons \(Wales\) Measure 2011. 1 Feb 2013 to 31 May 2015](#)

The evaluation also noted a number of concerns about the quality of CRIAs and how they were being used, noting many of the practice deficiencies outlined in section 3.2.1 of this paper.

### **Case study: CRIA on draft guidance and regulations**

The CRIA on [Safeguarding Regulations and Guidance arising from Part 7 of the Social Services and Wellbeing \(Wales\) Act 2014](#) is one of a suite of 12 CRIAs to different Parts of the Act. Among other things, Part 7 establishes a National Independent Safeguarding Board for children and adults, and requires local areas to set up local Safeguarding Children Board and Local Safeguarding Adult Board, but also gives them the option to combine to form a single board.

The CRIA lists relevant Articles of the UNCRC, provides a very brief summary of selected evidence on service deficiencies which support the measures, but offers no data on the children who would be affected by these measures. It provides no real assessment of the impact. This may reflect the late stage of the development of the policy which the CRIA records – post policy announcement, post consultation, and post legislation with the regulations meant to deliver decisions that have already been made.

It records debates regarding these proposals which took place during the passage of the Bill, noting questions about whether the joint national board or provisions for merging the two Boards comply with the UNCRC. The CRIA refers to ministerial correspondence which *'confirms the Bill's compliance with the Rights of Children and Young Persons (Wales) Measure 2011 and, by extension, the UNCRC'* – but fails to set out the reasons outlined in the letter.

Any monitoring of the regulations will be part of the role of the new national board.

### **Case study: CRIA on local government reorganisation**

The [CRIA to Reforming Local Government: Resilient and Renewed](#) provides an example of an IA looking at broad policy proposals that may have an indirect, as well as direct, impact on children, developed when different options are still being considered. The Reforming Local Government white paper was published as part of a package of reforms to the relationship between central and local government, in this case considering new regional arrangements and enabling local authorities to proceed with voluntary mergers. The CRIA was published with the consultation paper.

In terms of impact, the CRIA notes specific proposals to lower the voting age from 18 to 16 in Wales. It also recognises that any new governance arrangements would affect children who use local services including education, social care, youth justice, housing and environmental services. It lists relevant Articles of the UNCRC, though not a complete list: for example, it refers to three of the four general principles, omitting Article 2 (non-discrimination); refers to Article 28 (right to education) but not Article 31 (right to leisure, play and culture); and refers to Article 27 (right to an adequate standard of living) but not to Article 9 (separation from parents).



The CRIA notes that, despite the aim to make positive change, some negative impacts could materialise: for example, short-term disruption to services during restructuring. There are specific questions about this in the consultation paper which also appear in the CRIA, which invites respondents to identify any potential negative impacts. Although no consultation with children took place to inform this CRIA, they had occurred during the previous stages of the development of the policies, and further input can be made through this consultation exercise.

The CRIA commits to publication of a further CRIA to accompany any future Bill.

#### **4.4.2 Recent developments**

There is nothing in the legislation saying CRIA is mandatory but the [Welsh Measure] Implementation Team is aware of around 260 CRIs having been done from 2012 to date. An interesting development is that Welsh Assembly Members have contacted the Children's Commissioner for Wales for advice when developing a Private Member's Bill, which is an indication of how mainstreamed the CRIA process has become.

***'CRIA is embedded to the extent where children's issues are live, but is more of a struggle with 'indirect impact' departments e.g. Business and the Economy. But even in these, there are pockets of good practice.'***

The Implementation Team has an overview of all policy areas, and can offer officials what they call the CRIA toolkit: the templates, guidance, advice and sample CRIs. They provide advice and guidance to other staff and face to face training across the Welsh Government, as well as information on the UNCRC and children's rights more generally. The template and guidance encourage officials to start the CRIA early on and complete it over a period of time *'returning to consider or reconsider issues as new evidence becomes available and/or a proposal is subject to change'*. The Implementation Team are testing out a revised template following the recommendations made in the recent evaluation, and intend to set up focus groups over the summer to see if any further changes to the template are required and ask what further guidance staff would like to see.

There is no summary version template. The Implementation Team prefer to leave it to individual policy leads to decide whether or not to disclose all information in the CRIA. In general, however, they believe the full version is what is published – always with Bills, and available on request with other types of documents. Officials can choose to publish a CRIA with a consultation paper.

***'We have reached a point where for certain individuals/teams, the CRIA process is familiar and we're seeing some well-developed CRIs. For others, they're still at basic foundation level. We are trying to address those differences.'***

The e-learning course is mandatory for officials but the team can also respond to individual staff requests and provide one-to-one training. They are thinking about developing their training further, for example, providing training on the development of children's rights, and children's rights analysis and assessment as a possible stage 2 training topic. Ongoing training is needed to reinforce CRIA, and to make links across the other impact assessment officials are asked or required to do (the Welsh

Government requires 8 different IAs). New Ministers also receive training on the due regard duty under the Measure.

***‘ . . . officials felt equipped to do a basic version of CRIA but, when its potential as a policy development tool was explained, they felt less equipped to use it in that way, and said they weren’t sufficiently knowledgeable or sufficiently equipped.’***

An automated newsletter goes out every quarter which lists all published CRIAs and gives their hyperlinks; and lists titles of unpublished CRIAs and gives contact details to request them. Standard advice has gone out to staff to send any CRIA undertaking to the Implementation Team mailbox for central logging. Departmental champions also maintain logs for their business areas and liaise with the Implementation Team.

Every piece of advice to ministers is given via a Ministerial Advice (MA) template, within which there is a section on children’s rights and the UNCRC – the assumption is that a Minister who received advice without a CRIA would query that omission.

To maintain interest in CRIA at a senior level requires continual reinforcement: through group sessions, training, correspondence from the Team and the Minister with responsibility for children’s rights, or by tying CRIA to a public event like the anniversary of the publication of the 2016 Concluding Observations, or the publication of a particular paper or Bill.

A recent development is the establishment of a new Children’s Rights advisory group (CRAG), convened by the Implementation Team with members from children’s rights organisations working in Wales. The group operates as a ‘critical friend’ to the Welsh Government, among other things providing children’s rights expertise in discussions about emerging policy and legislation.

***‘There is something about the scale of Wales which has driven the approach taken to deliver CRIA. It’s a small jurisdiction, so there may be a certain capacity for officials to draw on the Implementation Team and possibly external community because demand is limited in scale and the Implementation Team is fairly accessible within the Welsh Government.’***

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## **5. Conclusions**

***‘I don’t think children’s rights would be considered without the CRIA process. The real change is CRIA and the way it drives and supports greater awareness and understanding of the UNCRC and children’s rights.’***

**Interviewee in Wales**

***‘CRWIAs are highly instrumental because they both ‘do what they say on the tin’ (i.e. measure impact) and reach a bit further in landscape and outlook. We think they have huge value to help champion children’s and young people’s needs in the wide range of settings in which they live their lives - these currently under 18, and those of the next generation and thereafter.’***

**Interviewee in Scotland**

Everyone involved in this review was positive about the potential of CRIA and, in the two jurisdictions which have introduced CRIsAs, reported considerable progress in its implementation and practice, whilst recognising that even more could be done to make full use of this type of impact assessment. In a political environment, encouraging governments to support CRIA, and then embed it in its work, means that it has to work for government and must add benefit to their policy development and decision-making functions.

That is why the review focuses as much on CRIA practice as it does on the different models and systems in place to support it. Too often, they are done too late in the policy development process, as a one-off product that is drafted to record and communicate decisions rather than inform them. When CRIA is first introduced, the training on offer to officials is basic and introductory, and happens once. As the CRIA becomes a regular function of government, that basic training is found to be insufficient. E-learning is a good start but face to face and continual training should also be available. There needs to be a central team in government with the knowledge and expertise to support their colleagues in doing these – Wales and Scotland have those teams, but demand is high and capacity is an issue.

There are no systems in place to quality assure CRIA in any of the jurisdictions – it is very difficult to give one team of civil servants the authority to cast a critical eye over the work of colleagues in other teams – but there are ways of improving practice through: regular awareness raising; using a template and guidance which aid better practice; the provision of easily accessible supporting information on children’s rights and the UNCRC; the provision of more advanced training to supplement the introductory course; the publication and circulation of exemplar CRIsAs; having CRIA leads with sufficient seniority to promote CRIA in each government department; the offer of advice and support from the central team; and the option of early scrutiny involving a group of trusted external experts on at least the more contentious or significant areas of policy. Using the CRIA as a policy development tool also requires clarity regarding its purpose, its material scope (specifying what types of instruments must undergo CRIA), and the point at which, and format in which, they are to be published.

The literature on CRIA indicates the challenge in getting officials to understand how these differ from many other impact assessments: that, if used to their full potential, they provide a tool to support a child rights based approach to developing or deciding on policy, looking beyond assessing UNCRC compliance to supporting and recording how that policy or piece of legislation supports the progressive realisation of children’s rights within that jurisdiction.

The situation is different for the two jurisdictions that have already introduced CRIA. In these cases, the focus is on review and refinement of their respective models, regular communication across government to sustain the CRIA momentum, and setting up systems to encourage best practice.

**Recommendations arising from this research from Unicef UK can be found in four country-specific briefings on Child Rights Impact Assessment here: <https://www.unicef.org.uk/publications>**

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## Annex 1

### Documentary analysis of CRIAs or UNCRC considerations from England and Scotland

**Table 5: UK CRIAs or UNCRC considerations in England (up to 11 May 2017)**

Type of IA	Screening	Evidence base	Stakeholder consultation	Assessment of impact & Options	Monitoring & review	Conclusions
<b><u>Childcare Bill</u> – DfE, July 2015</b>						
Government commitment set out. Joint publication of consideration of ECHR/ UNCRC/Public Sector Equality Duty/ Child poverty/ Family Test	n/a	No evidence base presented	No stakeholder consultation reviewed	Positive – Commenting on pre-existing government commitment	None mentioned	No in-depth exploration of impact on young children, or differential impacts on different groups of children (e.g. disabled children)
<b><u>Children and Families Bill</u> – DfE, Feb 2013</b>						
Policy aims set out clause by clause. Joint ECHR /UNCRC IA	n/a	No evidence base presented	No stakeholder consultation reviewed	No explicit impact assessment. Presumption is positive impact – sets out government’s view why the clauses comply with the UNCRC	None mentioned	Does refer to relevant Concluding Observations, but clearly drafted after policy decisions had been made
<b><u>Children and Social Work Bill</u> – DfE, May 2016</b>						



<p>Sets out policy intentions for different parts of the Bill. Joint publication of RIA/Public Sector Equality Duty/ UNCRC/ Family Test/ New Burdens IA</p>	<p>n/a</p>	<p>Summarises evidence driving the policy/ legislative change</p>	<p>Summarises findings from consultation events with children in care and care leavers, intention to consult with stakeholders in the future, or expectation that consultations will take place at local government level</p>	<p>Assesses impact on children, and compliance of each policy areas with UNCRC Articles as well as recommendations made in the Concluding Observations</p>	<p>None mentioned</p>	<p>Confirms that further consideration of the impact on children's rights will be conducted when developing regulations</p>
<p><b>Education and Adoption Bill – DfE, July 2015</b></p>						
<p>Separates IAs for the education, and adoption proposals. Joint publication of consideration of UNCRC/ Public Sector Equality Duty/ Child Poverty/ Family Test</p>	<p>n/a</p>	<p>No evidence base presented</p>	<p>Education section confirms no consultation with children, though does refer to views of teachers and parents.  Adoption section confirms no consultation with children, though does refer to views of adoption agencies/local authorities</p>	<p>No explicit impact assessment. Presumption is positive impact – education section sets out government's view why the clauses comply with the UNCRC; adoption section makes no assessment of compliance with UNCRC Articles</p>	<p>None mentioned</p>	<p>Drafted after policy decisions have been made</p>

<b><u>Modern Slavery Bill</u> – Home Office, June 2014</b>						
Aims set out for selected clauses. Joint ECHR/UNCRC Memorandum	n/a	No evidence based presented	No stakeholder consultation reviewed	No explicit impact assessment. Presumption is positive impact – sets out government’s view why the clauses comply with the UNCRC	None mentioned	Drafted after policy decisions have been made

**Table 6: CRWIAs in Scotland (up to 11 May 2017)**

Type of IA	Screening	Evidence base	Stakeholder consultation	Assessment of impact & Options	Monitoring & review	Conclusions
<b><u>Adoption – Care and Permanence – the Adoption Register</u> – Dec 2015</b>						
Initial Screening only – did not use CRWIA template though based on CRWIA questions	Decision not to do full CRWIA			Scotland’s Adoption Register has been in operation since 2011 therefore this does not constitute a major new direction in policy		
<b><u>Burial and Cremation (Scotland) Bill</u> - Burial and Cremation Bill Team, Public Health Division, Population Health Improvement Directorate, July 2015</b>						
Front sheet and initial Screening only	Decision not to do full CRWIA					
<b><u>Carers (Scotland) Act 2016</u> – Carers Branch Care, Support and Rights, March 2016</b>						

<p>Publication of full set of CRWIA templates</p> <p>Suggests reading in conjunction with the EQIA and Privacy IA</p>	<p>Screening as part of full CRWIA process</p>	<p>Summarises both quantitative and qualitative research</p>	<p>Specifies cross-government consultation. Also public consultation. Consultation events with young carers and representative organisations, as well as an oral evidence session focused exclusively on young carers</p>	<p>Assesses positive impact</p>	<p>Through preparation and publication of local carer strategies, ongoing stakeholder engagement and existing data sets. Also considering whether need to develop new data sets</p>	<p>CRWIA was developed as the Act passed through Parliament, and finalised following amendment to the Bill</p>
<p><b><u><a href="#">Child Poverty Bill</a></u> – Social Justice &amp; Regeneration Division: Social Justice Strategy, July 2016</b>  <b>[summary version of CRWIA published Jan 2017]</b></p>						
<p>Publication of full set of CRWIA templates, as well as a summary version</p>	<p>Screening as part of a staged CRWIA process with various stages published over a 6 month period</p>	<p>Greater focus on quantitative data</p>	<p>Published in advance of public consultation on Child Poverty Bill, and then revised following the consultation – findings from a consultation session with young people outlined in summary template</p>	<p>Assesses positive impact</p> <p>Notes links between statutory target and a list of various policy strands</p>	<p>Annual reports will document progress against the range of measures outlined in the Child Poverty Measurement Framework as well as against the statutory income targets</p>	<p>Example of using CRWIA to reflect policy development</p>

<b>Children and Young People (Scotland) Act 2014, Part 1 draft non-statutory guidance – Better Life Chances Division, March 2016</b>						
Front sheet and templates for Stages 1 to 4 – to be updated following publication of guidance	Screening as part of a staged CRWIA process	Summarises research relevant to the new duty, and lists available quantitative data	Consultation with children and young people and stakeholder engagement events during passage of the Bill	Assesses neutral to positive impact though also notes the relative weakness of the Part 1 reporting duty		Commissioned as an exemplar CRWIA to demonstrate how it can be used to drive and record policy improvements
<b>Children and Young People (Scotland) Act 2014, Part 3 draft statutory guidance – Better Life Chances Division, Dec 2016</b>						
Front sheet and templates for Stage 1 to 4 – to be updated following publication of guidance	Screening as part of a staged CRWIA process	Summarises research relevant to the new duty, and provides hyperlinks to available quantitative data	Consultation with children and young people and stakeholder engagement events during passage of the Bill	Assesses positive impact though recommends, to satisfy Article 12, that the duty to consult in the Bill is strengthened in the statutory guidance to ensure direct consultation with children and young people  Result is that SG commits to undertaking pilots on best practice models of participation by children and young people at local level to enable children’s and young people’s voices to be part of children’s services planning and commissioning		Commissioned as an exemplar CRWIA to demonstrate how it can be used to drive and record policy improvements

<b><u>Contracted Employment Support</u> – Employment Support Service Division, May 2017</b>						
Front sheet & Stage 1 (Screening) CRWIA  Branded as Work in Progress, with later Stages of the CRWIA process published as the policy develops	Screening as part of a staged CRWIA process – template notes the indirect impact this development will have on children, and commits to completing the CRWIA over a longer period than the enactment of the immediate legislation					Commits to using the CRWIA as a policy improvement approach to help ensure that best practice and 'lessons learned' from transitional arrangements are used to inform the design and implementation of the new employability programme in April 2018'
<b><u>Extension of Coverage of Freedom of Information (Scotland) Act 2002</u> – Freedom of Information Unit, Jan 2016</b> <b><u>Extension of Coverage of Freedom of Information (Scotland) Act 2002</u> – Freedom of Information Unit, June 2016</b>						
two CRWIAs Front sheets and initial Screening only	Decision not to do full CRWIA			Although notes potential impact – direct and indirect – regards this as limited to a very small number of children		Notes that CRWIA has been discussed with policy staff working on secure units and they are

						content that a full assessment is not needed
<b><a href="#">Forestry and Land Management (Scotland) Bill 2017</a> – Forestry Devolution Team, Natural Resources Division, Environment &amp; Forestry Directorate, March 2017</b>						
Front sheet and initial Screening only	Decision not to do full CRWIA					
<b><a href="#">Health (Tobacco, Nicotine and Care etc.) (Scotland) Bill</a> – Directorate for Population Health Improvement Care, Support and Rights Division, March 2016</b>						
Full CRWIA in three distinct sections: Use of electronic cigarettes; Duty of candour; Provision of communication equipment  Suggests reading in conjunction with the EQIA and BRIA	Did not use templates but did include all relevant elements in the CRWIA	Summarises quantitative and qualitative evidence.	Measures developed with stakeholder working group and input from across SG. Consulted with groups representing children and young people. In 2013, SG set up a Youth Commission on Smoking Prevention in collaboration with Young Scot which reported in 2014, though the	Assesses positive or neutral impact	Will use existing data sets and newly commissioned research with young adults on e-cigarette use	Section on Duty of Candour notes lack of information on children and young people’s views and experiences of candour in health and social care – commits to considering their needs and producing a further CRWIA.  Section on Provision of communication

			CRWIA notes that the SG has decided not to act on its recommendations at this time			equipment notes lack of data on children's use and views of communication equipment which will be addressed through operational improvement work and ongoing discussions with stakeholders
<b><a href="#">Making Things Last – the circular economy</a> – Environment and Forestry Directorate, Environmental Quality Division, Zero Waste Delivery Team, Feb 2016</b>						
Front sheet and initial Screening only	Decision not to do full CRWIA					
<b><a href="#">Mental Health Strategy 2017-2027</a> – Mental Health and Protection of Rights Division, March 2017</b>						
Full CRWIA has been prepared jointly with the EQIA, drawing on the same thorough analysis of	Screening, leading to full CRWIA	During the process of completing the CRWIA, identified evidence gaps and areas for	Wide stakeholder engagement.  Consultation with children and young people through	Assessed both direct and indirect impacts, identifying groups of children and young people most likely to be impacted. However, these are perhaps insufficiently	Monitoring for delivery of the strategy to be supported by local performance management	Says developed through a human rights-based approach, using the PANEL

research and evidence base – web version is a summary of the CRWIA		improvement which will be addressed through the strategy	representative organisations and with children themselves. It also notes how it addressed an 'engagement gap' by commissioning Children in Scotland to run focus groups with children under 12	represented in the summary version	and reporting undertaken by Integrated Authorities	principles as a lens to develop all of the analysis and actions. This rights-based approach covers all of the material relevant to children and young people
<b>National Transport Strategy refresh – Transport Scotland, Nov 2015</b>						
Minimal explanation of aspects of the 'refresh'. Front sheet and initial Screening only	Decision not to do full CRWIA	n/a	Young Scot involved in general consultation event	CRWIA claims refresh does not introduce any new policies/programmes/strategies so does not therefore affect directly or indirectly children and young people with significant impact	n/a	Plans and policies branching out from the Refresh are expected to complete their own individual assessment on the need for CWRIA
<b>NHS Model Complaints Handling Procedure – Person-Centred and Quality Team, Planning and Quality Team, Nov 2016</b>						
Publication of full set of CRWIA		Identified data gaps including recognition of	Developed in partnership with stakeholders	Assesses positive impact but also notes two areas for improvement: staff	Recommends that the views of children and	



templates, as well as a summary version		potential value of considering policy in relation to different age groups	A Health Inequalities Impact Assessment (HIIA) workshop was held which included consideration of the rights of children and young people specifically	understanding about consent, and better information on the rights of children in relation to complaints  Recommendation that data set collected be reviewed	young people who complain about NHS services are routinely collected. SG Planning and Quality Division will be responsible for monitoring and reviewing the impacts of the review of the NHS Complaints Handling Procedure	
<b>Pregnancy and Parenthood in Young People Strategy – March 2016</b>						
Summary version of full CRWIA		Summary of available evidence, but has also included an action to carry out more research to try to fill gaps in knowledge in relation to the experiences and views of	Online consultation with 11-25 year olds, and stakeholder events	Assessment positive or neutral impact. Lists anticipated outcomes, groups likely to be impacted, and compliance with relevant UNCRC Articles and SHANARRI indicators	Through the agreed governance structure, engagement with stakeholders that represent young people and continuing engagement with key stakeholders.	

		young people in relation to pregnancy and parenthood				
<b><u>Safeguarders – Care and Justice Division, Children’s Hearings Team, Dec 2015</u></b>						
Front sheet and initial Screening only	Decision not to do full CRWIA		Consultations with stakeholders but no direct consultation with children and young people	Suggests positive impact		Although records that all children and young people in the hearings system, decides not to undertake a full CRWIA
<b><u>Secure Accommodation (Scotland) (Amendment) No.2 Regulations – Children &amp; Families, Care &amp; Justice: Youth Justice and Children’s Hearings Teams, Dec 2015</u></b>						
Summary version of full CRWIA		No evidence cited	There was no specific engagement with children and young people	Finds positive impact	Monitoring is considered to be unnecessary	Confuses CRWIA with EQIA, presenting age as a protected characteristic
<b><u>Welfare Funds (Scotland) Regulations 2016 - Directorate for Housing, Regeneration and Welfare, Social Security Policy and Delivery, Scottish Welfare Fund Team – Dec 2015</u></b>						
Joint EQIA/CRIA		Summarises quantitative and qualitative data	Stakeholder engagement but no direct consultation with	Makes a number of recommendations but through equality rather than child rights lens	Statutory Guidance will be kept under review	Focuses on equality assessment rather than

			children and young people			UNCRC assessment
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