**Scottish Government Consultation on draft statutory guidance on assessment of wellbeing, January 2022**

*[This consultation is on statutory guidance in line with Section 96(3) of the Children and Young People (Scotland) Act 2014 (the Act), which states that Scottish Ministers must issue guidance on how the eight wellbeing indicators are to be used to assess the wellbeing of a child or young person.]*

Response submitted by Quakers in Scotland Parliamentary Engagement Working Group

1) How clear and easy is the guidance to understand? Completely Mostly Somewhat A little Not at all

* Mostly

2) With regard to the assessment of wellbeing, within the overall GIRFEC [Getting it Right for Every Child] approach, does the guidance make practitioners' roles and responsibilities clear? Completely Mostly Somewhat A little Not at all

* Somewhat

3) Are the definitions provided for the wellbeing indicators (section 6.1) clear and easy to understand? Completely Mostly Somewhat A little Not at all

* Mostly

4) To what extent do you think that the guidance will help practitioners understand how to embed the United Nations Convention on the Rights of the Child, and to protect, respect and uphold children's rights within the assessment of wellbeing? Completely Mostly Somewhat A little Not at all

* A little

5) Can you outline anything specific that would be helpful to add to this guidance to assist the assessment of wellbeing?

While the draft guidance provides an adequate explanation of the concepts, frameworks and intentions within the Children and Young People (Scotland) Act 2014, there is insufficient guidance on the practicalities of assessments. In particular we feel:

* There is a lack of detail concerning when a wellbeing assessment should be made and the relevant triggers for such assessments. As a result there is a risk that assessments will focus primarily on the severest and clearest cut cases, issues of welfare rather than wellbeing. We feel this would blunt the aspirational nature of the Act.
* The relationship between the UNCRC and the wellbeing indicators are not clear and it is assumed that in all cases the wellbeing indicators and the UNCRC are clearly aligned. This is not always the case.
* Furthermore, the guidance should helpfully outline where the different Rights contained within the UNCRC relate to the competencies of different practitioners, and the guidance should be explicit in stating that actions / activities that might be in conflict with the UNCRC should trigger an assessment.

The overall effect of these shortcomings is that, while the broad principles of the Act appear clear, the guidance does little to encourage or enable practitioners to combat anything but the most severest cases of infringement, leaving plenty of room for marginal but significant harms to young people in Scotland. Acts which on a surface level could be seen to be compliant but are ultimately harmful.

One such example where the notion of wellbeing might be contested, and therefore greater detail within the guidance required, would be the involvement of the military within Scottish Education. While some would argue that military involvement in education provides many opportunities to build upon the SHANARRI indicators, this view is also contested. There is evidence, for example, that such activities are part of a recruitment pathway into armed forces and the UNCRC challenges the recruitment of under 16s. Moreover, we know that on average children who join the armed forces face greater risks to health and poorer wellbeing than their demographically matched counterparts within the general population. At present the draft guidance would offer little support to Local Authorities or Head Teachers seeking to determine whether to undertake an assessment of wellbeing in this instance, nor how they might square the UNCRC’s challenge to military recruitment against claims that military activities within schools can build, for example, achievement or responsibility. It is our view that if this guidance is to have genuine utility it should seek to enable practitioners to address these, and other, similar scenarios.

6) Are there any areas where the further development of resources or guidance would be helpful in supporting the assessment of wellbeing?

As above