

Child Rights and Wellbeing Impact Assessment (CRWIA) for the Implementation of Early Years Admissions Policy.

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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 12 Respect for the views of the child
 Article 18(3) Support for working parents
 Article 23 - Children with disabilities
 Article 28 Right to education
 Article 29 Aims of education

The UNCRC (United Nations Convention on the Rights of the Child) outlines several articles that could be relevant to the implementation of Early Learning and Childcare (ELC) policies, especially when it involves measures after a child's second or third birthday and changes that ensure children who are care-experienced or have identified additional support needs are accommodated. Here's how the policy might impact certain articles:

1. **Article 2 (Non-discrimination):** The policy's emphasis on including care-experienced children and those with additional needs aligns with this article, which mandates that all rights should be ensured for every child without discrimination.
2. **Article 3 (Best Interests of the Child):** This article emphasises that the best interests of the child must be a primary consideration in all decisions affecting them. Implementing ELC to support care-experienced children and those with additional needs aligns with ensuring their best interests are prioritised.
3. **Article 12 (Respect for the Views of the Child):** This article ensures that children have the right to express their views and have them considered in decisions affecting them. ELC settings that involve children in decisions about their care and learning uphold this right.

4. **Article 18 (Support for Working Parents):** This article requires governments to support parents and caregivers in their responsibilities. Providing ELC after a child's second or third birthday ensures that parents, have access to high Quality Early Learning and Childcare to support them to access work, training and/or education.
5. **Article 23 (Children with Disabilities):** This article specifically highlights the rights of children with disabilities to enjoy a full life and participate in their communities. Offering ELC that addresses additional support needs ensures that children with disabilities have access to inclusive education and care.
6. **Article 28 (Right to Education):** This article guarantees every child's right to education. By providing ELC, the policy promotes access to Early Learning and Childcare in accordance with section 34 of the Standards in Scotland's Schools etc Act 2000 and under section 96(3) of the Children and Young People (Scotland) Act 2014 (the Act) in relation to Part 6 of the Act on early learning and childcare. Early education, helping to lay the foundation for lifelong learning.
7. **Article 29 (Goals of Education):** This article underscores that education should be directed towards developing the child's personality, talents, and abilities to their fullest potential. ELC supports this by ensuring children's developmental needs are met, particularly for those who may face barriers due to their care experience or additional support needs.

In summary, this policy and its measures impact and align with the UNCRC articles emphasising the best interests, non-discrimination, educational rights, and support for children with additional needs or care experience.

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

Positive

All eligible children are allocated an Early Learning and Childcare (ELC) place accordance with The Children and Young People (Scotland) Act 2014 (Modification) (No. 1) Order 2019 and the Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Order 2019.

The introduction of expanded eligibility for deferred entry from 1 August 2023, will ensure that all eligible children have the option to defer their school start and automatically access an additional year of funded early learning and childcare. This will guarantee that children who begin in the term after their second or third birthday will still have the option to receive their full early learning and childcare entitlement.

The proposed changes to the ELC Admissions Policy will positively impact on children who are Care Experienced to include criteria within banding procedure, which considers prioritisation of an ELC place which supports the family network.

The proposed changes to the ELC Admissions Policy will positively impact on children who are not yet attending an ELC setting who have identified additional support needs as they will be considered for assessment (where appropriate) prior to the allocation of an ELC place. This will ensure that places allocated to children have considered their individual needs.

The offer of ELC provision within Inverclyde will help to uphold articles 2,3,12,18,23,28,29.

Negative

The policy may impede or reverse the enjoyment of existing rights, requiring mitigations to be put in place.

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

For children who have been identified as having Additional Support Needs, there will be the introduction of a priority criteria, which considers their needs, to best determine their and how these can be met in their ELC setting. (Articles 2,3,23,28,29)

For children who have been previously Care Experienced/ Adopted, consideration will be given to the best way to support the family unit through the admissions to an ELC establishment. (Articles 2,3,12,28,29)

All eligible children are allocated an ELC place accordance section 34 of the Standards in Scotland's Schools etc Act 2000 and under section 96(3) of the Children and Young People (Scotland) Act 2014 (the Act) in relation to Part 6 of the Act on ELC and in accordance with the Education (Additional Support for Learning) (Scotland) Act 2004. (Articles 2,3,4,18,23,28,29)

In Summary the ELC Provision in Inverclyde would help to uphold articles 2,3,12,18,23,28,29.

A proportion of eligible children will be affected in some way by the associated budget saving and proposed changes to the Early Years Admission Policy. Equalities Impact Assessments (EIA's) have identified that for children who would previously have received their ELC entitlement may hinder efforts to reduce socio-economic disparities by delaying access for some children. Allowing children to start sooner could better support children and families by ensuring timely access to early learning and reducing the risk of widening socio-economic gaps.

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?

The Equality Impact Assessment outlines the mitigating actions that can be taken to minimise the impact on young people. No rights will be removed by the proposals.

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

The policy will ensure that children's rights implemented by ensuring all eligible children are receiving their full entitlement to 1140 hours of ELC.

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

In September 2024, Education Services consulted parents/carers on their experience of the Early years Admission Policy and Process and the impact of proposed changes. This was concluded in September 2024.

In September 2024, Education Services consulted with Heads of ELC Establishments/Managers of Funded Providers and Childminders, the Education Inclusion Officer and the Education representative for the implementation of the "Promise", to inform the review of the policy and make appropriate changes based on feedback.

The results of the consultation exercise will be considered by our Elected Members.

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

A Consultation was undertaken with parents/carers, Head of establishments and Education officers when reviewing the policy. This informed the development of the policy and process and the assessments for the EIA and CWIA.

Associated EIA and feedback through consultation, will inform the proposed changes to the Early Years Admission Policy and Process.

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

The Guidance prepared by Scottish Ministers under section 34 of the Standards in Scotland's Schools etc Act 2000 and under section 96(3) of the Children and Young People (Scotland) Act 2014 (the Act) in relation to Part 6 of the Act on early learning and childcare, requires education authorities to consult with parents on the provision of ELC every two years.

The ELC admission policy will be reviewed every two years, however, it is recommended that parents will be consulted on suggested improvements from this review and their effectiveness in one year (September 2025), specifically in relation to the implementation of suggested changes on effective communication methods and processes.

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 from parents made suggestions for changes to processes, communication and the implementation of an online application. A full review of the Admission Policy will be carried

out in April 2027, however, an interim review of the impact of changes to processes and changes will be carried out with parents and carers ahead of this in 2026.

10. Sign & Date

Yvonne Gallacher, Quality Improvement Manager

October 2024

**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.