



## **Contents**

- 1. Foreword**
- 2. Introduction**
- 3. Policy background and legislative context**
- 4. Current and relevant research**

## Foreword

Outcomes for children and young people in their learning and in their lives often improve when they are actively involved in decision making. The increasing recognition of rights of children and young people to be heard, to have their views taken seriously and involved in decisions is expressed in national and international developments in legislation and policy.

It is recognised in *Curriculum for Excellence*<sup>1</sup> which sees the learner as at the heart of the educational process. The active engagement of learners and rich communication between learners and educators are prerequisites to apply principles such as personalisation and choice and relevance. It is recognised in *Getting it Right for Every Child*<sup>2</sup> (GIRFEC) which seeks to improve the wellbeing of all children and young people through better working arrangements between professionals who work with children. A key feature of the GIRFEC approach is the involvement of children and families in planning, supporting and reviewing their development and reviewing the impact of partnership support.

Improving Scottish Education<sup>3</sup> reported good practice in involving children and young people but it also recurred as an aspect for development. References to 'better use of the child's voice' and developing a 'sense of personal responsibility for their own learning' appear as aspects for improvement in the primary and secondary sectors and the need to increase the participation of children and families is highlighted in relation to child protection services.

This report provides the legislative context and policy background to a series which highlights good practice in how staff in the universal services of education and health and in targeted services including statutory, voluntary and independent organisations are increasingly using the voices of children and young people to improve the quality of experience and outcomes achieved. The reports will have a common introduction but illustrate good practice specific to the sector or service.

Listening to and engaging learners is an area where improved processes can improve outcomes. The report should be used to share, evaluate and increase good practice in this important area.

---

<sup>1</sup> The four capacities of Curriculum for Excellence are: successful learners; confident individuals; responsible citizens; and effective contributors.

<sup>2</sup> [www.scotland.gov.uk/Topics/People/Young -People/childrenservices/girfec](http://www.scotland.gov.uk/Topics/People/Young-People/childrenservices/girfec)

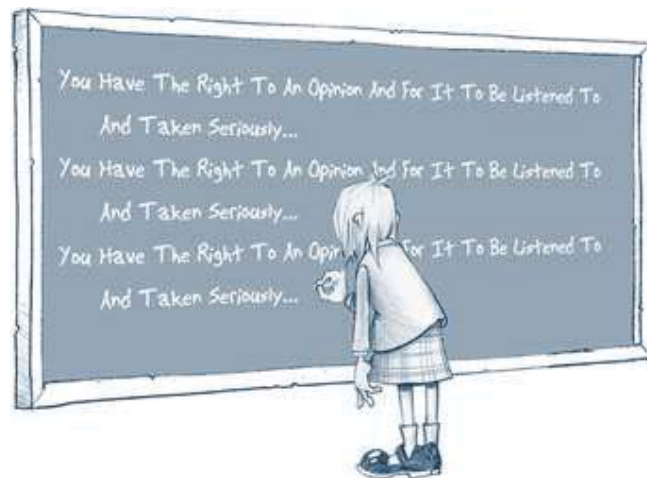
<sup>3</sup> Improving Scottish Education 2005-2008, a report by HMIE:

## Introduction

This series of reports identifies and promotes the sharing of good practice in empowering children and young people to have their views listened to and respected in order to help services to meet their needs more effectively. It also makes recommendations for moving forward. Every child and young person has the right to have their views taken seriously whenever decisions are being made about them, including how they learn and how they are supported. Effective methods of consulting children and young people enable them to influence the way that services impact on their lives and the way that they learn. They also help children and young people to shape what is provided to support them in achieving better outcomes.

The movement towards greater consultation with and involvement of young people has gained considerable momentum in the past few years. The Scottish Government is committed to improving the opportunities for users of public services, including children, to participate in shaping the services they receive.

These reports present examples of good practice identified from a wide range of our inspection activity in nurseries, schools, colleges, education authorities and services for children and our ongoing work in partnership with our stakeholders. It draws on the key messages from relevant and recent research and from developments in policy at local and national levels.



\*Illustration reproduced with the kind permission of SCCYP

In order to provide evidence for these reports a small team of inspectors carried out visits to schools, and services delivered by local authorities, health, police, and voluntary and independent sector providers. Inspectors met and shared information with relevant stakeholders. They conducted interviews with a wide variety of individuals including staff from across services, as well as children and young people. The visits included focus group meetings, observations of practice and attendance at meetings. Visits focused on capturing examples of good practice. Relevant evidence from recent nursery, school, community learning and development, education authority, college and children's services inspection reports was also considered and included where appropriate. Inspectors reviewed relevant

recent and current research. They reviewed and discussed current initiatives and approaches to hearing the voices of children and young people.

## Legislative context

### ***United Nations Convention on the Rights of the Child***

The United Kingdom is a signatory to the United Nations Convention on the Rights of the Child (UNCRC). Article 12 of the UNCRC affirms that,

*“All children have a right to be able to give their opinion when adults are making a decision that will affect them, and adults should take it seriously”.*

It goes on to state in Article 13 that,

*“The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.”*

This expresses an international commitment to ensuring that children's voices are listened to and acted upon. The Convention came into force across the UK in January 1992. The European Convention on Human Rights (ECHR) was incorporated into Scots law through the Scotland Act 1998 and subsequently the Human Rights Act 1998. Since then the Scottish Government has demonstrated a strong commitment to listening to and taking account of the views of children through legislation and policy change. The Commissioner for Children and Young People (Scotland) Act 2003 established the office of Scotland's Commissioner for Children and Young People (SCCYP). The Children's Commissioner is responsible for promoting and safeguarding the rights of children. The Children's Commissioner must involve and consult with children and ensure that all children and young people in Scotland have a voice.

The Scottish Children's Commissioner's office has a Reference Group of young people to support and advise on policy and communication. There are also two young people's advisory groups, one of which focuses on health issues, the other focuses on the care system for looked after and accommodated children.

The Scottish Government published an evaluation of Scotland's progress between 1999 and 2007 in implementing the UN Convention on the Rights of the Child<sup>4</sup>. This contributed to a UK-wide assessment produced every five years on how well our obligations to protect children's human rights are being met. In September 2008, the

---

<sup>4</sup> A Report on Implementation of the UN Convention on the Rights of the Child in Scotland, Scottish Executive 2007

UN Committee on the Rights of the Child reported on the UK's performance and what must still be done to be fully compliant<sup>5</sup>. It included recommendations to:

- strengthen children's voices through promoting respect for their views;
- ensure children's views are always considered when decisions are made that affect them; and
- support organisations that help children get involved in decision making including having their voice heard in the media.

Specific areas identified for improvement included children's involvement in decision making about school exclusions, planning for children and young people who have additional support needs and future care arrangements when parents separate.

The Scottish Government is committed to doing more to implement children's rights in Scotland. A Children's Rights team within the Scottish Government is taking forward the recommendations that apply to Scotland.

### ***The Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006***

The *Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Act 2006* provides the legislative framework for the conduct of joint inspections of the provision of services to children. Child protection inspections are conducted within a published framework of quality indicators, *How well are children and young people protected and their needs met?*<sup>6</sup> These inspections cover a range of services and staff working in a local authority area who have a role in protecting children. These include services provided by health, the police, local authority education and social work and the Scottish Children's Reporter Administration (SCRA), as well as those provided by voluntary and independent organisations. Inspections of child protection services take account of how children are listened to and respected and how they participate in policy development.

### ***The Children (Scotland) Act 1995***

The Children (Scotland) Act 1995<sup>7</sup> made it a legislative requirement that *"Each child who can form his or her views on matters affecting him or her has the right to express those views if she or he so wishes."* Health, education, social work and police services working in partnership with the voluntary and independent sector have been developing different approaches to involving children and young people. They are increasingly aware of the need to consult children and young people in

<sup>5</sup> UK Children's Commissioner's Report to the UN Committee on the Rights of the Child 2008

<sup>6</sup> How well are children and young people protected and their needs met? Scottish Executive 2005

<sup>7</sup> The Children (Scotland) Act 1995, Regulations and Guidance, Volume 1 Support and Protection for Children and Their Families

relevant policy development, and take account of their experiences as service users in service delivery.

### ***The Standards in Scotland's Schools Act 2000<sup>8</sup>***

In 2000, The Standards in Scotland's Schools etc. Act, made it a requirement for "The development plan shall include an account of the ways in which, and extent to which, the headteacher of the school will -

- (a) consult the children and young people in attendance at the school; and
- (b) seek to involve them, when decisions require to be made concerning the everyday running of the school."

### **Education (Additional Support for Learning) (Scotland) Act 2004<sup>9</sup>**

This legislation strengthened the rights of children with additional support needs and their parents to have their needs identified and addressed effectively and for children to have their views taken into account in that process and in discussing, monitoring and evaluating their learning. It put the needs of the child or young person at the centre of planning and decision making.

## **Policy background**

### ***The Scottish Government's National Performance Framework***

Scottish Ministers have entered into a new relationship with local authorities and their community planning partners through a National Performance Framework which sets out the high level Government Purpose and its associated targets, five strategic objectives, 15 national outcomes and 45 national indicators.

---

<sup>8</sup> Standards in Scotland's Schools Act 2000

<sup>9</sup> Education (Additional Support for Learning ) (Scotland) Act 2004



### **National performance framework**

While these changes have an impact on services for children and young people, they should also be seen in the context of how the Scottish Government views and values young Scots. They focus on:

- early intervention to nurture potential and offer support at an earlier stage in a young person's life:
- ensuring that **all** children and young people have the support they need to achieve their potential; and
- positive opportunities for and positive engagement with children and young people.

The new approach can be seen across a range of recent national policy developments: from *The Early Years Framework*<sup>10</sup> and the *Equally Well Implementation Plan*<sup>11</sup>; and from the *Achieving Our Potential* framework<sup>12</sup>, tackling poverty and income inequalities, to the new approach aimed at preventing offending by young people outlined in the *Youth Justice* framework<sup>13</sup>.

### ***Curriculum for Excellence***

The four capacities of *Curriculum for Excellence*: successful learners; confident individuals; effective contributors; and responsible citizens and the attributes and capabilities which sit beneath the capacities set a clear expectation of learners' active involvement in the learning process. In order 'to develop and communicate their own beliefs and view of the world', 'take the initiative', and 'make informed choices and decisions', the learner's voice must be heard and developed. The

<sup>10</sup> Early Years Framework, Scottish Government 2009

<sup>11</sup> Equally Well Implementation Plan, Scottish Government 2008

<sup>12</sup> Achieving Our Potential, Scottish Government 2008

<sup>13</sup> Offending by Young People, Scottish Government 2008



experiences and outcomes flesh out this expectation in more detail in the context of curriculum areas and interdisciplinary studies.

The curriculum design principles also place the child or young person at the centre of learning. In emphasising the 'new' principles of personalisation and choice, relevance, challenge and enjoyment and depth alongside existing curriculum design principles, it marks a shift towards greater learner involvement. These principles recognise the need to shape the curriculum to meet the needs of learners, to listen to their views, to involve them as far as possible in shaping their learning and to involve them in promoting their own learning, progress and achievement.

### ***The Journey to Excellence***

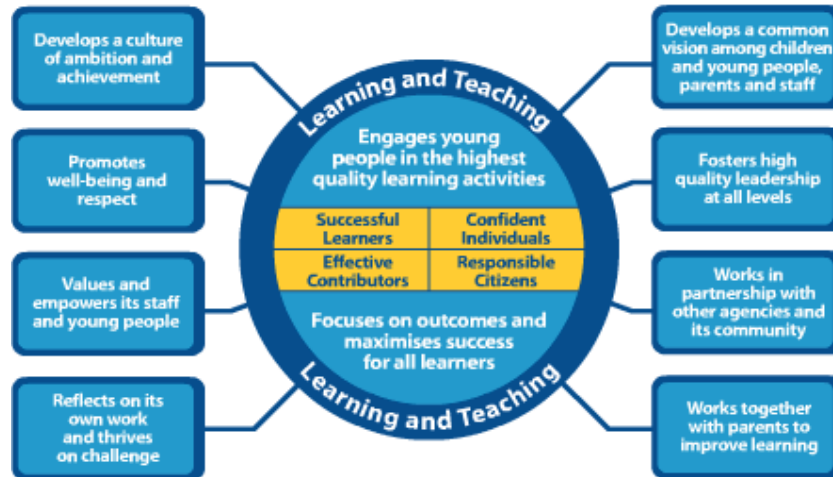
In *The Journey to Excellence*<sup>14</sup> published in 2006, HMIE identified ten dimensions of Excellence. Each of the ten dimensions relates to a key process within the school. Each dimension contributes to the very highest quality outcomes for all learners. The diagram which follows shows the ten dimensions of excellence and the relationships between them. At the heart of the model there are two key dimensions:

- engaging young people in the highest quality learning activities; and
- focusing on outcomes and maximising success for all learners.

These two key dimensions derive from the highest standards of learning and teaching, an essential context for all that the school does. All the other dimensions contribute to excellence in learning and a focus on achieving successful outcomes. Working clockwise round the model on the following page, it can be seen that in an excellent school the school community as a whole is involved in developing and living a common vision. Such a school has strong leadership at all levels, leadership for learning. It works with other agencies, the community and parents to enable young people to be successful in their learning. Excellent schools expect all staff to reflect on the quality of education they provide, and to respond positively to challenge from within and beyond the school. They value their staff and pupils, providing them with the support they need, while also empowering them to make decisions about, and take responsibility for, improving learning. Excellent schools treat children and young people with respect and entrust them with active roles in decision making. They care for young people, and for the staff who support and teach them, and do all they can to assure their health and wellbeing. And fundamental to all of this is a school culture which values and promotes the highest levels of ambition and achievement.

---

<sup>14</sup> The Journey to Excellence HMIE 2006



The Journey to Excellence online resource [www.ltscotland.org.uk/journeytoexcellence](http://www.ltscotland.org.uk/journeytoexcellence) contains movie clips which exemplify best practice in schools listening to the voices of children and young people.

### ***Getting it Right for Every Child***

*Getting it Right for Every Child* (GIRFEC) is the national approach that aims to help all professionals supporting children and young people in Scotland to work better together to improve outcomes for all children and young people.

It promotes a shared approach that:

- builds solutions with and around children and families;
- enables children to get the help they need when they need it;
- supports a positive shift in culture, systems and practice; and
- involves working together to make things better.

GIRFEC is the foundation for work with all children and young people, including adult services where parents are involved. It builds on universal health and education services, and is embedded in *The Early Years Framework* and *Valuing Young People: Principles and connections to support young people to achieve their potential*<sup>15</sup>.

<sup>15</sup> Valuing Young People – Principles and connections to support young people to achieve their potential, Scottish Government 2009

*Curriculum for Excellence* and GIRFEC set out to develop all children and young people as: successful learners; confident individuals; effective contributors; and responsible citizens. Embedding the involvement of children and young people in the planning, design and delivery of public services is a prerequisite to achieving these outcomes. Moreover at an individual level, the active participation of every child and young person should be integral to improving their wellbeing across the national indicators of being *Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included*:

## Research perspectives

### ***Children's participation: from tokenism to citizenship***<sup>16</sup>

The *Ladder of Participation* as described by Hart in a UNICEF commissioned Essay called "*Children's Participation: from Tokenism to Citizenship (1992)*" is a way of thinking about the participation of children in projects. There are eight rungs on the ladder starting at the bottom with *manipulation* and ending at the top with *Child-initiated, shared decisions with adults*.

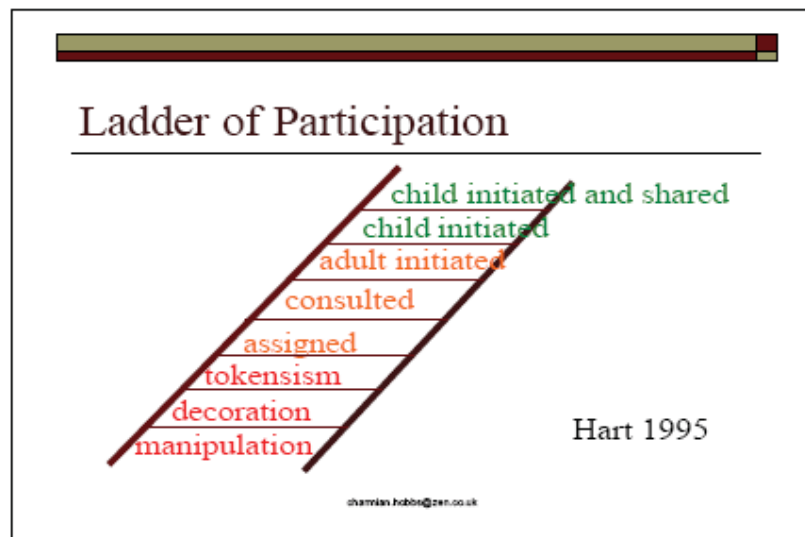


Fig: Ladder of Participation

The bottom three rungs of *manipulation*, *decoration* and *tokenism* involve very limited participation. Children are "manipulated" when they are involved in promoting an issue, but have no understanding of the issues. Hence they do not understand their actions. Similarly, "*decoration*" involves children to bolster an issue. "*Tokenism*" takes place when children are apparently given a voice, but in fact they have little or no choice about the subject or the style of communicating it, and little or no opportunity to form their own opinions.

<sup>16</sup> Children's Participation: from Tokenism to Citizenship (1992) UNICEF

The remaining five rungs of the ladder represent increasing levels of participation. There are a number of important requirements for a project to be fully participatory:

1. The children understand the intention of the project.
2. They know who made the decisions concerning their involvement and why.
3. They have a meaningful rather than decorative role.
4. They volunteer for the project after the project was made clear to them.

Children can be *assigned but informed* where the aims of a project remain defined by adults and children are given specific roles in the project and understand their tasks and the aim of the project. Children can also be *consulted and informed* where a project is designed and run by adults, but children understand the process and their opinions are treated seriously. The three highest levels of participation are the most difficult to achieve partly because of the responsibilities of adults and partly because of the tendency of adults to take directive roles. These levels involve situations where decisions are genuinely shared with children and where children initiate projects.

### **Consulting children**

The annual Professional Development Programme (PDP) for educational psychologists in Scotland in 2006 - 2007 took as one of its themes of research "*Seeking and Taking Account of the Views of Children and Young People: A Psychological Perspective*"<sup>17</sup>. The published report [www.ltscotland.org.uk/pdp](http://www.ltscotland.org.uk/pdp) explored a range of theoretical perspectives which supported good practice in this area and outlined a number of approaches and methodologies to guide professionals in consulting with children and young people. The report chapters focus on:

- *Legislation, methodology and models*
- *Psychological and sociological perspectives*
- *Review of a computer package designed to assist children, young people and vulnerable adults in communicating their experiences*
- *Co-researching with young people*
- *Consultation online - a technique for seeking and taking account of the views of children*
- *Supporting engagement with learning*
- *Participation audit tool*
- *Emerging issues and action implications*

---

<sup>17</sup> Seeking and Taking Account of the Views of Children and Young People: A Psychological Perspective 2007

### ***Key messages from recent research in school settings***

Strands of research from the recent Teaching and Learning Research Programme (TLRP) and Applied Educational Research Scheme (AERS) investigated 'pupil voice'. The research contained several important and helpful messages.

- Teachers need well-developed skills in listening and learning as well as in teaching and leading; this has implications for both initial teacher education and continuing professional development.
- Genuine consultation with children and young people involves changes in traditional teacher/pupil relationships.
- Effective consultation can be positive in terms of both process (enhanced self esteem and commitment to learning) and product (resulting changes in the learning environment).
- Consultation on learning and teaching needs to move beyond consultation on 'housekeeping' matters.
- It is important to listen to the quiet voices as well as the more confident and/or articulate ones.
- Children and young people need feedback on what has happened as a result of them expressing their views.
- Consultation with children and young people must be fit for purpose and should not necessarily follow models of adult consultation.
- While teacher consultation with children and young people is to be welcomed, there is still a place for externally mediated consultation so that children and young people can express views that they might not be comfortable in expressing to their teachers.

### ***Scottish research on pupil councils: Having a Say at Schools***

In 2006, Children in Scotland and the University of Edinburgh set up a three-year research project to examine the role of pupil councils in Scotland. The project aims to address key questions on their effectiveness, which are:

- Are they working – and for whom, and in what way?
- Are they having an impact on decision making?
- Who is being included or excluded?

The research group received responses from every local authority in Scotland. A survey was conducted with schools in 28 of the local authorities and involved a total

of 1,677 schools. Two questionnaires were sent to every school, one for staff and one for the pupil council to complete. Over 1,000 responses were returned. A small number of schools were chosen for further in-depth case study work. The research group will begin sharing the findings from summer 2009. The full results of the project will be published by spring 2010.

## **Examples from practice at a national level: children and young people as citizens of Scotland**

### ***Scottish Ministers***

Scottish Ministers frequently meet with children and young people to listen to their views and to help them to develop policies which are child friendly and take account of the needs and aspirations of children. They see early introduction to responsible citizenship and democratic processes as essential to their future objectives for change.

### ***Children of asylum seekers***

Scottish Ministers asked HMIE to inspect services for the children of asylum seekers in the Glasgow City Council area. A recommendation of the report published in June 2007 was that consideration should be given to the feasibility of responding to the aspirations among asylum seeker children to undertake degree level study. Scottish Ministers subsequently met with *The Glasgow Girls*, a campaigning girls group and listened to their views. Ministers took immediate action to open access to university from September 2007. One young person who then had the opportunity to go to university said.

*“It didn’t seem fair that young people like me should be held back. We worked hard to get the grades but were treated differently just because we were asylum seekers. Going on to university with all my friends has been a really positive experience. I am now in my second year and really enjoying my studies. When I finish, I will be able to get a professional job anywhere in the world. The whole experience of university has given me confidence about my future. I’m grateful to the Scottish Government for giving young people like me this chance.”*

### ***Children affected by domestic abuse***

The *Listen Louder* campaign organised by Scottish Women's Aid gave children and young people experiencing domestic abuse the opportunity to tell Scottish Ministers about their feelings of guilt, shame, anger and helplessness. As a result, from 2006 children's workers were funded to provide direct support to children and young people experiencing domestic abuse.

### ***The Children's Parliament***

The office of the Children's Commissioner is closely linked with the Children's Parliament. The Children's Parliament provides the opportunity for children to engage in local, national and international democratic processes. The Children's Parliament enables Scottish children and young people less than 14 years of age to work together and take part in democratic processes. This is done online and through a community-based network of groups. In a report produced in 2007<sup>18</sup>, The Global Citizenship Unit at the University of Glasgow found that the Children's Parliament provided a very high quality and unique model of participative education which local authorities have been encouraged to adopt.

---

<sup>18</sup> Evaluation of the Children's Parliament, The University of Glasgow, the Education for Global citizenship Unit 2007

### ***The Climate Change Project***

As The Climate Change Bill introduced on 4 December 2008 began to make its way through the Scottish Parliament's legislative process, the views and concerns of children and young people were included in the ongoing discussions and debates that would inform the Bill's progress.

Working closely with colleagues from the World Wildlife Fund (WWF) Scotland, and with the support of Children in Scotland, The Scottish Government and The Scottish Commissioner for Children and Young People, The Children's Parliament brought together 20 children and young people from Fife, South Ayrshire, Edinburgh and the Western Isles for a residential weekend. They worked with a team of specialist arts and environmental education staff to learn about and reflect upon issues relating to climate change. The children and young people then took on the role of scientist, activist, historian and politician and considered the same issues from these perspectives. They grappled with a range of issues and thoughtfully and insightfully created a striking mural to reflect their thoughts, hopes and ideas for creating a better, more cared for world.

The mural was taken to The Scottish Parliament for The Festival of Politics. The children and young people hosted their own reception in The Garden Lobby of The Scottish Parliament where they presented their mural and had direct conversations with key figures involved in the Climate Change debate. A DVD of the children's views was commissioned by The Scottish Government and The David Hume Institute. The DVD was subsequently used to open a major international conference on Climate Change.

### ***The Children's Charter***

In March 2004, the then Scottish Executive launched a Children's Charter for Protecting Children and Young People<sup>19</sup> at risk of abuse and neglect. The Charter clearly sets out what children and young people need and expect to help them when they are in danger of being, or already have been harmed by another person. It was developed by Save the Children, through talking with children and young people who have experienced the need to be protected and supported.

Scottish Government guidance to Child Protection Committees (CPC) states that the perspectives of children and young people should be clearly evidenced in their work including the most vulnerable and those with direct experience of child protection services. Inspections of services to protect children have found this to be an area for development nationally.

Each CPC has to ensure that children and young people are involved in the development and implementation of its public information and communication strategies.

---

<sup>19</sup> Protecting Children and Young People: The Charter, Scottish Executive 2004



## **Acknowledgements**

The front cover picture design was reproduced from [www.wordle.net](http://www.wordle.net)