



GIVING VOICE TO ALL OF **SCOTLAND'S CHILDREN**

**RESPECTING, PROTECTING AND FULFILLING THE
LANGUAGE AND COMMUNICATION RIGHTS OF CHILDREN**

ANNEMARIE MACRAE

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EXECUTIVE SUMMARY

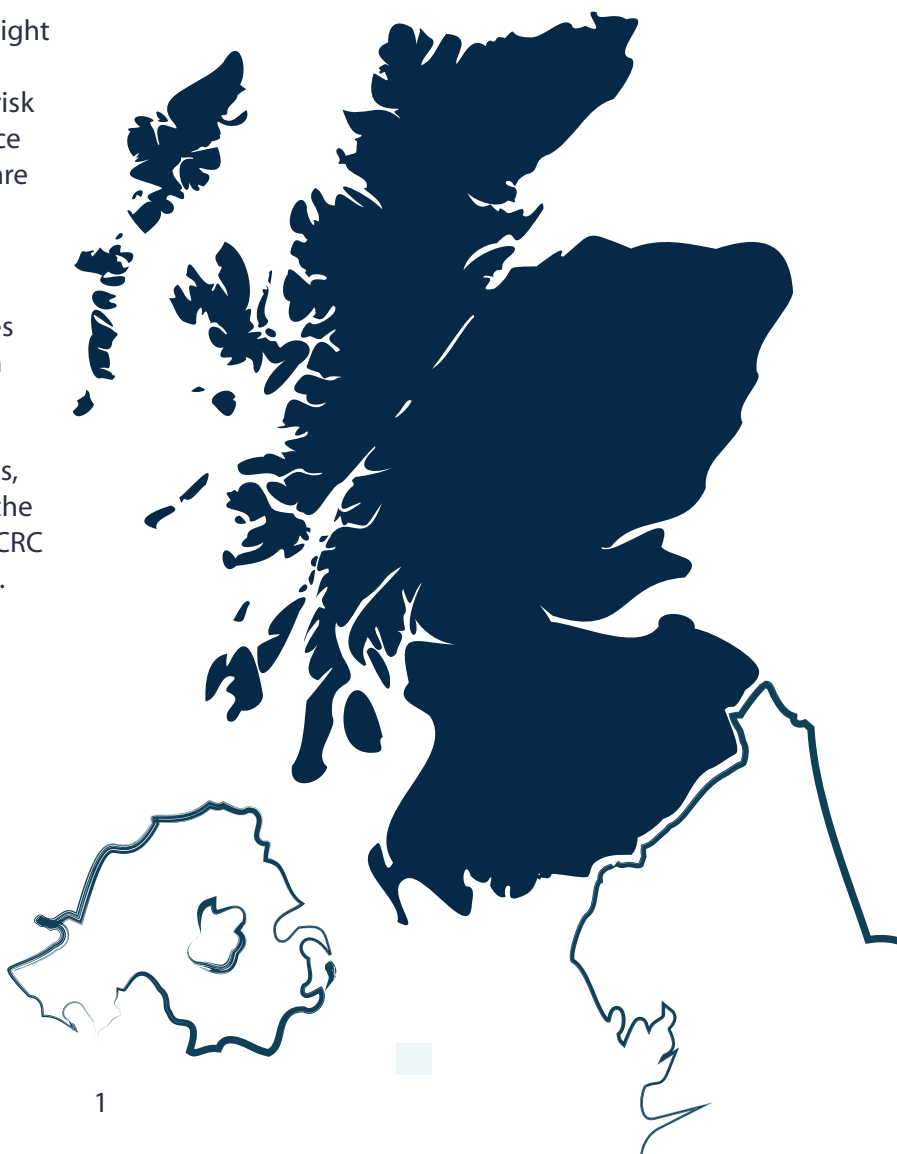
With the United Nations Convention on the Rights of the Child (UNCRC) (Incorporation) (Scotland) Act becoming law in January 2024, this report describes communication as a fundamental children's right essential to their ability to thrive. The report links speech, language and communication needs to the potentially detrimental impact on children's rights being respected, protected and fulfilled. It also details how speech and language therapists (SLTs) are uniquely placed to support children realise their rights.

Chapter 1 sets out the recent history of children's rights, the UNCRC, the role of the CRC, children's rights in Scotland and the Scottish Government's incorporation of the UNCRC into domestic legislation.

Chapter 2 argues that communication is a fundamental children's right. It details the impact on children that speech, language and communication need has on realising their communications rights. The chapter presents the role of communication throughout the UNCRC, where examples of communication as a child's right are depicted. It also examines contexts in which children's communication rights are at highest risk of not being realised, such as in education, justice systems and for those living in poverty or who are care experienced.

Chapter 3 considers ongoing work to incorporate the UNCRC into practice. It describes the role of SLTs and considers the ways in which SLTs contribute to the realisation of children's rights in their work. The chapter champions the impactful skills and knowledge that SLTs possess, making them uniquely placed to contribute to the incorporation and operationalisation of the UNCRC in Scotland across many settings for all children.

The recommendations determine ways in which the government can achieve successful incorporation and operationalisation of the UNCRC, focusing on communication as a predication to all rights and a right in itself. They highlight how governing bodies may resource and utilise the unique practice of SLTs to contribute to the realisation of children's rights; ensuring that all of Scotland's children are given a voice and opportunities to participate in matters which affect them.



Recommendations

THIS REPORT RECOMMENDS THAT:

1. The Scottish Government explicitly recognises communication as a fundamental children’s right in policy and practice.

RIGHTS

2. Speech, language, and communication needs are considered when legislating for disability. They should also be expected and appropriately resourced for in education, health and justice settings.

LEGISLATION

3. The Scottish Government establish a lived experience group of children and young people with speech, language and communication needs, supported by SLTs, as part of their work to operationalise the UNCRC.

EXPERIENCE

4. The Scottish Government appoints speech and language therapy advisory roles to the working groups within Scottish Government tasked with operationalising the UNCRC.

ADVISORY

5. The Scottish Government, when budgeting for the provision of children’s speech and language therapy services in Scotland, considers such service resourcing as a public health children’s rights issue.

BUDGETING

6. Services should be resourced in line with child’s rights budgeting processes, to include participation from children who have speech, language and communication needs.

NEEDS

7. Speech and language therapists should be embedded in all services that children come into contact with, within health, education and justice, to provide consistent training, coaching and support to professionals in these areas.

CONSISTENCY

8. The Scottish Government should seek to understand children with speech, language and communication needs’ understanding of their rights, and whether there are gaps in their knowledge about children’s rights.

UNDERSTANDING

9. The Scottish Government should collaborate with the Royal College of Speech and Language Therapists in developing child-friendly, language-appropriate resources for communicating the UNCRC and the options if their rights have not been upheld.

COLLABORATION

10. The role of the speech and language therapist is considered vital and embedded in future developments to children’s advocacy services and developments under part 2 of the UNCRC Act.

ADVOCACY

CHAPTER 1

CHILDREN'S RIGHTS IN SCOTLAND

In 2022, the Scottish Government made an ambitious commitment to children's rights being respected, protected and fulfilled nationally. Now Scotland, with the incorporation of the UNCRC, is at a pivotal stage in making this vision a reality.

Children are rights-holders of the human rights afforded to every individual. Such rights are universal, inalienable, indivisible, interdependent and interrelated. Human rights are a subject devolved to Scotland by the Scotland Act 1998; with the rights within the European Convention on Human Rights (ECHR) protected by the Human Rights Act 1998; and provisions within the Scotland Act 1998. However, the Scottish Parliament has the power to implement and observe other international human rights treaties, respecting the 'living' nature of all human rights instruments. Human rights have been championed nationally; evidenced, in part, by the ongoing development towards a Human Rights Bill for Scotland and the establishment of the National Taskforce for Human Rights.

The UNCRC

The United Nations' seminal treaty, the 'Convention on the Rights of the Child' ("UNCRC") (United Nations, 1989) purposefully details children's rights. The UN General Assembly adopted the UNCRC in November 1989 and 54 articles articulate what every child should experience to survive, grow, thrive and reach their full potential. The UNCRC cohesively amalgamates all of the human rights of children into one comprehensive document, which follows the accepted classification that rights are either civil and political, or social and economic. It focuses on supporting children and families and ensuring that those who require additional support receive this at the earliest possible opportunity. It also provides the substance to the proclamation of the earlier Universal Declaration of Human Rights (1948) that childhood is entitled to special care and assistance.

The freedoms and standards that all children are entitled to fall into three categories:

- **Protection** – the rights protecting children against behaviours (for example, the right to freedom from exploitation)
- **Provision** – the rights for children to access additional benefits, services or activities (for example, the right to education, the right to the highest attainable standard of health)
- **Participation** – the right for children to engage in activities (for example, the right to be heard and freedom of expression).

Four articles provide the skeleton to children's rights overall and are considered the General Principles of the UNCRC. They are used as the lens through which to interpret all other articles and are designed to guide state parties in their duties towards children.

The General Principles are fundamental to rights being realised:

- Non-discrimination (Article 2)
- The best interests of the child (Article 3)
- The right to life, survival and development (Article 6)
- The right to be heard and be listened to (Article 12)

The Committee on the Rights of the Child

The UNCRC established the Committee on the Rights of the Child ("the CRC"), an international body of experts, to provide guidance on states' interpretation and implementation of the UNCRC. State parties have reporting duties to the CRC, which is ultimately responsible for monitoring implementation. The CRC is responsible for publishing general comments, which are non-legally binding interpretive aids for rights within the UNCRC. This provides state parties (countries that have formally agreed to be bound by the UNCRC) with assistance regarding the interpretation of an article or issue relating to children, and what actions they should take to ensure its realisation.

The UNCRC in Scotland

The ratification of the UNCRC didn't necessarily equate to children's rights being protected under Scots law and until 2024, neither did it have a simple domestic remedy for the infringement of children's rights. Nevertheless, the UNCRC proved influential within Scotland. Public bodies across all areas have used the UNCRC as a guiding force for their work for and with children. One clear example of this commitment is the Scottish Government's Getting it Right for Every Child (2013) and Ready to Act (2016) policies, as well as the Children and Young People (Scotland) Act 2014.

As part of the Scottish Government's approach to children's rights, a commitment was established to incorporate the UNCRC into domestic legislation. On 16 March 2021, after a significant period of consultation with children across Scotland, the Scottish Parliament passed the UNCRC Bill unanimously.

Following proceedings at the supreme court, an amended bill received royal assent on 16 January 2024. On 16 July, the UNCRC (Incorporation) (Scotland) Act legally came into force. The Act means children in Scotland are afforded the highest level of legal protection of their rights. In addition to incorporating the UNCRC, the Act places duties on local authorities to act compatibly with the UNCRC and the Act and, if a breach occurs, children and young people will be able to use domestic courts to enforce these rights. It contains measures that remove barriers for children realising their rights and access to justice. It also places obligations on the Scottish Government to scrutinise all new policy and legislation to ensure it is in keeping with children's rights.

Aside from incorporation and now operationalisation of the Act, the Scottish Government details three other areas of ongoing action to implement children's rights in Scotland:

A national action plan

- Progressing the Human Rights of Children in Scotland: An Action Plan 2021-2024
The strands of this three-year implementation programme are:
 - Scottish Government leadership in children's rights
 - Empowered children and young people
 - Embedding children's rights in public services
 - Children's rights resolution.

Child Rights and Wellbeing Impact Assessments (CRWIA)

- A formal process aiming to identify, research, analyse and record the anticipated impact of a law, policy or measure on children's rights and wellbeing.
- CRWIA processes are a general measure of implementation of the UNCRC (Article 4) and are a means to satisfying ministerial duties under part one of the Children and Young People (Scotland) Act 2014.
- This applies to national, regional as well as local work of public services. It is an improvement approach intended to help protect and champion the rights of children from the earliest stages of policy and service planning.

Reporting progress to the Scottish Parliament and United Nations

- Reporting procedures allows the CRC an understanding of the situation of children's rights in the state party.
- The UK reported to and was examined by the CRC in May 2023.
- Together (Scottish Alliance for Children's Rights) published their 2023 report (Doyle and Sutton, 2023) as an update for the CRC about the state of children's rights in Scotland. This contributed to the overall UK review in May 2023.
- The CRC shared its concluding observations issuing almost 200 recommendations for the state to action.

The concluding observations of the CRC

The CRC published its concluding observations in June 2023 and welcomed the unanimous passing of the UNCRC (Incorporation) (Scotland) Bill. The committee recommend developing comprehensive policy and action plans for implementation of the UNCRC and noted that they should be appropriately resourced by sufficient human, technical and financial resources' (p.3) and that action plans place specific focus on children in disadvantaged situations, including (but not limited to) children with disabilities, children in care and children who are socioeconomically disadvantaged.

In terms of allocation of resources, the committee recommended that State Parties (in this case the United Kingdom) utilise a child's rights-based approach to state budgeting process in all jurisdictions, as well as a tracking system for the allocation, use and monitoring of such resources with opportunities for children to participate in budgeting (Part III.A.11); and encouraged strengthened data-collection systems (qualitative and quantitative) on all areas of the CRC, ensuring that all children are given an opportunity to participate.

A child's rights-based approach



Our vision is a Scotland where children's human rights are embedded in all aspects of society. A Scotland where policy, law and decision making take account of children's rights and where all children have a voice and are empowered to be human rights defenders.

Scottish Government, 2023



A child rights-based approach is described to 'bridge the gap' between the ideals of the UNCRC and the lived experience of children (UNICEF, 2022). The approach translates theory into practice by outlining seven principles of a genuine child rights-based approach (see figure 1 and table 1).

For successful embodiment of a children's rights-based approach, duty bearers at all levels – politicians, parents, public services and the public – will all have an important role to play (Aldgate, J. 2013 for Scottish Government).

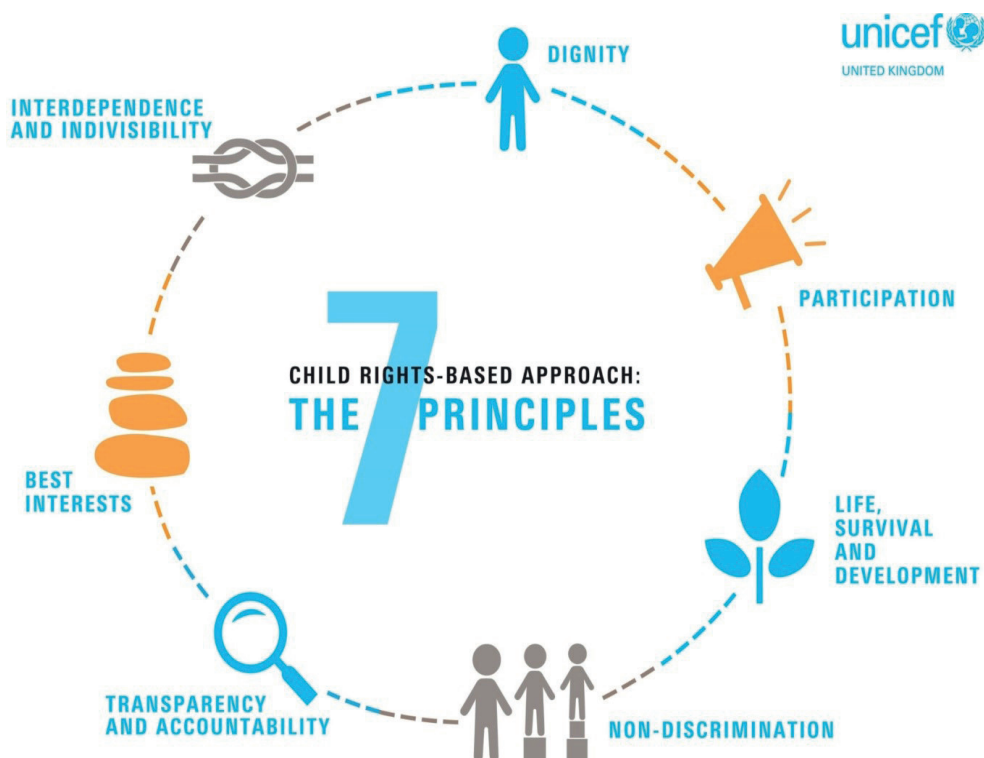


Figure 1: The principles of child's rights-based approaches (UNICEF)

Table 1: The principles of child’s rights-based approaches

Principle	Details
Dignity	Respecting children’s dignity means all children should be treated with care and respect in all circumstances – for example in schools, hospitals, police stations, public spaces or children’s homes.
Interdependence and indivisibility	All children and young people should enjoy all of their rights all of the time because all rights are equally important.
Best interests	The best interests of the child must be a top priority in all decisions and actions that affect children and young people. In all cases, children and young people should be involved in deciding what is best for them.
Participation	All children and young people have the right to have a say in matters that affect them and to have their views taken seriously. In order to participate meaningfully in the lives of their family, community and the wider society, children and young people need support and opportunities for involvement. They need information, a space to express their views and feelings, and opportunities to ask questions.
Non-discrimination	Every child and young person should be treated fairly and protected from discrimination, whatever their age, gender, ethnicity, religion, language, family background or any other status. Having access to equal opportunities and best possible outcomes doesn’t mean being treated identically; some children and young people need more support than others to overcome barriers and difficulties.
Transparency and accountability	Open dialogue and strong relationships between children and young people, professionals and local politicians are key to making rights a reality. For this to happen, everyone needs to be supported to learn about and understand rights. Knowledge of rights also allows children and young people to hold to account the people responsible for ensuring their rights are protected and realised.
Life, survival and development	Every child has a right to life and each child and young person should enjoy the same opportunities to be safe and healthy, and to grow and develop. From birth to adulthood, children and young people develop in many different ways – physically, emotionally, socially, spiritually and educationally – and different professionals should work together to help make this happen.

Speech and language therapists will be eager to see the Scottish Government’s progress on the CRC’s recommendations, as they continue to practice a child’s rights-based approach in their daily work.

The speech and language therapy profession looks forward to seeing the Scottish Government take notice of observations of the CRC and implement a proactive child’s rights approach. The current initiatives that the Scottish Government has undertaken are a good start, but they are just the start of an important process.

Regardless of the policies and action plans that pave the route forward, it will be important for the Scottish Government to draw on the expertise of the speech and language therapy profession and recognise the rights-based work it already practises.

The impact of speech, language, and communication needs

Speech, language and communication needs have a significant and detrimental impact on the activity, functioning and participation of children.

Although SLCN may be transient and temporary, many individuals will experience SLCN throughout their lifetime. Numerous studies report a link between SLCN and the potential for poor outcomes in education, employment and mental health (Johnson et al., 2010).

Speech, language and communication needs can impact a young person's ability to develop, access education, and access the highest attainable standard of health. They can also affect their ability to participate in matters that are important to them (including in welfare and justice systems) as well as to understand information and form views which shape their personality and freedom of expression.

Therefore, SLCN are an undeniable threat to children's rights not being realised if they are not identified and supported.

Children with SLCN are disadvantaged by their needs alone and are often doubly disadvantaged – a high number of marginalised and vulnerable children report significantly higher rates of SLCN compared to the general population.

Speech, language and communication needs

A disability

Children that have considerable or long-lasting SLCN should be classified as having a disability, so they are recognised under further legislative frameworks, specific to those with disabilities. The UN defines disability as below:

Convention on the Rights of Persons with Disabilities (United Nations, 2007)

Article 1 – Purpose and definition of disabilities

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Communication rights for children in education, youth justice, living in poverty and care experienced children

A higher proportion of SLCN are found amongst children in justice settings, those living in poverty or those who are care experienced. Higher complexity and risk also exist in these settings, where the risk of children's rights being violated is higher if their communication need is not identified and adequately supported. Children in education are also at a high risk, because of the significant demands within educational settings, including social, academic and emotional pressures and expectations.

Children in conflict with the law

A significant amount of national and international studies evidence an over-representation of children with SLCN in youth justice settings. Around 60% of young people in justice settings have SLCN (Anderson et al. 2017). This suggests that we should be screening-out communication needs rather than screening for SLCN. Youth justice systems and settings are highly dependent on language to narrate experiences, make inference and justify behaviour. Unidentified, unsupported SLCN have the potential to impact rehabilitation, access to psychological talking therapies, restorative justice and life-chances for children in conflict with the law.

Education

Access to education, a child's right, is completely dependent on language and communication. If a child with SLCN is not adequately supported in an educational setting, they will not be able to participate. This in turn will lead to poor social experiences, poor educational outcomes and will reduce the child's opportunity to develop their personality, talents and abilities to the full. The risks of violation of children's rights in education is high, given the complex, interlinking nature of participation, attainment, quality of life outcomes, and social and emotional wellbeing and behaviour.

Care experienced children and young people

Speech, language and communication needs are more prevalent in children who grow up in neglected environments and disadvantaged homes. This includes many looked-after children. These needs can often be overlooked or unsupported, due to the prioritisation of other issues or frequent geographical relocation. Children who become formally care experienced through the children's hearing system are expected to participate in decision making with significant impact on their childhood, wellbeing and future outcomes. This understanding and participation requires a high level of complex communication skills.

Children living in poverty

Research demonstrates SLCN become more prevalent in communities with lower socio-economic status, where between 40-56% of children are predicted to start school with a language delay (Locke et al., 2002; Law et al., 2011).

There is often an intergenerational cycle of need, where parents and caregivers of children with SLCN have significant communication needs of their own. Across the lifespan, people with SLCN have difficulties accessing information they need to use services and are more likely to experience negative communication in education, health and criminal justice services (Law et al., 2007). Barriers to accessing healthcare services for those living in poverty are high, so children and families may not receive the support they need.

Communication rights in the UNCRC

Children's communication rights are overtly enshrined within the UNCRC Articles 12 and 13 in terms of the right to be heard and to freedom of opinion and expression.

All the articles that relate to children's language and communication, more broadly, are detailed in table two. For example, Article 40, relating to youth justice, pertains that children should have the assistance of an interpreter if they cannot speak or understand the language. Article 42 places an obligation on state parties to make children aware of their rights, which will include writing for children with varying communication and literacy skills. Article 28, the right to education, is predicated on the ability of a child to communicate and be communicated with.

Children's communication and the support for their communication development, should therefore be viewed as an indivisible and interdependent human rights issue.

Table two: UNCRC rights relating to language and communication

Article 2	<p>Non-discrimination The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status; whatever they think or say, whatever their family background.</p>
Article 6	<p>Life, survival and development Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.</p>
Article 12	<p>Respect for the views of the child Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.</p>
Article 13	<p>Freedom of expression Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.</p>
Article 17	<p>Access to information from the media Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.</p>
Article 23	<p>Children with a disability A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.</p>
Article 24	<p>Health and health services Every child has the right to the best possible health. Governments must provide good quality healthcare, clean water, nutritious food and a clean environment, and education on health and wellbeing so that children can stay healthy. Richer countries must help poorer countries achieve this.</p>
Article 28	<p>Right to education Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.</p>
Article 29	<p>Goals of education Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.</p>
Article 30	<p>Children from minority or indigenous groups Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.</p>
Article 42	<p>Knowledge of rights Governments must actively work to make sure children and adults know about the Convention.</p>

The CRC goes on to lay out the basic requirements for implementation of the right to be heard, to avoid state parties taking tokenistic approaches, limiting expression, or not giving due weight to the child. These are as follows:

“All processes in which a child or children are heard and participate must be...”	
Transparent and Informative	Full, accessible, dignity-sensitive and age-appropriate information on their right to be heard, for this to be given due weight and how this will happen.
Voluntary	Should never be coerced and can stop involvement or participation at any stage.
Respectful	Views treated with respect with opportunities to initiate ideas and activities.
Relevant	Must be of relevance to the child, with a space created for their voice to be heard on matters they have deemed relevant and important.
Child-friendly environments	Environments and working methods should be adapted to children’s capacities. Adequate time and resources to give children confidence to contribute. Recognition of the different levels and forms of support that children will need.
Inclusive	Participation should avoid patterns of discrimination and encourage opportunities for marginalised children to be involved. “... provide for equality of opportunity for all, without discrimination on any grounds”
Supported by training	“... adults need preparation, skills and support to facilitate children’s participation effectively, to provide them, for example, with skills in listening, working jointly with children and engaging children effectively in accordance with their evolving capacities” (p.30)
Safe and sensitive to risk	Recognition that expression of views may involve risks – adults to minimise risk of negative consequence of their participation. Child Protection strategies should ensure children are aware of their right to protection from harm.
Accountable	A commitment to follow-up and evaluation.

Table 4: The core ambitions of Ready to Act

Topic	Ambition	Links to UNCRC Articles
Participation and engagement	Children and young people’s views will be asked for, listened to and acted upon to improve individual and environmental wellbeing outcomes and AHP services.	12, 3, 4, 17, 23
Early intervention and prevention	Every child will have the best possible start in life, with AHP services using an asset-based approach to aid prevention through universal services and supportive nurturing environments at home, nursery and school.	3, 5, 6, 16, 18, 31
Partnership and Integration	Children and young people, their parents, carers and families will have their wellbeing outcomes met at the most appropriate level through the creation of mutually beneficial, collaborative and supportive partnerships among and within organisations and communities.	3, 5, 12, 13, 15, 24
Access	All children and young people in Scotland will access AHP services as and when they need them at the appropriate level to meet their wellbeing needs, with services supporting self-resilience through consistent decision making.	2, 3, 17, 23, 12, 24
Leadership for quality improvement	Children and young people, their parents, carers and families will experience services that are led by AHPs who are committed to a leadership and quality improvement approach that drives innovation and the delivery of high-quality, responsive, child-centred care.	1, 2, 3, 6, 31

As children’s speech and language therapy services are already working within these frameworks, they are upholding child’s right-based approaches and championing participation and children’s rights.

Incorporation of the UNCRC: What’s next?

Speech and language therapists are able to contribute greatly to the work to action the recommendations made by the CRC. Speech and language therapy services should be supported to advocate the ways in which their unique support amounts to all children realising their communication rights, particularly for those with SLCN.

Article 12 – The voice of the child, the right to be heard

Speech and language therapists are uniquely skilled in and trained to understand an individual's communication strengths and needs, which can provide critical insight to challenge assumptions about children's capacities.

The role of speech and language therapy is often to make changes that amount to communication-friendly environments, including adapting materials and providing accessible information and support to the team around, and the family of, the child.

Speech and language therapy services routinely work with children to promote effective communication and develop children's speech, language, and communication competencies. Speech and language therapists can provide leadership to effect change and make improvement, which is environment or task centred to ensure activities are in communication inclusive spaces and with good communication partners. Embedding SLTs in services, out with NHS teams, where children are likely to have communication needs to support participation, will ensure the rights within Article 12 are realised.

Co-producing communication supports, by working collaboratively and iteratively with all participants to ensure that children with SLCN can have a voice in matters that relate to them would significantly bolster participation practices and add to the realisation of children's right to be heard.

Article 13 – Freedom of expression

Speech and language therapy can support children to understand information, meaningfully, in different forms; as well as to develop their skills to express what they think. Speech and language development is part of a wider cognitive process of development and is intrinsic to a child forming thoughts and ideas and making sense of the world around them. Children might require early intervention to understand language sufficiently be able to make sense of their experiences or, for example to understand that other people can think different to them. These language and communication skills, are crucial for a child to form and then share opinions.

Children may also benefit from support to be able to express their opinions, orally or in any other communication modality, which is meaningful to them. This would include using augmentative and alternative communication. It is also worth linking here dependency on oral language skills for later literacy development and competence.

If children who need support to develop their communication skills are not having their needs identified and supported, then their right to freedom of expression may be impacted.

Speech and language therapists are uniquely trained to support individuals and their families whilst contributing support and training to the wider children and young people workforce. They can develop child-friendly information and media and can bring a special awareness of the typical development of communication for children, as well as knowledge and skills about communication disabilities.

Youth justice

In England and Wales around 80% of intermediaries, who courts approve to assist witnesses to communicate, are SLTs (RCSLT, 2023). However, unlike in Northern Ireland, Intermediaries are not routinely available to young defendants (only victims and witnesses). Scotland does not have an intermediary system and access to speech and language therapy services in youth justice is not standard practice. Children in Scotland have access to advocacy services. Advocates will have varying experience and understanding of communication development, as well as potentially limited training in identifying and supporting SLCN.

A significant majority of Scottish police officers, as gatekeepers to the youth justice system, report experience of young people with SLCN and have an interest in training to understand how to support their needs (MacRae and Clark, 2020).

Speech and Language Therapist should be adequately resourced across youth justice settings and teams to ensure that children's communication rights are realised, contributing to just outcomes and rehabilitation.

The report specifically promotes child-friendly, accessible information; information in more than one format; information being communicated by sources children trust; and, utilising existing relationships.

This provides an opportunity for national and local relationship-building between speech and language professionals and advocacy providers to highlight the unique expertise of SLTs in being able to develop information that both bolsters understanding and meaningful participation, and ensure that advocacy workers have access to that expertise, training and support. The goals may not be achieved without SLT support as communication experts. This partnership working would benefit all children's communication and interaction with advocacy services as well as, crucially, children with SLCN. As such, although workforces are stretched, nationally, it would be encouraging to see routine involvement of speech and language therapy within services planning for and providing advocacy. This would be complemented by adequately-resourced children and young people speech and language therapy services.

It will be important for the government to draw on the expertise of SLTs and recognise the rights-based work they already practice in terms of their operationalisation plans for the UNCRC Act.

Budgeting

For a child's rights-based approach to have meaningful impact child's rights budgeting has been cited as the way to the vision becoming reality (Helgesson, 2020).

Although the UNCRC is not prescriptive in terms of how budgets need to respond to children's rights, to make them a meaningful reality, it has two important guiding principles (Sarkar, 2015):

- Progressive realisation of rights
- State extension of maximum available resources to achieve this.

On incorporation of the UNCRC to Scots Law, the Scottish Government is bound to make children, directly and indirectly, visible throughout budget considerations and cycles. Ten recommendations have been made to the Scottish Government on how to achieve this (Pedersen et al., 2022), these consider how to include children in budgeting processes as well as assessment of the links between resource allocation and realisation of rights.

Speech and language therapists would be skilled in supporting development of practices to help children understand complex budgeting information as well as participate in the process.

Considering children's communication as a fundamental right and the importance of the early available support to ensure these rights— which can be provided by speech and language therapy services— child's rights budgeting should allow for proportionate allocation of resources to fund speech and language therapy services, advisory posts and research in Scotland.

CONCLUSION

Scotland can become an international leader in championing children's rights by operationalising and pushing to realise these rights in practice meaningfully.

A partnership project led by the Observatory of Children's Human Rights Scotland (2022) detailed the 'Theory of change for making rights real in Scotland'. It notes the challenges of the breadth and depth of change required to realise children's rights, truly. These include macro-level changes to policy, including budgetary considerations; capacity-building endeavours across the sector and working towards cultural change of attitudes, norms and behaviours. The result will be empowerment, which includes 'a system of information, advocacy, complaints, redress and effective remedy for children and young people' (OCHR, 2022).

It is important that as part of this cultural change, children's communication rights are prioritised and that children with SLCN are considered, understood and supported.

Communication predicates almost all of the rights in the UNCRC and is overtly enshrined in Articles 12 and 13. If there is not specific, targeted action taken to recognise and implement communication rights, children with SLCN will be at high risk of their rights being violated. Speech, language and communication needs are an undeniable threat to children's rights not being realised if they are not identified and supported. Individually, children with SLCN have a right to support and to have their voice heard. There is also a need to collectively give voice to the experiences, views and hopes of these children to achieve meaningful realisation of their rights.

Children need meaningful opportunities to participate and shape this change. They need specialist support to understand and participate in decision-making for the future. Speech and language therapists, unique in their training and expertise to understand the nuances of communication and interaction, are expertly positioned to ensure that the rights of children, and in particular children with SLCN, are respected, protected and fulfilled.

The Scottish Government should explicitly recognise communication as a fundamental children's right across the work streams tasked with meaningful realisation of the UNCRC. This would not only ensure that communication is recognised by all as a fundamental child's right, but would also contribute to progressive realisation of rights for children with SLCN.

All children have the right to support to develop and participate in all matters that relate to them including in health, education, and justice. All children have the right to be heard and listened to, using any modality meaningful to them.

Recognition of communication as a fundamental right and championing the same should be accelerated by appropriate investment to achieve well-resourced speech and language therapy services for children with SLCN, ensuring that they too can enjoy the rights afforded to live, grow, and thrive.



Recommendations

THIS REPORT RECOMMENDS THAT:

1. The Scottish Government explicitly recognises communication as a fundamental children’s right in policy and practice.

RIGHTS

2. Speech, language, and communication needs are considered when legislating for disability. They should also be expected and appropriately resourced for in education, health and justice settings.

LEGISLATION

3. The Scottish Government establish a lived experience group of children and young people with speech, language and communication needs, supported by SLTs, as part of their work to operationalise the UNCRC.

EXPERIENCE

4. The Scottish Government appoints speech and language therapy advisory roles to the working groups within Scottish Government tasked with operationalising the UNCRC.

ADVISORY

5. The Scottish Government, when budgeting for the provision of children’s speech and language therapy services in Scotland, considers such service resourcing as a public health children’s rights issue.

BUDGETING

6. Services should be resourced in line with child’s rights budgeting processes, to include participation from children who have speech, language and communication needs.

NEEDS

7. Speech and language therapists should be embedded in all services that children come into contact with, within health, education and justice, to provide consistent training, coaching and support to professionals in these areas.

CONSISTENCY

8. The Scottish Government should seek to understand children with speech, language and communication needs’ understanding of their rights, and whether there are gaps in their knowledge about children’s rights.

UNDERSTANDING

9. The Scottish Government should collaborate with the Royal College of Speech and Language Therapists in developing child-friendly, language-appropriate resources for communicating the UNCRC and the options if their rights have not been upheld.

COLLABORATION

10. The role of the speech and language therapist is considered vital and embedded in future developments to children’s advocacy services and developments under part 2 of the UNCRC Act.

ADVOCACY

Bibliography

- Anderson, S., Hawes, D., Snow, P. (2016) Language Impairments among youth offenders: A systematic review. *Children and Youth Services Review* 65(1). DOI: 10.1016/j.childyouth.2016.04.004
- Adamson, B. (2022) Putting rights into law: A tale of prevarication and delay, The Children and Young People's Commissioner Scotland. Available at: <https://www.cypcs.org.uk/news-and-stories/putting-rights-into-law-a-tale-of-prevarication-and-delay/> (Accessed: 14 March 2023).
- Aldgate, J. (2013) UNCRC: the foundation of Girfec report by Professor Jane Aldgate OBE. Available at: <https://www.gov.scot/publications/uncrc-the-foundation-of-getting-it-right-for-every-child/>
- Barnett, H. (2022) *Children's rights and the law: An introduction*. Oxon, United Kingdom: Routledge.
- Children's Health Scotland (2023) UNCRC and healthcare rights. Available at: <https://www.childrenshealthscotland.org/childrens-healthcare-rights/learn-about-the-healthcare-rights-of-children-and-young-people/> (Accessed: 13 March 2023)
- Committee on the Rights of the Child (2009) General Comment No 12 (2009) The Right of the Child to be Heard CRC/C/GC/12 Geneva, United Nations
- Doyle, M. and Sutton, N. (2023) State of children's rights in Scotland 2023. Together Scotland. Available at: https://www.togetherscotland.org.uk/media/3266/socrr23_final.pdf (Accessed: 01 August 2023).
- Gascoigne, M. (2022) Equity for all: Children's speech and Language therapy services in Scotland. Available at: <https://www.bettercommunication.org.uk/downloads/2022%20Equity%20for%20All%20Final%20for%20Publication.pdf>
- Helgesson, S. (2020) Budgetary obligations under the Convention on the Rights of the Child: Recommendations to Scotland as it moves towards the incorporation of the UNCRC into Scots law. Dissertation. Together Scotland. Available at: https://www.togetherscotland.org.uk/media/1759/wbp_2020_dissertation.pdf
- Heywood, C. (2018) *A history of childhood*. 2nd edn. Cambridge, UK: Polity Press.
- Hunter, L., White, J., Wason, D. (2022) Speech, language, and communication development among children in Scotland during the COVID-19 pandemic: Data summary. Edinburgh, Scotland: Public Health Scotland, pp. 1–51.
- Johnson, C.J., Beitchman, J.H., Brownlie EB. (2010) Twenty-year follow-up of children with and without speech-language impairments: Family, educational, occupational, and quality of life outcomes. *American Journal of Speech-Language Pathology* 19(1) pp. 51–65. Available at: <https://pubs.asha.org/doi/abs/10.1044/1058-0360%282009/08-0083%29>
- Kearns, Á., et al. (2022) Intermediaries in the justice system for people with communication disability: Enacting sustainable development goal 16 in Ireland, Northern Ireland and New Zealand. *International Journal of Speech-Language Pathology*, 25(1), pp. 141–146. doi:10.1080/17549507.2022.2134457.
- Law, J., McBean, K., Rush, R. (2011) Communication skills in a population of primary school-aged children raised in an area of pronounced social disadvantage. Available at: <https://core.ac.uk/download/pdf/161927582.pdf>
- Law, J., van der Gaag, A., Hardcastle, B., Beck, J., MacGregor, A., Plunkett, C. (2007) Communication support needs: A review of the literature. Scottish Executive Social Research. Available at: https://eresearch.qmu.ac.uk/bitstream/handle/20.500.12289/2013/communication_support_needs_lit_review_2007.pdf;sequence=1
- Locke, A., Ginsborg, J., Peers, I. (2002) Development and disadvantage: Implications for the early years and beyond. *International Journal of Language and Communication Disorders* 37(1), pp.3–15. Available at: <https://pubmed.ncbi.nlm.nih.gov/11852457/>
- Lundy, L., Orr, K., Marshall, C. (2020) Children's rights budgeting and social accountability: Children's views on its purposes, processes and their participation. *Global Campus Human Rights Journal*, 4, pp.91–113. doi:<http://doi.org/20.500.11825/1699>.
- MacRae, A. and Clark, A. (2021) Police officers' awareness of the speech, language and communication needs of young offenders. *The Police Journal: Theory Practice and Principles*, pp1–17. Available at: <https://journals.sagepub.com/doi/full/10.1177/0032258X20968591>
- McCool, S. (2011) Identifying speech, language and communication needs among children and young people in residential care. *International Journal of Language and Communication Disorders*, 46(6), pp. 665–674. Available at: <https://doi.org/10.1111/j.1460-6984.2011.00037.x>
- McEwin, A. and Santow, E. (2018) The importance of the human right to communication. *International Journal of Speech-Language Pathology*, 20, pp. 1–2.
- McLeod, S. (2018) Communication rights: Fundamental human rights for all. *International Journal of Speech-Language Pathology*, 20(1), pp. 3–11. doi:10.1080/17549507.2018.1428687.
- McLeod, S. and Marshall, J. (2023) Communication for all and the sustainable development goals. *International Journal of Speech-Language Pathology*, 25(1), pp. 1–8. doi:10.1080/17549507.2022.2160494.
- Mulcair, G., Pietranton, A.A., Williams, C. (2018) The International Communication Project: Raising global awareness of communication as a human right. *International Journal of Speech-Language Pathology*, 20(1), pp.34–38. doi:10.1080/17549507.2018.1422023.

Observatory of Children's Human Rights Scotland, Matter of Focus and Public Health Scotland (2022) Theory of change for making children's rights real in Scotland. Available at: <https://www.ed.ac.uk/sites/default/files/atoms/files/cys-theory-of-change-summary-june-2022.pdf>

Pedersen, A. et al. (2023) Child rights budgeting in Scotland: Recommendations for fulfilment of legal obligations. Available at: https://www.togetherscotland.org.uk/media/3358/human_rights_clinic_final_version.pdf (Accessed: 30 July 2023).

Royal College of Speech and Language Therapists, Where SLTs work: Justice settings. Available at: <https://www.rcslt.org/speech-and-language-therapy/where-slts-work/justice/>

The Scottish Government (2014) Children and Young People (Scotland) Act. Available at: <https://www.legislation.gov.uk/asp/2014/8/contents>

The Scottish Government (2016) Ready to Act - A transformational plan for children and young people, their parents, carers and families who require support from allied health professionals (AHPs). Available at: <https://www.gov.scot/publications/ready-act-transformational-plan-children-young-people-parents-carers-families/>

The Scottish Government (2016) Health (Tobacco, Nicotine etc. and Care) (Scotland) Act. Available at: <https://www.legislation.gov.uk/asp/2016/14/contents>

The Scottish Government (2021) Progressing the human rights of children in Scotland: Action plan 2021 to 2024 (2021) ISBN: 9781802015942. Edinburgh: Available at: <https://www.gov.scot/publications/progressing-human-rights-children-scotland-action-plan-2021-2024/documents/> (Accessed: 2023).

The Scottish Government (2021) Children's rights and wellbeing impact assessment guidance. <https://www.gov.scot/publications/childrens-rights-wellbeing-impact-assessment-guidance/>

The Scottish Government (2022) Embedding children's rights: Position statement. Available at: <https://www.gov.scot/publications/embedding-childrens-rights-scotland-scottish-position-statement/pages/2/>

The Scottish Government (2023) Children's rights, Scottish Government. Available at: <https://www.gov.scot/policies/human-rights/childrens-rights/> (Accessed: 14 March 2023).

Somerville, S. (2023) UNCRC (Incorporation) (Scotland) Bill: Cabinet Secretary's statement. Edinburgh: Scottish Parliament, 27 June.

UN General Assembly (1989) Convention on the Rights of the Child, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989, <https://www.refworld.org/legal/agreements/unga/1989/en/18815> [accessed 03 April 2024]

UN General Assembly (2006) Convention on the Rights of Persons with Disabilities, A/RES/61/106, Annex I, 13 December 2006, <https://www.refworld.org/legal/agreements/unga/2006/en/90142> [accessed 03 April 2024]

United Nations Committee on the Rights of the Child (2023) Concluding observations on the combined sixth and seventh reports of the United Kingdom of Great Britain and Northern Ireland. rep. CRC/C/GBR/CO/6-7, GB: Committee on The Rights of the Child.

United Nations, (1948) Universal Declaration of Human Rights Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

UNCRC (2009) Convention on the Rights of the Child. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f12&Lang=en

UNCRC (2009) General comment No. 12 (2009): The right of the child to be heard. Available at: <https://www.refworld.org/legal/general/crc/2009/en/70207>

UNICEF (2022), A child rights-based approach: Child friendly cities and communities. Available at: <https://www.unicef.org.uk/child-friendly-cities/crba/> (Accessed: 14 March 2023).

UNICEF (2023) The United Nations Convention on the Rights of the Child - UNICEF UK, UNICEF. Available at: https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf (Accessed: 31 July 2023).

White, J., Hunter, L. and Wason, D. (2023a) Speech, language, and communication development among children in Scotland during the COVID-19 pandemic: Evidence briefing. publication. Edinburgh, Scotland: Public Health Scotland, pp. 1–36.

White, J., Hunter, L. and Wason, D. (2023b) Speech, language and communication development among children in Scotland during the COVID-19 pandemic: Whole system approach. publication. Edinburgh, Scotland: Public Health Scotland, pp. 1–22.

Other helpful resources

The incorporation and implementation: Incorporation infographics full (ed.ac.uk)

For further information on the Incorporation of the UN Convention on the Rights of the Child

visit: <https://www.togetherscotland.org.uk/about-childrens-rights/monitoring-the-uncrc/incorporation-of-the-un-convention-on-the-rights-of-the-child/>



GIVING VOICE TO ALL OF SCOTLAND'S CHILDREN

Respecting, protecting and fulfilling the language and communication rights of children

Annemarie MacRae

2025