Higher National Unit specification

General information

Unit title: Understanding Children's Rights in Residential Child Care (SCQF level 9)

Unit code: HG32 36

Superclass: PN

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Unit purpose

This purpose of this Unit is to enable learners to develop their understanding of children's rights in relation to the promotion of equality, diversity and inclusion in residential child care. The Standard for Residential Child care (SSSC, 2015) states that residential child care practitioners should share an ethical framework of values and principles (Standard 2.1), practitioners should value and demonstrate a commitment to the rights of the children and young people for whom they are responsible (Standard 2.2) and that practitioners demonstrate a critical understanding of children and young people's rights and the legal, policy and practice requirements that arise from them.

This Unit will provide underpinning knowledge in relation to current policy and ideology, and how these have an impact on the rights of children and young people in residential child care it will examine the role of advocacy in the promotion of children's rights, consider current perspectives on diversity and inclusion and analyse anti-discriminatory practice and barriers to equal rights for children and young people in residential care.

Outcomes

On successful completion of the Unit the learner will be able to:

1 Critically evaluate current legislation, policy and ideology on children's rights.
2 Critically examine the role of advocacy and participation in the promotion of children's rights in residential child care.

Higher National Unit Specification: General information (cont)

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Outcomes (cont)

3 Critically analyse current perspectives on discrimination and their impact on diversity and inclusion.
4 Critically investigate barriers to equal rights for children and young people in residential care.
5 Demonstrate a rights-based approach to practice in residential child care.

Credit points and level

2 Higher National Unit credits at SCQF level 9: (16 SCQF credit points at SCQF level 9*)

Recommended entry to the Unit

In order to access the PDA level 9 Residential Child Care award learners must be able to demonstrate appropriate experience of working in a residential child care setting and have gained 120 credits at SCQF levels 7 and 8 which are recognised as meeting the requirements for registration with the Scottish Social Services Council in residential child care.

Core Skills

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes for this Unit specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

Context for delivery

If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Equality and inclusion

This Unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website **www.sqa.org.uk/assessmentarrangements**.

Higher National Unit specification: Statement of standards

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Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

Outcome 1

Critically evaluate current legislation, policy and ideology on children's rights.

Knowledge and/or Skills

- United Nations Convention on the Rights of the Child (UNCRC)
- Children and Young People (Scotland) Act 2014
- Equality Act 2010
- Attitudes and beliefs held about children and children's rights

Outcome 2

Critically examine the role of advocacy and participation in the promotion of children's rights in residential child care.

Knowledge and/or Skills

- Definitions advocacy
- Definitions of participation
- Models of participation

Outcome 3

Critically analyse current perspectives on discrimination and their impact on diversity and inclusion.

Knowledge and/or Skills

How the following types of discrimination can affect diversity and inclusion of children in residential child care.

- Disabilism
- Racism
- Heterosexism
- Stigma and discrimination of being in care

Higher National Unit specification: Statement of standards (cont)

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Outcome 4

Critically investigate barriers to equal rights for children and young people in residential care.

Knowledge and/or Skills

- Disability
- Education
- Immigration
- Culture
- Ethnicity
- Religion
- Linguistic

Outcome 5

Demonstrate a rights-based approach to practice in residential childcare.

Knowledge and/or Skills

- Definition of rights-based approach
- Relationship between rights and responsibilities
- Role of residential practitioner in promoting children's rights
- Relationship between choice and rights

Evidence Requirements for this Unit

Learners will need to provide evidence to demonstrate their Knowledge and/or Skills across all Outcomes by showing that they can:

- critically evaluate the impact of two pieces of current legislation relating to children in Scotland discussing how the UNCRC has been embedded within them.
- critically analyse two models of advocacy and participation and show how these apply to the promotion of the rights of the child/children you are supporting.
- critically analyse and evaluate two types of discrimination which have particular relevance for children and young people in your setting and show how they affect**s** diversity and inclusion.
- examine and critically analyse two barriers to the rights of children in residential care in your workplace.
- critically analyse the relationship between rights and responsibilities, the relationship between rights and choice and the role of the residential practitioner in promoting a rights-based approach.
- critically reflect on some of the attitudes and beliefs which may have an impact on promoting a rights-based approach to residential child care practice.

Higher National Unit Support Notes

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Unit Support Notes are offered as guidance and are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 80 hours.

Guidance on the content and context for this Unit

The aim of this Unit is to enable learners to develop their understanding of children's rights in relation to the promotion of equality, diversity and inclusion in residential child care. It will examine a critical evaluation of current understanding of children's rights and allow opportunities to explain how to use a rights-based approach in practice by considering the rights of children and young people in your care setting.

From the outset of their study for this Unit learners should be encouraged to regularly view the Scottish Government website in order to ensure that they have access to up to date legislation policies and procedures to inform their learning and their work practice.

Outcome 1

Learners should be introduced to the history of the UNCRC. Children's rights were recognised after the 1st World war, with the adoption of the Declaration of Geneva, in 1924. The process of recognition of children's rights continued thanks to the UN, with the adoption of the Declaration of children's rights in 1959. The recognition of the child's interest and his rights became real on 20 November 1989 with the adoption of the International Convention on the Rights of the Child which is the first international legally binding text recognising all the fundamental rights of the child.

They should also be aware of the UNCRC itself. Information about the UNCRC can be obtained from the UNICEF website.
http://www.unicef.org.uk/UNICEFs-Work/UN-Convention/?gclid=CPPTzviLyswCFQUq0wodEbsIdQ&sissr=1

Humanium is an international child sponsorship NGO dedicated to stopping violations of children's rights throughout the world. It also has easy access links to the UNCRC and to the history of the development of the UNCRC
https://www.humanium.org/en/child-rights/

http://www.togetherscotland.org.uk/ This link takes you to a valuable resource called the Scottish Alliance for Children's Rights. They are a group of Scottish children's charities that works to improve the awareness, understanding and implementation of the United Nations Convention on the Rights of the Child (UNCRC) and produce a fortnightly bulletin.

Higher National Unit Support Notes (cont)

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The Children and Young Person's Commissioner is a role that was created in Scotland in 2004 after a consultation that established young people should have a new voice to stand up for their rights and to comply with rights for children and young people. Learners should understand the role of the Commissioner. They should also be introduced briefly to the work of the Scottish Human Rights Commission. This body was set up to uphold the Human Rights Act and the subsequent Equality Act. More information can be gained from the following links:

http://www.cypcs.org.uk/
http://www.cypcs.org.uk/about
http://scottishhumanrights.com/

Learners should also be clear about how the UNCRC informs the Children and Young People (Scotland) Act 2014. They should also look at the principles of the Human Rights Act 1998 and the Equality Act 2010 and how these impact on children in residential care.

Learners should be encouraged to critically examine their own attitudes to children's rights. A good resource which has practical tasks is the chapter entitled 'Children's Rights' which formed part of the SIRCC *In Residence* series of practice development papers for residential staff. This can be accessed at https://www.celcis.org/search-results?query=%22In+Residence%22&submitform=Search

In addition, learners may wish to revisit some of the discussions around sociology of childhood. For example, Aries (1962), and other theorists who have come after him, stated that people in Western society tend to see children and young people either as potential victims who need looking after, or as potential threats who need to be controlled. One of the consequences of this thinking is that children and young people are seen as passive and helpless and adults must 'do something' to help. This has been translated into the understanding that children and young people in need of care should be 'taken away', 'be properly educated' or 'get the right kind of treatment.' This thinking focuses on children and young people's weaknesses and not their strengths. The UNCRC emphasises strengths and asks adults to see children and young people as active and not passive objects.

Outcome 2

The rights of children in care are easily overlooked due to their vulnerability. This is particularly the case when a child is affected by disability or communication problems. Often, their staff are the only people who can actively promote their rights. In this Outcome, the meaning and operation of advocacy will be examined. Advocacy is a contested term. For some it means the worker advocating on behalf of the child, for others it means organisations lobbying on behalf of children. There is also the distinction between self-advocacy and independent advocacy. There is also citizen advocacy and peer advocacy. Finally, there can be some confusion around the role of the advocate. The advocate should give voice to the child or young person's wishes. This gets confused with deciding what's best for the child and then fighting for it. Learners should look at and debate the various meanings of advocacy and their individual role in this. The role of organisations such as Who Cares? Scotland and the Children's Commissioner should be examined to look at their advocacy role. The website for WhoCares? Scotland is https://www.whocaresscotland.org/

The work of voluntary organisations such as Partners in Advocacy should also be examined. Their website is http://www.partnersinadvocacy.org.uk/. Learners should be able to have some clarity about the various meanings of advocacy and what types should be used to ensure that the best interests of the child are met and that their voice is heard.

Learners should also look at models of participation. Unless a child or young person participates realistically in their care and placement planning, their rights will not be fully upheld and their voice will not be heard. Learners should look at the participation rights of the UNCRC. Article 12 is particularly important. The UNICEF factsheet on participation is also a good resource.
http://www.unicef.org/crc/files/Right-to-Participation.pdf

Models of participation should be examined. There are many models. Learners should examine at least two of these. Some examples are Hart's ladder of participation, Shier's pathways of participation and Thomas climbing wall of participation. These models should be examined. Learners should be encouraged to apply the models to their own work places to critically examine how far children and young people are involved in their care and placement planning. They should also evaluate how participation happens and what could be better, moving from tokenism to true participation. The website of *Participation Works* is a helpful resource. http://www.participationworks.org.uk/topics/children-and-young-people-in-care/

Outcome 3

In order to meet the requirements of this Outcome, learners will need to examine perspectives affecting diversity and inclusion and relate their research findings to their own experience and workplace approaches. Learners should focus on four perspectives. They should investigate the literature on these four perspectives and apply this to residential child care in Scotland. Learners should then look at the UNCRC and relate some of the articles to these perspectives.

- Disabilism
- Racism
- Heterosexism
- Stigma and discrimination of being in care

This wider overview is important because it is only by addressing discrimination and relating it to the UNCRC that learners can begin to conceptualise the processes behind these forms of discrimination and to challenge them.

Chapter 2 of Anti-Discriminatory Practice A guide for those working with children and young people Rosalind Millam 2011 considers race religion and culture and also provides information on useful references and resources.

https://books.google.co.uk/books?id=yU10kSVczyIC&printsec=frontcover&dq=inauthor:%22Rosalind+Millam%22&hl=en&sa=X&ved=0ahUKEwifqq_1poTMAhWMWxQKHYJBA4IQ6AEIHTAA#v=onepage&q&f=false

Higher National Unit Support Notes (cont)

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Outcome 4

In this Outcome, learners should look at some of the barriers to inclusion which affect children and young people in care. The teaching in this Outcome can be integrated with the teaching in Outcome 3. This particular Outcome brings the issues closer to practice and encourages learners to look at the effects of discrimination in five areas which are particularly relevant to children in residential care

1 Disability
2 Poor educational Outcomes
3 Children in conflict with the law
4 Children from BME backgrounds
5 Girls in care

Once again, learners should look at the research to identify issues which demonstrate that these five factors are major issues which prevent children in care from having access to their full rights. It is expected that learners will read and debate at least one piece of research in each of these areas which has a bearing on the meeting of children's rights in care.

There are also a number of websites which can be helpful in this regard. For example:

Education Scotland website includes reports and information relating to barriers to participation and learning for individuals and groups, it notes that usually these issues involve multiple interacting factors, rather than just one and identifies the need for a holistic approach.
http://www.educationscotland.gov.uk/inclusionandequalities/equalities/

Equity for Children is an initiative that strives to generate spaces for the exchange of experiences, the interaction of stakeholders and to develop advocacy measures, supported by the dissemination and production of knowledge focused in the overcoming of the problems that children face. Its website is www.equityforchildren.org

Together (Scottish Alliance for Children's Rights) seeks the full implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. With over 280 members throughout Scotland, its aims are to:

- ensure members are involved, consulted and influence their work to progress children's rights.
- progress the implementation of children's rights at a local and national level through the provision of support and expertise.
- provide robust monitoring of UNCRC implementation in Scotland.
- be recognised by their membership and decision-makers as the informed voice that advocates for children's rights in Scotland.
  http://www.togetherscotland.org.uk/

Higher National Unit Support Notes (cont)

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Outcome 5

In this Outcome, learners will examine what is meant by using a rights-based approach to practice. The UNCRC is a powerful practice tool. Unfortunately, it is often seen as a statement on paper which does not have relevance for practice. Taking a rights-based approach means using the UNCRC as the basis for promoting inclusion and diversity. A rights-based approach is one where the worker has examined children's rights and tries to put them at the centre of their practice; however, applying a rights-based approach has been met with some suspicion. Some would argue that the promotion of children's rights has added to tensions in residential care, and undermined practitioner morale.

Learners should look at the relationship between rights and responsibilities. Often, people will say that rights can be taken away if the person holding the right does not act responsibly. However, this is a fallacy because rights are inalienable. Children are 'rights holders' as per the UNCRC. Practitioners are 'duty bearers' for the rights of children. They have a duty to ensure that the child knows about the UNCRC and that their rights are upheld.

This becomes powerful when the actual articles of the UNCRC are put into practice. For example, Article 33 says the child has the right to be protected from illegal drugs. If the practitioner has a duty to ensure that this right is met, this means that they have the mandate to intervene directly to stop the use of dangerous drugs. Similarly, article 34 says children have a right to be protected from sexual exploitation. This means that if a practitioner knows that a child or young person is absconding and being sexually exploited, they have a mandate to stop that happening.

The issue becomes troubling when choice is confused with rights. Practitioners may say that because of children's rights, children have the right to choose what they want to do and when they want to do it. Yet nowhere in the UNCRC does it say that the child has a right to choose. The child has rights. If the practitioner and the child know and discuss these rights, then the ability to use a rights-based approach to protect the child and help them to participate fully becomes a reality. Children should have choice as an aspect of life. But if their choices lead to the child being put in danger, the practitioner has a duty to refer to the UNCRC and to see how they have the mandate to intervene to protect the child.

Guidance on approaches to delivery of this Unit

The focus of this Unit is for learners to research the areas identified in each of the Unit Outcomes. Learners could work individually or in groups to consider both historical and current approaches to children's rights including legislation policy and practice in Scotland. The Unit content lends itself to an exploration of the history of their own organisation and the changes that have come into play over time as a result of legislation both here and in other parts of the world.

Higher National Unit Support Notes (cont)

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Guidance on approaches to assessment of this Unit

Evidence can be generated using different types of assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

Assessment for this Unit should be in the form of a group project and presentation accompanied by an individual critical reflection.

It should cover all the Evidence Requirements as follows:

- Critically evaluate the impact of two pieces of current legislation relating to children in Scotland discussing how the UNCRC has been embedded within them.
- Critically analyse two models of advocacy and participation and show how these apply to the promotion of the rights of the child/children you are supporting.
- Critically analyse and evaluate two types of discrimination which have particular relevance for children and young people in your setting and show how they affects diversity and inclusion.
- Examine and critically analyse two barriers to the rights of children in residential care in your workplace.
- Critically analyse the relationship between rights and responsibilities, the relationship between rights and choice and the role of the residential practitioner in promoting a rights-based approach.
- Critically reflect on some of the attitudes and beliefs which may have an impact on promoting a rights-based approach in residential child care practice.

Each member of the group should take responsibility for a particular part of the presentation in addition each member of the group should also hand in a critical reflection on the application of a rights-based approach in their own Unit. Each critical reflection should be 1,000 words and the tutor should complete a checklist during the presentation showing how well the learner contributed and how the Evidence Requirements were met.

Where this Unit is undertaken as a stand-alone Unit assessment should be in the form of a research project which combines all of the Evidence Requirements. This could be completed over the duration of learning however should have a coherent theme, for example following the circumstances of one young person in the care of the service where the learner is working.

It is anticipated that the final submission for this will be completed in an assignment of approximately 2,000 words.

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Opportunities for e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-assessment must ensure that the national standard is applied to all learner evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at **www.sqa.org.uk/e-assessment**.

Opportunities for developing Core and other essential skills

Assessment of this Unit will assume the development of Core Skills necessary in the performance of work tasks at this level. For example, the assessment is likely to include the use of appropriate information technology. Taking part in the activities of the class will lead to the demonstration of skills required to undertake presentations written and oral which will include the use of complex information.

Learners will have the opportunity to develop the following Core Skills:

Communication: Written communications will be developed through learners producing written work in a variety of formats; oral communication will be developed through discussion, debate and evidence of engagement with other professionals and key people.

Working with Others: Will be developed as learners will be required to work collaboratively with colleagues from their own Unit in the preparation and research for their assessment.

Information and Communication Technology (ICT): Learners will develop their *ICT* skills through research and the presentation of the written assignment and critical reflection.

Problem solving: Will be developed through planning, research, critical thinking, applying a range of techniques and evaluating own work practice.

History of changes to Unit

Version	Description of change	Date

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General information for learners

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This section will help you decide whether this is the Unit for you by explaining what the Unit is about, what you should know or be able to do before you start, what you will need to do during the Unit and opportunities for further learning and employment.

The focus of this Unit is an examination of the rights of children and young people with a particular focus on the barriers to diversity and inclusion for children in care.

You will be asked to examine the United Nations Convention on the Rights of the Child and Scotland's Human Rights in some depth and look at its application in practice. You will also investigate the impacts of current legislation, policy and ideology on children's rights, examine the role of advocacy and models of participation, analyse and evaluate current perspectives on discrimination which have particular relevance to children in care critically investigate barriers to equal rights for children and young people in residential care and look at how to apply a rights-based approach to practice in residential child care.

The assessment for the Unit will take the form of a group presentation accompanied by an individual critical reflection, or a research project where your focus will be on a young person or young people in your current residential child care work setting. Your research will involve you in investigating aspects of residential child care in Scotland today, and in considering a wide range of equality and diversity issues relevant to promoting the rights of children and young people in your care.

Successful completion of the Unit will enable you to develop Core Skills in the areas of *Communication, Problem Solving, ICT* and *Working with Others* through being part of a class group.

This Unit forms part of the SCQF level 9 Professional Development Award in Residential Child Care which is a qualification recognised by the Scottish Social Services Council.