

1. Will the Bill make it easier for children to access their rights?

Yes, it will make it easier for children to access their rights if adults in positions of authority take it seriously and begin the process of adapting their organisations and practices in order to respond to it. It isn't a quick fix: the Bill needs to mark the beginning of a substantial process which will involve a long-term cultural shift in order to give children equity in a society run by adults.

In order for the bill to make it easier for children to access their rights, public authorities must be monitored and held to account at least annually, *by children* and expert children's organisations (e.g teachers, third sector). This should be incorporated into regular reporting.

It is also essential that the Bill makes provision for an information/education campaign aimed at parents and carers, to educate them about the UNCRC, what incorporation means for their child(ren) and how they can support their child(ren) to access their rights. The voices and views of children must be central to both a campaign and a programme of intergenerational events to support deepening professional and public understanding about what UNCRC incorporation means. It's very important this is seen as an opportunity for positive change with universal benefits. There needs to be a range of events countrywide which are accessible to all, in order to galvanise debate and support shared learning and discovery.

In order to overcome any resistance or misconception that this Bill in some way compromises the needs and wants of adults, communications about the Bill should emphasise this enlightening concept: what benefits the lives of children, benefits everyone. The approach to a national 'Shared Learning' campaign needs to be imaginative and inclusive. Solutions for building children's rights into our democracy will not work if they are simply adapted copies of existing adult structures. Children can bring fresh, open and new perspectives given the right opportunity. Child consultation is key to the development of innovative and effective approaches to enable children to express their views and participate in decision-making.

Licketyspit would advocate national access to participative child-centred experiences to support communities' understanding of and confidence in children's rights. For example, Licketyspit recently ran an online event, **"Have your Say Through Play"**, where 22 children played with 8 adults and shared their views and experiences of the Covid-19 pandemic. *"I had a lot of fun and I was inspired by the creative and engaging activities. It was great to see the children's imagination sparked and also hear some of their reflections on life. ... It connected me with a sense of what rights mean in practice. Thank you! ...Next time I'll make more space for the dancing or balloon journeys. I think it is so important that we get the views of children and people working with children on where we can really make a difference implementing UNCRC. Rights & Participation Team, Scottish Government.*

Our experience is that seeing the world through the eyes of children is an enlightening opportunity which is currently too rare. As a children & family theatre and play company basing our work on Children's Rights, children have led Licketyspit to create intergenerational play-based activities, where we see adults relax, flourish and grow in confidence as much as children. At these intergenerational play sessions, both adults and children make eloquent observations about the importance of shared values - generosity, kindness, fairness - and the joys of inclusivity without competition, where everyone is equally valued. This communal, child-centred play has come from children. It demonstrates daily that we all need what children need - to be ourselves, connected with and valued by others and supported to flourish. The imaginary play that takes place within these intergenerational groups is outward looking, open and curious about the world and full of a shared sense of limitless possibility. Licketyspit's work is one example of how children's rights in Scotland could be nurtured and shared across Scottish communities in a tangible and accessible way.

2. What do you think about the ability to take public authorities to court to enforce children's rights in Scotland?

We believe that it is very important public authorities can be taken to court if necessary to enforce Children's Rights in Scotland. If there is no compulsion for public authorities to act to make children's rights real, there is a risk that UNCRC incorporation will not make the kind of radical and positive impact that it can. However, the practicality of families taking public authorities to court varies enormously and the inequalities experienced by children and their parents/carers in relation to their ability to use this right must be mitigated. Factors including low income, English as an additional language, insecure immigration status, literacy barriers and low confidence will make it harder for some families to take up the opportunity presented by this legislation to take public authorities to court. While we welcome the provision for the

Children's Commissioner to act on behalf of children, many children and their families will face barriers to accessing this support or knowing that it is there. It is therefore imperative that accessible information resources regarding this right are created and distributed to children and parents and carers, through schools (specific resources must be created for both children and their parents/carers). This information must be available in multiple languages. If demand for the Children's Commissioner's support for court cases is very high, additional financial resources must be provided to the CC or other organisations that work directly with the most disadvantaged children and families.

3.What more could the Bill do to make children's rights stronger in Scotland?

The Bill must be supported by a commitment to funding across Local Authorities and within major institutions, so that 'Children's Rights Champions' can be nominated, trained and supported to lead change within and on behalf of their organisation. Organisations and public bodies making decisions for children need to be able to make decisions *with children* and must therefore be able to access training in equal child engagement from expert organisations like Licketyspit. A minimum number of staff at such bodies must be expected to undertake this training ('Children's Rights Champions') to enable them to consult with children effectively and meaningfully. This learning could then be cascaded down into the culture of the organisation.

The Bill could also make children's rights stronger in Scotland by creating provision for children's rights to be embedded in the Curriculum for Excellence, with a requirement that every teacher and ELC professional working in Scotland obtain a certificate or other CPD acknowledgement of their understanding and ability to embed children's human rights into their practice as well as to support their pupils to learn about their rights. This could utilise the available Unicef training, however this or similar training provided through e.g. Education Scotland should be mandatory for every children's professional working in the public sector, particularly teachers. It is important that age appropriate education resources on children's human rights are made available at regular intervals throughout primary and secondary education (at least P1, P4, P7 and S3) and these should be made available to every school in Scotland free of charge. These resources and training should incorporate and be linked to the anti-racism materials and training currently being developed by Education Scotland.

Anti-racism and anti-bullying procedures in schools and early years settings should be reviewed to ensure they are in keeping with the Bill. Every school in Scotland should be asked to adopt a children's rights charter, in consultation with pupils, which ensures every child in the school knows what their rights are and feels able to talk to teachers, support staff or other pupils if they feel their rights are not being upheld. This could follow the model of the Unicef Rights Respecting Schools Awards, or Education Scotland could develop a Scotland specific Children's Rights School Charter, in collaboration with expert organisations and children. Licketyspit's Storyplay School residency programme is very well placed to facilitate a dialogue and agreement across a whole school community through our intergenerational drama-led play activities; the Children's Parliament have also supported some schools to create such a charter. It is crucial that parents and carers be included in and informed of such developments as their buy-in and understanding of children's rights is pivotal in the aspirations of such a charter being realised and experienced by every child. (Article 5)

4. If you work for an organisation or public authority, what resources do you need to help children and young people access their rights? Will you require additional public resources or training to implement the bill, for example to make or respond to challenges in court?

Licketyspit's children's rights based drama-led play sessions are delivered with children and intergenerationally with families both at school/nursery and in community and cultural/Arts settings. Robust evaluation by teachers demonstrates the powerful way in which this approach supports children to build confidence, assert agency and develop a greater understanding and assertion of their rights (in addition to boosting language and literacy and strengthening relationships). The tool we use is the tool that children use to learn about themselves and the world around them, and to grow, is play. Play is often described as children's language and children's work, but fundamentally, group play is at the root of being human and creating relationships. This is why it is an exceptional tool for children's rights based consultation and inclusive decision making in every context.

The way Licketyspit plays with children and families, using a carefully developed repertoire of games, rhymes, songs and imaginary play - produced on the popular Lickety Playcards - demonstrates consistently high levels of success at normalising the concept of Children's Human Rights among children and among families. This is an invaluable way to embed and communicate the UNCRC and what incorporation means to children and their adults and arguably, through children, to the wider world.

Licketyspit is a small, innovative Scottish theatre and play company that has been listening to and playing with children in order to create meaningful experiences for them and studying the impact of this work, for twenty years. With financial support from Scottish Government to provide Continuing Professional Development training with teachers, support staff and family workers, Licketyspit could start to roll out this work across Scotland as part of the implementation of this Bill. Porridge & Play sessions delivered with groups of families in communities and Storyplay Schools residencies in primary schools would embed a children's rights based, story and language-rich culture in communities across Scotland.

To do this we would need funding to recruit and train more specialist actor-pedagogues and to develop and deliver more training and resources for adult professionals working with children. We need to build, nurture and support a network of child and adult Lickety Play Champions in schools, communities and in the Children & Families Sector across Scotland. We need increased staffing to build our capacity and expand the potential of our brilliant Children & Families Network, which is already supporting children to share their values, views and imaginings. *"I love Licketyspit children and family network where we get to travel to fantastic places around the world, even though indoors. I am glad and excited to be back to school and back to the usual world I'm used to. I am happy to see all my friends. I would like to take this opportunity to thank the Licketyspit Children and Family network for changing my realisation that I can do anything, any time and anywhere."* A, 10.

As described above, Licketyspit recently ran a play based consultation where ethnic minority children shared their experience of lockdown and the Coronavirus pandemic with invited guests from the Scottish Government Rights & Participation Team, Scottish Parliament Outreach Team and Scottish Government Parenting and Babyboxes team. 'Have your say through play' is an innovative and highly successful model for play-based consultation with children, in which they experience their rights and can openly and comfortably share their thoughts, feelings and experiences with adults, on their terms, through play. This can be delivered online and in person. It is also a great, simple and effective way for children to educate adults about what children's rights mean! However it is important to note that it is not the job of children to educate adults about their rights and there is much work that needs to be done by adults to re-educate other adults about what respecting children's human rights means both in the context of the family and in society as a whole.

5. Are there any relevant equalities and human rights issues related to this Bill, or potential barriers to rights, that you think we should look at?

There are a range of characteristics that will make it harder for children to access their rights, despite the provisions of this Bill. Further provisions must therefore be made to provide the additional support and resources necessary to empower every child in Scotland to experience the benefits of this Bill equally. This must include resources channelled to public and third sector parties who have the potential to play a significant role in helping children overcome any such barriers.

The barriers experienced directly by children in Licketyspit's Children & Families Network include English as an Additional Language - children who may not be able to articulate an abuse of their rights or understand all of their rights if explained to them in English; Additional Support Needs - the Bill must make provision for investment in tailored resources and professional expertise to communicate the UNCRC and what the Bill means to children with a wide range of additional support needs; children from ethnic minority backgrounds - who may have lower trust in adults in positions of authority because 1) they have experienced institutionalised racism and 2) they do not see people who look like them in positions of authority; children in the asylum system - whose experience of 'the state' is often extremely negative, eroding trust in the authorities and institutions responsible for enforcing the Bill, these children are often forced to move school, losing the support networks and relationships with friends and teachers that can provide an important security structure from which children develop agency and speak out when they experience abuse; and children experiencing homelessness, who are also uprooted from established support networks and are acutely aware of their parents/carers' stress and worry, and may therefore not feel able to seek the support from them necessary to assert their rights. A mother in our network recently told us about her 10 year old's teacher repeatedly spelling his name wrong for months, despite her contacting the school; this kind of negligence and carelessness has a negative impact on the child's relationship with his teacher and make it less likely that he will turn to him/her to seek support in accessing his rights.

This brings us onto the second key equalities issue in the realisation of this Bill's aims. The disadvantages and inequalities experienced by parents and carers in our Children & Families Network will have a major impact on their children's access to their rights, unless provisions are in place to mitigate them. Parents/carers with low confidence and self esteem, who may be suffering from depression, anxiety or other mental health barriers related to poverty, trauma or isolation, will be less able to support their children to access their rights. Parents/carers with low literacy and education outcomes, negative experiences in education and low trust levels in the authorities (including those who have experienced or are

experiencing the UK asylum system) may struggle to support their children to assert their rights and seek redress to abuse of their rights.

Cycles of social exclusion and disadvantage will only be broken if systems are in place to support *families* experiencing these disadvantages; children under 12 are severely disadvantaged if their parents/carers are not able to support them to access their rights, for any number of reasons. The network of adults in a child's life are key to their possibilities of accessing their rights, a supportive and empowered network of parents, teachers, friends' parents and extended family increases the probability of a child being able to access and assert their rights. Many ethnic minority parents/carers in our Children & Families Network report feeling ignored by their child(ren)'s teacher(s), with no direct channel of communication. This is very damaging. Digital inequality is also a serious concern, as families without adequate internet access and/or low digital literacy are less likely to be able to access the platforms and information related to the Bill that facilitate understanding and assertion of children's rights. Children without digital access are also denied equality with those that do have this access, in relation particularly to education and information as well as social engagement especially during a Pandemic when access to friends may be restricted.

6. What are your views on the provisions in the Bill that allow the courts to strike down legislation judged to be incompatible with the UNCRC?

Licketyspit agrees that courts should have the power to strike down legislation that contravenes children's human rights and is therefore incompatible with the UNCRC. We think it is imperative that children's rights are recognised as an extension of human rights in this context.

7. What are your views on the Children's Rights Scheme and the requirement on public authorities to report?

We think the requirement on public authorities to report is essential and should happen on an annual basis, as an integral part of the reporting and evaluation undertaken by public authorities. Children need to be consulted in appropriate ways, on their terms - e.g. through play. A child consultation with the support of expert organisations like Licketyspit should be part of every public consultation undertaken by public authorities, rather than becoming an extra, separate add on, every 3 years, as indicated in the bill. The Children's Rights Scheme must have the input of children in every level of its design and implementation. Children must be involved in holding the government to account through the scheme and must support the government in evaluating the progress of public bodies. Children's organisations and schools must be resourced sufficiently to support children to effectively take part in such evaluation.

We also think the Bill should make provision to compel private companies to report on their adherence to the UNCRC. An organisation charter system similar to gender and other equalities charter systems should be developed which public authorities could be ranked by and which private companies should also be encouraged to adopt. The creation of this charter and the actions organisations need to undertake should be developed by a broad range of stakeholders, including expert children's organisations in the third sector as well as education, care, social work, and of course in close consultation with children themselves.

8. Is there anything else you want to tell us about the Bill?

It is important for the Bill to recognise that children's human rights are human rights. It should highlight that fact that in addressing the deficit that exists between adult and children's rights, there is an opportunity to make society fairer, kinder and more equal for all.

We all need what children need and protecting children's rights is in the interest of everyone, not just people who have or work with children. This Bill has the potential to set a gold standard for the compatibility of all other legislation in the competency of the Scottish Parliament with human rights. It sets an important precedent for raising children's status in Scottish society, and if we can treat children equally, we should be able to treat every member of our society equally.

The prospect of UNCRC incorporation in Scotland, if adequately supported, presents enormous opportunities to strengthen and enrich our way of life and our potential to respond as a nation to the challenges of the 21st Century. We are all our children and our children are the best of us. Culturally over at least the last 200 years it has become the norm to 'put away childish things' as we enter adulthood and to equate seriousness with solemnity. This must change.

It is widely accepted that play is essential to the development of a well adjusted and happy child. But the need to play remains strong in adulthood and arguably adults who are in touch with their playful selves are among the happiest adults. Licketyspit works with 10 year-olds who are nostalgic about their love of 'dressing-up' - left behind at nursery. Arguably, many problems in society are caused by repressed self-expression, low self-esteem and a lack of connection and community. In a society where children have equal rights, we have more chance of carrying this equality through to adulthood, developing a culture where both adults and children can more easily express their views, create and sustain stronger more honest relationships, and allow themselves more playful and fulfilled lives *together*.

Through Licketyspit's work, we see adults and children validating each other through inclusive play; play where everyone is equal but different and supported by the group to relax and share their unique selves and their limitless imaginations. In these sessions, your job, status, wealth/poverty or education, is the least important aspect of you. What defines you is your willingness to participate in equal play, to give and take, to experiment, to take risks and to imagine. Playing with children as equals can rekindle everyone's expertise at social play and the values it instills - fairness, inclusion and self belief. Our experience is that everyone loves playing like this and in doing so, recognises its deep value. Play and the right to play, article 31, must be put at the centre of this Bill as it is implemented in practice.

(The above submission pertains particularly to the following articles in the UNCRC - 2, 3, 4, 5, 6, 13, 15, 17, 18, 22, 23, 28, 29, 30, 31, 39, 42)

Licketyspit 14th October 2020