

# Children's Parliament **"Love and protect us forever"**

A consultation with children for the Review  
of Part 1 of the Children (Scotland) Act 1995  
October 2018



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## Acknowledgements

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- North Edinburgh Childcare, Edinburgh
- CP Seen + Heard Fife group, Fife
- Harmeny Residential School, Midlothian
- Claypotts Castle Primary School, Dundee



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# About the consultation

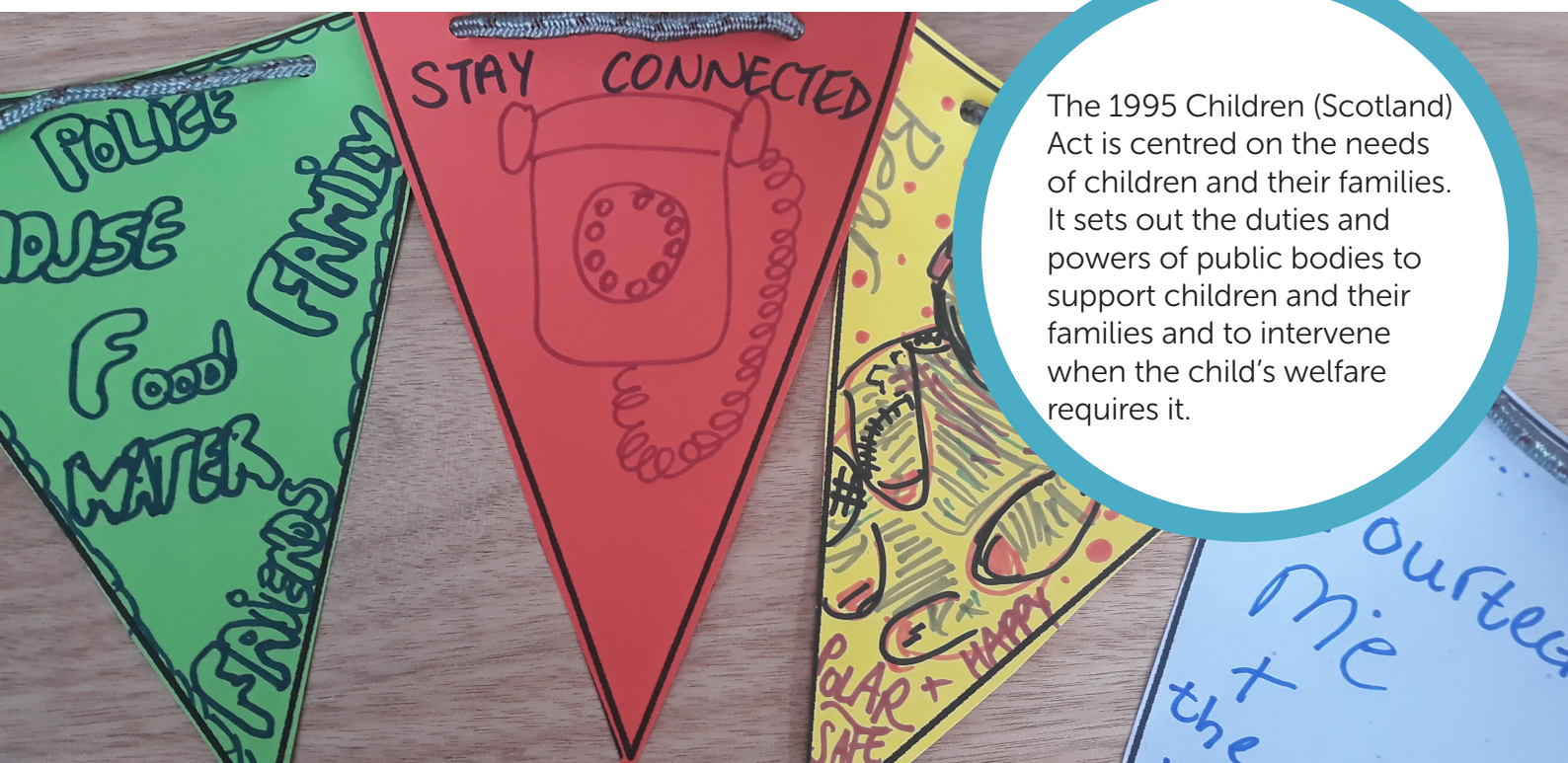
As part of the public consultation on the review of Part 1 of the Children (Scotland) Act 1995, Children's Parliament engaged with children to explore their views and ideas on themes raised in the review. This included parental responsibilities and rights, contact with family members if the family has been separated, sharing views in court, and changing a child's name on their birth certificate.

With the duty on Ministers and public bodies to consult with children and young people through the Children and Young People (Scotland) Act 2014, there is a legal as well as moral imperative to involve children in the review of Part 1, especially as processes and decisions that come under this Act have a deep impact on children's lives and their relationships with their families. It is important that children's views and their human rights be taken into consideration when making any changes to this piece of legislation.

In this consultation, we engaged with 34 Members of Children's Parliament (MCPs) between the ages of 8 and 15 years. 20 boys and 14 girls took part. We worked in four settings in the following local authorities: Edinburgh, Fife, Midlothian and Dundee. We sought to work with children with diverse backgrounds and experiences so that a range of views would be reflected in this report.

As this consultation builds on previous Children's Parliament work, we revisited earlier reports with relevant themes, including: *The Weight on Our Shoulders* (a 2018 consultation report for the Child Poverty Delivery Plan), *Happy, Healthy and Safe in Care* (a 2018 project report with key messages from children in care to professionals), *If an adult just listens...* (a 2016 consultation report on the F9 form used to gather children's views for Sheriff Court), and *How Does Your Garden Grow?* (a 2014 consultation report on the Children and Young People Bill).

The quotes and artwork in this report come directly from the children.



The 1995 Children (Scotland) Act is centred on the needs of children and their families. It sets out the duties and powers of public bodies to support children and their families and to intervene when the child's welfare requires it.

<sup>1</sup>All children who participate in our projects and consultations become Members of Children's Parliament. Unlike other parliamentary bodies, Children's Parliament is not an elected body. Rather it is a participatory one, engaging with children across a range of settings in order to include as many children as possible.

# Children's Human Rights

Children's human rights are about ensuring that children are healthy, happy and safe and that they have a say in their lives. The UNCRC provides a set of minimum standards against which we can measure how we're doing and below which we must not fall. Children's human rights are the starting point for all our consultations.

## Healthy, Happy and Safe

Children feel it is especially important for children and adults to be aware of children's rights and view them as a way to ensure that children live free from harm and are able to thrive.

On the next page are children's examples of what they feel children need to be healthy, happy and safe throughout their lives, from before birth to young adulthood. These characteristics are not simply a checklist; they are the basis for a life lived with dignity.

MCP, age 10

**"People only have one life, so you need to have a good one! Once it's gone, it is gone."**

MCP, age 11

**"I think more people in Scotland (especially kids) need to know about their rights. If something unfair happens, then they know what to do."**



## Before birth

- Healthy mum who eats healthy food, does not drink or smoke
- Materials to be ready for the baby (e.g. cot and a baby blanket)
- Ultrasounds



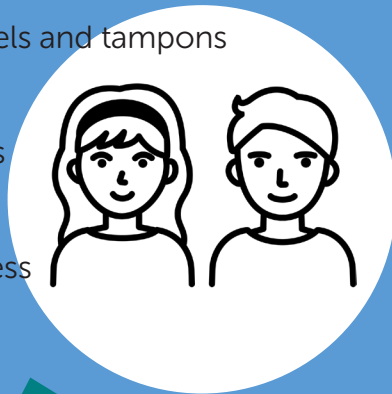
## Baby

- A name
- Bath
- Cot
- Breastfeeding milk
- Baby food
- Toys
- Good care
- Family time
- Nappies
- Baby gates



## 12+ Year Old

- Bras
- Sanitary towels and tampons
- Condoms
- Friends
- Relationships
- Money
- Social media
- Internet access
- Keys
- Privacy



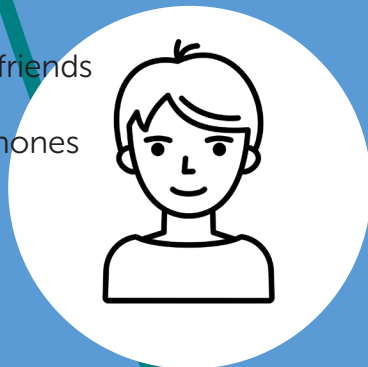
## Toddler

- Play and toys
- Milk
- Potty training
- Help to learn to walk and talk
- Vaccinations
- Childminders
- Naps
- Love and care
- Doctor
- Healthy food



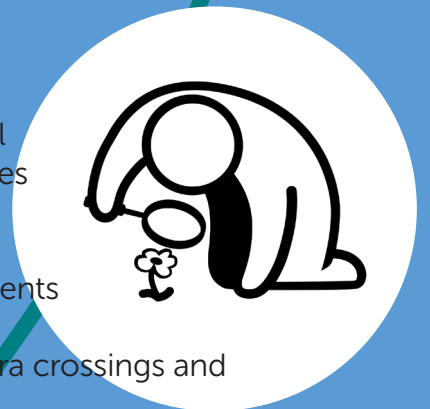
## 12 Year Old

- Relationships and friends
- Entertainment
- Phone and headphones
- Education
- Deodorant
- Sports



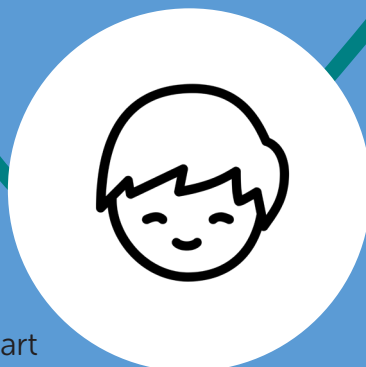
## 5 Year Old

- Access to school
- Clothes and shoes
- Friends
- Pets
- Encouraging Parents
- Time to play
- Safe school (zebra crossings and lollipop lady)
- Nature and access to outdoors



## 8 Year Old

- School supplies
- Support
- Stationery
- TV / Xbox
- Pocket money
- School trips
- Sports, games and art
- Clubs to meet new people



# Things that get in the way of being healthy, happy and safe

Children recognise that not all children and their families feel healthy, happy and safe all the time. They may face difficulties or experience things that get in the way of them growing up well. Children share examples of things that have caused/cause them to worry:

**"My mum needs help with being angry and smacking me on the bum or the face. Everyone shouts at me."**

MCP, age 11

**"My stepdad nearly broke my arm."**

MCP, age 8

## Children don't like shouting and violence

Children repeatedly tell us that they do not like when adults shout and that it is not right for adults to hit children. They say that it is scary and upsetting when these things happen.

**"Sometimes my mum throws my dad out the house 'cos he hits me and my wee brother."**

MCP, age 10

**"Something bad is that parents aren't nice to their children – they shout at them and hurts them, not just their feelings but their bodies too, then the child is really sad."**

MCP, age 8

**"Children don't deserve to be hurt – they are small and still learning."**

MCP, age 9

MCP, age 8

**"My mum gives us our tea, but sometimes she doesn't have enough money for tea."**

MCP, age 8

**"Families need money so that they can feed their families and have somewhere to live."**

## **Children worry that their family does not have enough money to buy what they need**

Children understand that it is sometimes difficult for their family to buy enough food and to get clothes for children. They worry that their family cannot pay the rent and the household bills.

MCP, age 10

**"My mum would always buy me or my brother's clothes first; she always has to get mine before hers. She's a single mum because my dad left."**

MCP, age 9

**"My mum had a job, working all the time, but now she doesn't get as many shifts so we're struggling at the moment."**



## Children worry about their parents splitting up

If a parental split does happen, some children lose contact with their mum or dad. Sometimes children know and understand why things happen, but sometimes nobody explains.

MCP, age 9  
"I don't see my dad 'cos he's in jail."

MCP, age 10  
"When I'm at my pal's house me and my pal pretend we're going up the park, but we sneak away to my dad's work, so I can see him. Nobody knows."

MCP, age 10  
"I want to see my dad more, but my mum won't let me. I don't know why."

Everyone agrees that for all children to grow well, they need to have the right to a loving and caring family, to affection and attention, to friends, to freedom and play, to learn, to a clean environment, and to a home and community free from alcohol and violence.

## Children want adults to listen to them

They think that when adults don't listen to them it is because:

- Adults think children don't understand
- Some adults can be stubborn, but they do have to listen
- They think they know what's right
- If you go to them too much, they stop listening
- Maybe they get bored
- If children get into trouble all of the time, people might stop listening to them
- Maybe they don't want children involved in what they are talking about
- They don't realise children have good ideas or they think the children won't understand
- They think that if they were trying to tell the child something they didn't like then the child might make a big fuss and they think it'll be a lot easier if adults just decide
- Some adults don't want children to know what's happening

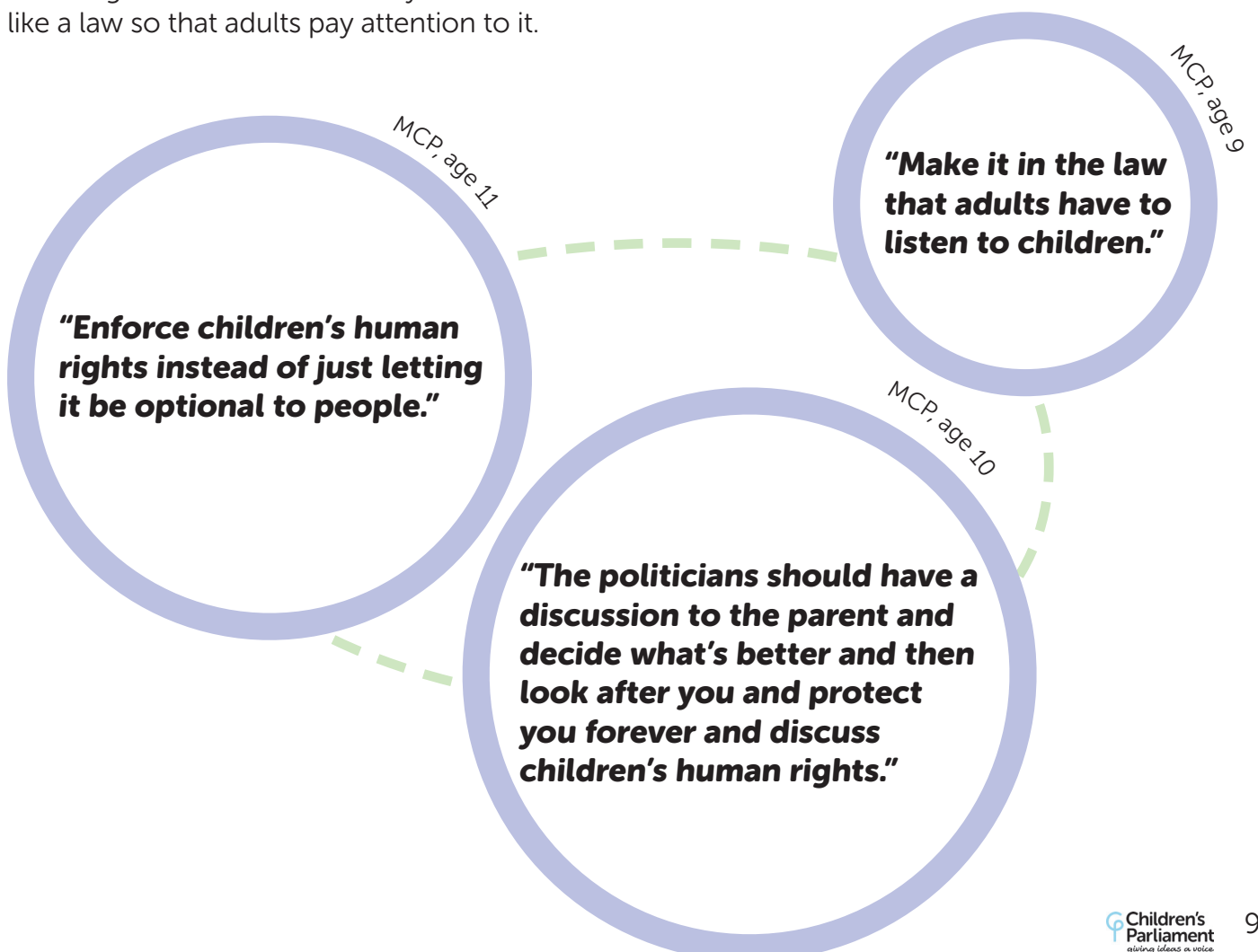


# Messages to Scottish Government about children's human rights

Children want the Scottish Government to understand more about children's lives and what it means for them to have their rights. They think that the Scottish Government needs to:

- Know what children's human rights are and know the UNCRC
- Make sure that families have enough money, food and a home so that they can look after their children
- Make sure parents fully understand children's human rights and act on them
- Stop child poverty for children to have their rights
- Stop children being bullied and abused. Children should be safe wherever they are
- Keep children healthy; they need to play, to get involved in sports and be protected from drugs and alcohol
- Make sure the NHS is good for children
- Try their hardest to reduce pollution
- Make sure that children in Scotland are treated well and stop people stereotyping all children and young people as trouble
- Make sure that children and young people learn about and understand politics
- Make sure children's human rights are respected and fulfilled when writing policies and laws

Children also tell us that the Government needs to talk to parents and other adults about children's human rights, so that everyone can work together for children. They believe that the UNCRC should be like a law so that adults pay attention to it.



# Parental Responsibilities and Rights

While some children live with their mum and/or their dad, others live with another member of their family, or are cared for by foster carers. Whoever holds Parental Responsibilities and Rights for a child, the children agreed on what was important for those adults to understand about how to do the best job of caring for children.

No matter where a child lives, every child needs someone who:

- Cares about how they feel
- Gives them healthy foods and some treats sometimes
- Is loving, kind and caring
- Provides them with clothing and a nice place to stay
- Helps them stay clean and healthy
- Treats their children like they would like to be treated themselves
- Lets children have their say
- Makes sure they get the support they need
- Teaches them about caring for each other, helps children think about what everyone wants and listens to everyone
- Can cope without shouting all the time
- Is trustworthy that they can talk to if they feel unsafe or worried
- Will be there when they get home
- Plays games and takes them places
- Does not put them in danger or abuse them
- Takes care of them
- Gives them food to eat and doesn't starve or leave them thirsty
- Loves them and cares about them and can help them settle down
- Puts them to bed
- Misses them
- Reassures them
- Tries to be happy
- Will stay interested in them



**"Make sure we get help when we need it. I have autism – it's mild but I still need help."**

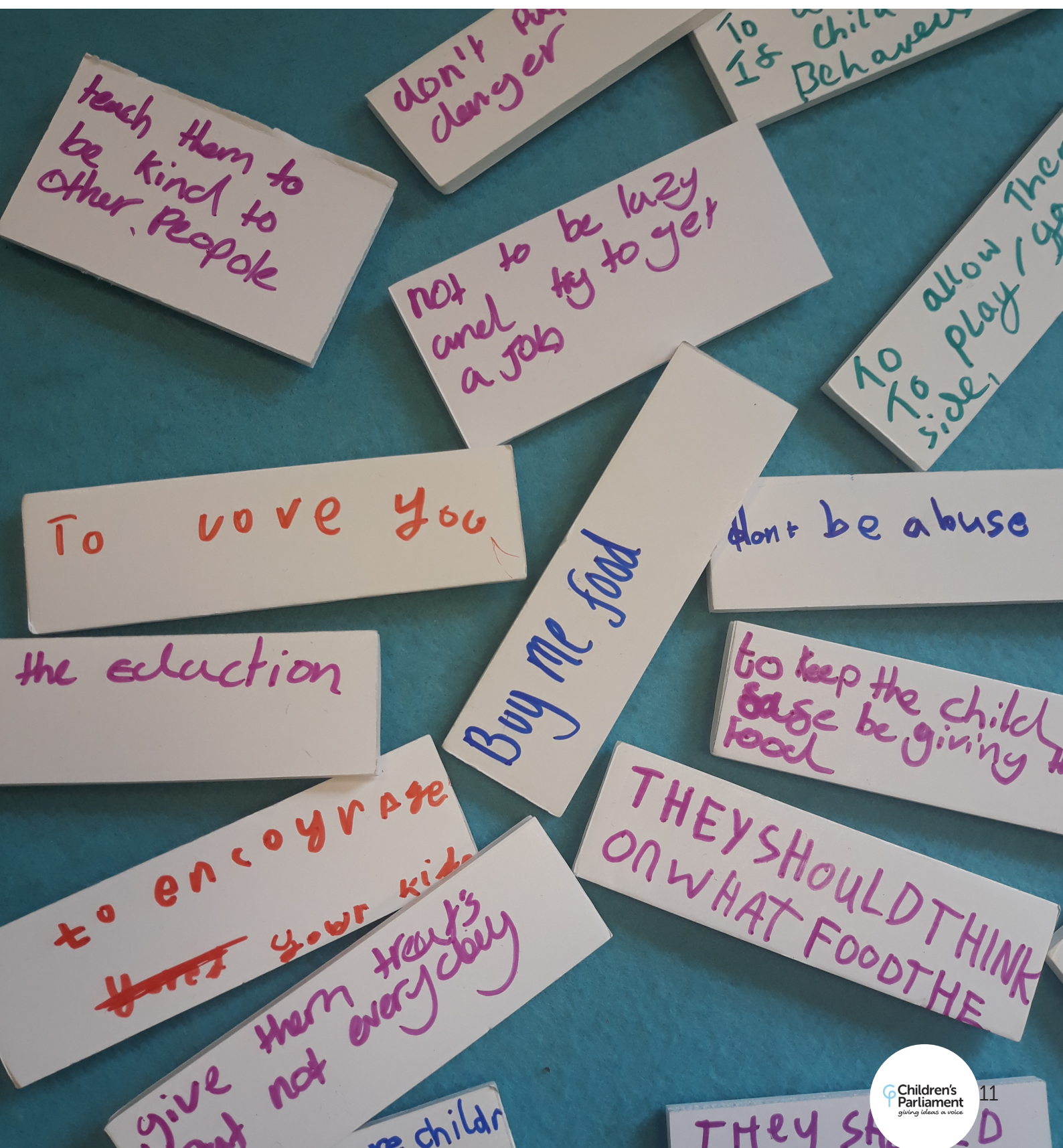
MCP, age 10

Children were aware that sometimes parents and carers may have their own worries or problems and they may need help with things too. Children suggested that the Government, and other people who help children and families, might need to help parents and carers with these things:

- Money, paying bills and rent
- Keeping the house clean
- Transport
- Being happy with a new partner
- Being a parent for the first time and know how to bring up a baby
- If the child is unwell or they need support if they are unwell
- Help to stop drinking
- A helping hand to be responsible
- How to talk to children, respect them and listen to them
- Knowing when there is something wrong with their child but their child isn't telling them, like when a child can't stop crying
- Someone to come and check-up on them to make sure that everyone is doing well – they may need to learn how to do a good job, like getting tips on what to do right
- Knowing what's right and wrong and if they do something bad helping them understand they can't do that



With regard to who has Parental Responsibilities and Rights, the children recognise that this is a difficult issue and that it will be different for every family. Children felt that it was important for both parents to have Parental Responsibilities and Rights if that is what was best for the child. They discussed issues of parental separation, single parent families, same-sex couples and how those circumstances might impact on Parental Responsibilities and Rights. Where possible, they felt that it was important for their parent(s) to have the responsibilities and rights to care for them so that they can continue to have relationships with them as they grow up, if it's safe and good for them.



# Contact with Family

Every child's living situation is different, and we know that for some of the children it was not an easy thing to talk about. Children wanted the Scottish Government to know what it's like to live with a carer. They were very clear that they wanted all the children in Scotland to have good care and grow up feeling loved.

They said that these things are important:

- Children need to understand why they are in a foster or kinship care placement
- Brothers and sisters should stay together
- Children should meet their prospective foster carers before being placed with them
- Children should be able to keep in touch with their parents, grandparents and other family members when they are in foster care, if that is best for them
- Children should be able to keep in touch with their friends when they move into foster care
- Children need to be able to build trust with their foster carer.

When children are placed in care, they feel very strongly that they should be able to retain ties to their biological families. In addition to seeing mums and dads, the children felt that it was important that they also kept in contact with siblings, grandparents, aunts and uncles, cousins, and any other person that is important to the child.

The children recognise that they might not get to see these people at all or as frequently as they would like. Some of the reasons they discussed are:

- It's not safe for them
- Distance – too far to travel
- If someone is ill or passes away
- If someone is in jail
- Someone else makes that decision and doesn't explain why.

MCP, age 15

**"It's important to stay in contact with your siblings because they are part of your family, your flesh and blood."**

MCP, age 12

**"You should still keep in touch and know what's happening with them [your family]. Like if you haven't seen your mum in a month, then she may worry."**

MCP, age 10

**"I don't get to see all my family or my old carers. I see my mum, my sisters and my recent carers. It's important because they are my family. I wish I could see them more and I wish I could see my dad too, but he has mental health issues."**

MCP, age 10

**"One of my brothers lives far away and we got split up when I was 5, so I've never really known him."**

MCP, age 10

**"They're your family and you should be able to get to know them and have fun together."**



# Having a Say

Children feel that it's very important that they have an opportunity to share their views and be taken seriously by the adults in their lives, including people making decisions in court. They highlighted that regardless of age, "everyone should have their own say", especially when it was about something that will have a big impact on their lives.

MCP, age 8

**"Adults look after you and keep you safe so they should listen to you."**

MCP, age 9

**"Some over 12-year olds might not have good ideas, but some 5-year olds might have good ideas."**

MCP, age 10

**"I think it should be for everyone who understands."**

MCP, age 10

**"For us, it's our whole lives and it's really big, but then the Sheriff gets to choose and it's not big for him. It's your life and he decides? That would make me nervous."**

MCP, age 17

**"Children and young people have lived-experiences and these decisions affect their lives, so it is important that their voices are heard. Children and young people are the experts on themselves. To understand what we need and how we feel, it is not enough for adults to voice their opinions. Children and young people must be consulted to inform better practice."**

MCP, age 10

**"Children might have a hard time if adults don't listen."**

MCP, age 11

**"If you don't trust, you don't speak."**

MCP, age 12

**"I think that adults that know you should help you decide big things, not just your parents. They should help decide what is best for you."**

Children say that they feel loved, powerful and important when they get to share their opinions with the adults in their lives. They highlight things that help them share their views and things that get in the way.

## Sharing views...



## Sharing views...



## Sharing views in court

Children feel that it is important to be able to share their views when a decision about their lives is being made in court. They highlight that they have a right to have say and want to be taken seriously. However, they also recognise that some children might feel overwhelmed by the responsibility of sharing their thoughts and feelings with a judge about what is happening in their families.

In order to share their views with the court, the children thought there should be a variety of options for how this is done so that the child could choose what they feel comfortable with, including:

- Writing or drawing in a letter or on a form
- Speaking to someone either in person or over the phone
- A conversation with the judge away from the court

The children feel that it is important that any conversations with a judge or someone else involved in the courts take place away from parents, carers or other family members so that they are not influenced by the adults in their lives – they want to speak with someone who is independent from the family. Children highlight that it is sometimes difficult to know who to trust and that they do not want to make their parents or other family members feel bad for whatever views they share.

They recognise that there are challenges to creating a system that works for all children, but they thought it was important that every effort was made to support all children in sharing their views if they want to. It is also important to not that some children may need support to complete the process (filling out a form or having a conversation) and to process any emotions or issues that arise from the experience.

Children think that there would be strong emotions attached to receiving a form in the post or speaking to a judge or another person involved with the courts. For some, it might be a scary, confusing and worrying experience, while for others it might make them feel confident, valued and safe to be able to share their views. Additionally, the children speak about feelings of sadness or anger about the situations and identify that this might be directed at their parents for causing the situation or the judge for making decisions about their lives.

MCP, age 8

**"I don't feel safe anywhere – I'm always thinking that something is going to happen. The place I feel safest is a big, wide open field, where I can breathe fresh air."**

MCP, age 12

**"It can be worrying when adults write information about you and share it with other people."**

**"It's really frustrating because people are making decisions about you and you don't know the outcome."**



Respect children's human dignity and right to privacy

Use clear, simple and child-friendly language, especially with younger children, children with learning difficulties or disabilities, and children who do not speak English as a first language

**If they are involved in court proceedings about their families, children ask that judges and other adults involved in the process:**

Clarify how and with whom their information will be shared

Update children on what will happen next, and on any decisions made that impact their lives

Support children to understand what is happening at all stages of the process

**"I used to think that adults spoke a whole different language to children."**

MCP, age 8



# Changing a Child's Name

Children view their name as an important part of their identity and remind us that having a name is a right outlined in the UNCRC. For some children, there are strong traditions or connections to their families that are passed down through their names, while others feel like they've grown attached to their full birth name and it's special to them now. All children feel strongly that they should have a say in any changes made to their names.

Children highlighted that children may wish to change their name for many reasons, including:

- Parental separation
- Being named after a person who is abusive
- Being transgender
- Wanting to have the same name as other family members

MCP, age 9

**"I've already changed my second name and I'm only 9. When my mum and dad split up, my mum asked if I wanted to change my name and I did. I just got the papers through last month to make it official."**

MCP, age 10

**"I'm named after both my grannies. I wouldn't want to change my name because it is the only way I remember them."**

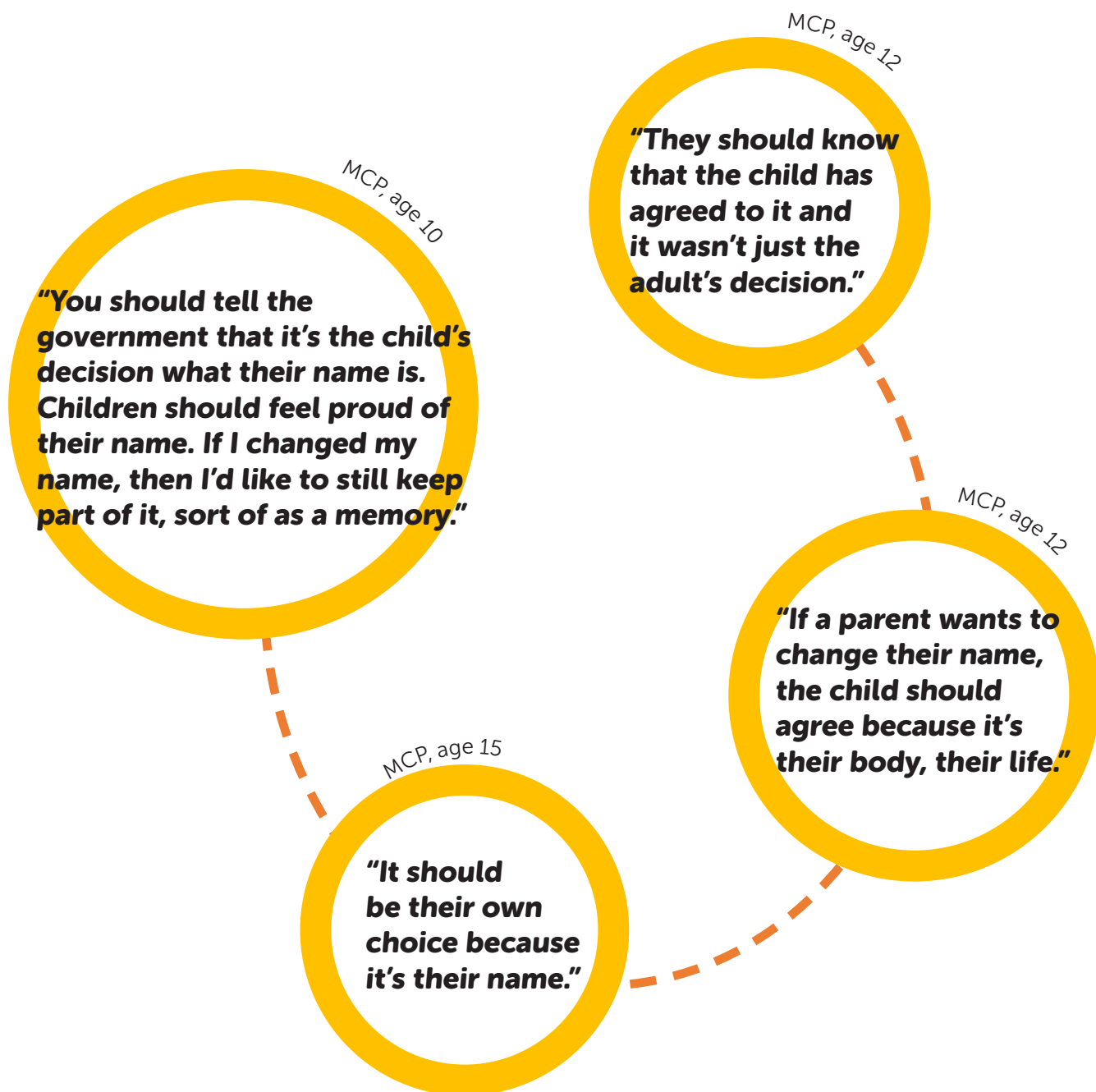
MCP, age 11

**"They may be transgender and feel uncomfortable or be made fun of if their name doesn't match their gender."**

MCP, age 11

**"I stay with my gran and I want to have the same surname as her. We've started the process to change my name, but it's confusing and has taken a long time."**

Children feel that they should be consulted in any process to change their names – whether that is filling out a section of a form or having a conversation with a government official. They did not think it was okay for an adult to change the name on a child’s birth certificate without discussing it with the child first.



# About Children's Parliament

Children's Parliament is Scotland's Centre of Excellence for children's participation and engagement.

Children's Parliament works for a future where all children in Scotland are actively engaged in shaping our world so that everyone is healthy, happy and safe. We believe all children should live and grow with dignity and be valued for what they can offer the world.

We work creatively through projects, consultations and training programmes to improve communication between children and adults and to build relationships based on mutual respect and understanding. This enables us to explore our world together. We provide children with opportunities to share their experiences, thoughts and feelings so that they can influence life at home, in school and in the community through change at a local and national level. Our interest is in working with children, the adults who love and care for them, and the wider community in which they live in order to support our country to meet its obligations to our youngest citizens.

Children's Parliament uses a rights-based approach and the UN Convention on the Rights of the Child (UNCRC) as the foundation for all of our work.

In 2017, Children's Parliament turned 21 years old. To celebrate our birthday, we reviewed our work and published "What Kind of Scotland?". This reflective and celebratory report highlights the voices of Scotland's children:

<https://www.childrensparliament.org.uk/what-kind-of-scotland/>

