

Child Rights and Wellbeing Impact Assessment (CRWIA) for Secondary Gaelic Education

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Introduction

As set out in Part 1 of the Children and Young People (Scotland) Act 2014, Scottish Ministers must 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 requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration. Undertaking a CRWIA helps Ministers to fulfil this duty.

There are two key considerations when undertaking a CRWIA:

Participation: The United Nations Convention on the Right of the Child (UNCRC) sets out that children have the right to participate in decisions which affect them. When assessing the impacts of the policy/measure, you are recommended to consult with children and young people. You can do this directly, through organisations that represent children and young people or through using existing evidence on the views and experiences of children where relevant. Participation of children and young people should be meaningful and accessible.

Evidence: You are recommended to gather evidence when assessing the impact of the policy/measure on children's rights and also for measuring and evaluating the policy/measure. If you identify any gaps in the evidence base, you can discuss how you will address these with analytical colleagues.

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

Article 2 Non discrimination

Article 3 Best interests of the child

Article 5 Parental guidance and a child's evolving capacities

Article 12 Respect for the views of the child

Article 15 freedom of association

Article 28 Right to education

Article 29 Aims of education

Article 31 Right to leisure, play and participation in cultural and artistic activities

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

Positive.

In consultation with the older children within Whinhill Primary Gaelic provision, 100% of children said that they really enjoyed learning in Gaelic and 89% stated that they would like to continue with their Gaelic education provision into secondary.

Currently children have the option to continue their Gaelic education out with the Local authority area. An offer of provision within Inverclyde would adhere to Articles 28 and 29.

Children stated about learning Gaelic:

'I find this challenging in a good way'

'Being bilingual helps with brain development and helps us to help others.'

'Because our classes are a bit smaller we get to work with the teacher more often.'

'It's fun because you are learning new words every day.'
'Because we learn our subjects like maths through Gaelic we are developing our vocabulary and general knowledge across different subjects.'

Provision within Inverclyde could have a positive impact on their social and emotional wellbeing. Having the option, opportunity to stay within social groups and having access to extracurricular activities would be highly beneficial. This would uphold Articles 15 and 31.

Within the consultation process, when asked why they like learning Gaelic, the children told us that:

'It helps us to make friends'.
'We make strong bonds with each other.'
'It helps us explore the cultural heritage of Scotland. If it was in the Inverclyde area then we would still have contact with our friends.' (Articles 3, 15, 31)

But they also stated:

'In Glasgow Gaelic school they do singing as an after school club for choir which is too late for my sister to get home and she is missing and forgetting how to sing in Gaelic. She wouldn't be able to catch the school bus home.'

Children could potentially miss out on opportunities.

Provision within Inverclyde would reduce the distance travelled. This could have a direct impact on health and wellbeing thus having a direct impact on educational attainment

Children shared

'You wouldn't have to worry about the weather like snow or worry about the transport getting you there.'
'I may be going to a school which is closer to my house. This means we don't have to leave for school really early and if you sleep in you would miss the bus and then a whole day of school if you were going to Glasgow.'
'If we are in Glasgow we are far away from our families if we are for example sick or if we forget something that you need like your phone.'
'The transport is being changed and we would need to use public transport to get there which will cost us more money and might take more time to get there.'
'If you are really tired because of the travelling you might not be able to concentrate on the learning.'
'If you don't have a bus card you have to use your money for travel which would stop you and makes Glasgow Gaelic like a private school because you can't get to it.'
'I think it's a good idea but I think the council should spend money on different things rather than building new statues and random things.'
'If it was in Inverclyde area then we would still have contact with our friends.'
'We would be really happy to have cultural links with Whinhill if it was still in the Inverclyde area'
It would be good because it would be easier to attend after school clubs.'

Reflecting on this feedback, provision within Inverclyde could help to uphold articles 2,3,12,15,28,29 and 31.

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

Those pupils attending Gaelic provision would be able to continue to progress with immersion in the language and engage in national qualifications.

The wider school population would benefit from opportunities to engage with the language of Gaelic and Gaelic culture and arts. (articles 2/ 3/ 12/ 28/ 29)

Parents would have a choice around where their children would continue their educational placement and their extracurricular activity options, upholding article 5.

4. If a negative impact is assessed for any area of rights or any group of children and young people, can you explain why this is necessary and proportionate? What options have you considered to modify the proposal, or mitigate the impact?

No negative impact from the perspective of having an educational provision within the area.

However when we asked young people for their views on any negatives they stated:

'It's easier for me (in Glasgow) as it's next to my mum's work.'

'If it was in Greenock I would be worried about walking from Gourock and getting there.'

'I would be worried about where it is going to be placed.'

'I would prefer the high quality Gaelic education that Glasgow offers.'

'My friends already go to Glasgow Gaelic School.'

'I really don't understand what the council are spending money on when they could have future plans for building a school in Inverclyde.'

'I know that building a school is not an option because there aren't enough children yet.'

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

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

Children and families have been and will continue to be involved in the consultation process for this (Article 13 freedom of expression and Article 3 best interest of the child).

This measure ensures that the 4 overarching principles of the UNCRC are taken into consideration and upheld fully.

(Articles 2, 3, 6 and 12)

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

Meetings have been held with the parents of P6 pupils from Whinhill as well as planned meetings with the P7 parents.

Further meetings have been held with P6 and 7 pupils facilitated by the Inverclyde Children's Rights Officer and SLT of Whinhill School.

Recommendations are also the result of the Gaelic Advisory Group which is formed of parents from the Gaelic parent group linked to Whinhill Primary, Director of Education at **Bòrd na Gàidhlig, school leaders, the Community Learning and Development Officer** linked to GME, the Education Officer for GME and the Head of Education.

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

An independent Options Appraisal which researched the advantages and risks of four options and was informed by authority context, Scottish Government and Education Scotland policy and legislation has been carried out.

As above a meeting with the P6 and 7 pupils has been carried out to further inform proposals and this assessment.

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

As the provision is further planned and implemented it will be important to include pupil voice as per any development and ensure that all young people directly affected are fully included as much as possible in both planning and implementation. As per usual practice the school where the pupils will attend will be linked to both the overall school's approach to pupil voice including the pupil parliament as well as a focus group linked to the GME provision.

Ongoing quality assurance work in line with the school's overall approach will be undertaken and this will include ongoing feedback mechanisms for parents and pupils e.g. use of questionnaires.

The school where the GME provision is located will be subject to ongoing authority quality assurance processes including the annual standards and quality reporting by the school on the work of the GME provision.

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

Accessible CRWIA will be published.

Feedback directly to families through the Advisory Group.

10. Sign & Date

Michael Roach, Head of Education

March 2023

**Once signed off, please send to CRWIA@gov.scot
and publish on gov.scot website.**

Annex 1 – UNCRC Article Clusters

[CRC Clusters \(unicef-irc.org\)](https://www.unicef-irc.org/)

I General measures of implementation

- [Article 4](#) implementation obligations
- [Article 41](#) respect for existing standards
- [Article 42](#) making Convention widely known
- [Article 44\(6\)](#) making reports widely available

II Definition of a child

[Article 1](#)

III General principles

- [Article 2](#) non-discrimination
- [Article 3\(1\)](#) best interest to be a primary consideration
- [Article 3\(2\)](#) State's obligations to ensure necessary care and protection
- [Article 3\(3\)](#) standards for institutions services and facilities
- [Article 6](#) the right to life, survival and development (see also: [VI Basic health and welfare](#))
- [Article 12](#) respect for the views of the child

IV Civil rights and freedoms

- [Article 7](#) right to name, nationality and to know and be cared for by parents
- [Article 8](#) preservation of child's identity
- [Article 13](#) freedom of expression
- [Article 14](#) freedom of thought, conscience and religion
- [Article 15](#) freedom of association and peaceful assembly
- [Article 16](#) protection of privacy
- [Article 17](#) child's access to information, and role of mass media
- [Article 37\(a\) right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment](#)

V Family environment and alternative care

- [Article 5](#) parental guidance and child's evolving capacities
- [Article 18\(1\) and \(2\)](#) parental responsibilities and State's assistance
- [Article 9](#) separation from parents
- [Article 10](#) family reunification
- [Article 11](#) illicit transfer and non-return
- [Article 27\(4\)](#) recovery of maintenance for the child
- [Article 20 children deprived of their family environment](#)

[Article 21 adoption](#)

[Article 25](#) periodic review of placement and treatment

[Article 19](#) protection from all forms of violence

[Article 39](#) rehabilitation and reintegration of victims of violence (see also: [VIII - Special protection measures](#))

VI Basic health and welfare

[Article 6](#) right to life, survival and development (see also: [III - General principles](#))

[Article 18\(3\)](#) support for working parents

[Article 23](#) rights of disabled children

[Article 24](#) right to health and health services

[Article 26](#) right to social security

[Article 27\(1\)-\(3\)](#) right to adequate standard of living

VII Education, leisure and cultural activities

[Article 28](#) right to education

[Article 29](#) aims of education

[Article 31](#) right to leisure, play and participation in cultural and artistic activities

VIII Special protection measures

A - Children in situations of emergency

[Article 22](#) refugee children

[Article 38](#) children and armed conflict

[Article 39](#) rehabilitation of child victims (see also: [V Family environment and alternative care](#))

B - Children involved with the system of administration of juvenile justice

[Article 40 administration of juvenile justice](#)

[Article 37\(a\) prohibition of capital punishment and life imprisonment](#)

[Article 37\(b\)-\(d\) restriction of liberty](#)

[Article 39](#) rehabilitation and reintegration of child victims (see also: [V Family environment and alternative care](#))

C - Children in situations of exploitation

[Article 32](#) child labour

[Article 33](#) drug abuse

[Article 34](#) sexual exploitation

[Article 35](#) sale, trafficking and abduction

[Article 36](#) other forms of exploitation

D - Children belonging to a minority or an indigenous group

[Article 30](#)

[Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict](#)

[Governments](#) should ensure that children under 18 who are members of the armed forces do not take a part in combat. Any recruitment of children under 18 must be voluntary and carried out with the full consent of the child's parents/carers. The UK Government has entered interpretive Declarations to this Optional Protocol. The UK would not exclude the deployment of under 18s who are members of the armed forces in direct combat if there is a genuine military need; it is not practicable to

withdraw them before deployment; or doing so would undermine the operational effectiveness of their unit. The minimum age at which children may join the UK armed forces is 16 years, with parental consent required.

[Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography Governments](#) must prohibit the sale of children, child prostitution and child pornography, and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

Annex 2 – General Comments

General Comments are non-legally binding interpretive aids issued by the UN Committee on the Rights of the Child to provide State parties with assistance regarding the interpretation of an article or issue relating to the UNCRC, and what actions governments should take to ensure its implementation. New General Comments appear at irregular intervals.

[Treaty bodies Search \(ohchr.org\)](#)

1. [The aims of education \(2001\)](#)
2. [The role of independent National Human Rights Institutions in the protection and promotion of the rights of the child \(2002\)](#)
3. [HIV/AIDS and the rights of children \(2003\)](#)
4. [Adolescent health and development in the context of the Convention on the Rights of the Child \(2003\)](#)
5. [General measures of implementation on the Convention on the Rights of the Child \(2003\)](#)
6. [Treatment of unaccompanied and separated children outside their country of origin \(2005\)](#)
7. [Implementing child rights in early childhood \(2005\)](#)
8. [The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment \(2006\)](#)
9. [The rights of children with disabilities \(2006\)](#)
10. [Children's rights in juvenile justice \(2007\)](#)
11. [Indigenous children and their rights under the Convention \(2009\)](#)
12. [The right of the child to be heard \(2009\)](#)
13. [The right of the child to freedom from all forms of violence \(2011\)](#)
14. [On the right of the child to have his or her best interests taken as a primary consideration \(2013\)](#)
15. [On the right of the child to enjoyment of the highest attainable standard of health \(2013\)](#)

16. [State obligations regarding the impact of the business sector on children's rights \(2013\)](#)
17. [On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(2013\)](#)
18. [On harmful practices \(Joint General Comment with the Committee on the Elimination of Discrimination against Women\) \(2019\)](#)
19. [Public budgeting for the realisation of children's rights \(2016\)](#)
20. [Implementation of the rights of the child during adolescence \(2016\)](#)
21. [Children in street situations \(2017\)](#)
22. General principles regarding the human rights of children in the context of international migration [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
23. State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
24. [General comment No. 24 \(2019\)](#) on children's rights in the child justice system
25. [General comment 25 \(2021\)](#) Children's Rights in relation to the digital environment.