

Child Rights and Wellbeing Impact Assessment (CRWIA) for Housing Domestic Abuse Policy

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Introduction

As set out in Part 1 of the Children and Young People (Scotland) Act 2014, Scottish Ministers must keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and if they consider it appropriate to do so, take any of the steps identified by that consideration. Undertaking a CRWIA helps Ministers to fulfil this duty.

There are two key considerations when undertaking a CRWIA:

Participation: The United Nations Convention on the Right of the Child (UNCRC) sets out that children have the right to participate in decisions which affect them. When assessing the impacts of the policy/measure, you are recommended to consult with children and young people. You can do this directly, through organisations that represent children and young people or through using existing evidence on the views and experiences of children where relevant. Participation of children and young people should be meaningful and accessible.

Evidence: You are recommended to gather evidence when assessing the impact of the policy/measure on children's rights and also for measuring and evaluating the policy/measure. If you identify any gaps in the evidence base, you can discuss how you will address these with analytical colleagues.

1. Which articles of the UNCRC does this policy/measure impact on?

List all relevant Articles of the UNCRC and Optional Protocols. While all articles of the UNCRC are given equal weight and are seen as complementing each other, the four general principles of the UNCRC (non-discrimination; the best interests of the child; the right to life, survival and development; and the child's right to have their views given due weight) underpin all other rights in the Convention, and should always be considered in your assessment. Please refer to [Annex 1](#) for UNCRC Article set out in Clusters and [Annex 2](#) for General Comments on the Articles.

The Domestic Abuse Housing Policy recognises all four of the general principles which underpin the United Nations Convention on the Rights of the Child (UNCRC):

1. Non-discrimination (Article 2)
2. Best interests of the child (Article 3)
3. Right to life, survival and development (Article 6)
4. Right to be heard (Article 12)

The policy is relevant to the following articles:

Article 2 - Non-Discrimination - Children should not be discriminated against in the enjoyment of their rights. This applies to every child, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background. No child should be discriminated against because of the situation or status of their parent/carer(s).

Article 3 - Best interests of the child - Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing - and that the institutions, services and facilities responsible for their care and protection conform with established standards.

Article 5 - Parental guidance and child's evolving capacities - Governments must respect the rights, responsibilities and duties of parents and carers, as well as members of the extended family, to direct and guide the child in the exercise of their rights.

Article 6 - Life, survival and development - Every child has a right to life and to develop to their full potential.

Article 8 - Preservation of child's identity – Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships from being changed unlawfully.

Article 9 - Separation from parents - Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.

Article 10 - Family reunification - Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit and keep in contact with both of them.

Article 12 - Respect for the views of the child - Every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.

Article 13 - Freedom of expression - Every child must be free to say what they think and to seek, receive and share information, as long as the information is not damaging to themselves or others.

Article 14 - Freedom of thought, conscience and religion - Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

Article 15 - Freedom of association - Every child has the right to freedom of assembly: to meet with other children, and to join groups and organisations, as long as it does not stop others from enjoying their rights.

Article 16 - Protection of privacy - Every child has the right to privacy. The law

should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.

Article 17 - Child's access to information, and role of mass 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

Article 18 (1) and (2) - Parental responsibilities and State's assistance - Parents, or legal guardians, have the primary responsibility for the upbringing and development of the child, and should always consider what is best for the child. Governments must provide appropriate assistance to parents and carers to help them.

Article 18(3) - Support for working parents - Governments must take all appropriate measures to ensure the children of working parents have the right to benefit from childcare services and facilities

Article 19 - Protection from all forms of violence – Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 20 - Children deprived of their family environment – If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child's culture, language and religion.

Article 22 - Refugee children – If a child is seeking refuge or has refugee status, Governments must provide them with appropriate protection and assistance to help them enjoy all the rights in the Convention. Governments must help refugee children who are separated from their parents to be reunited with them.

Article 23 - Children with disabilities - A disabled child has the right to enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Governments must recognise the right of the disabled child to special care, and ensure the disabled child has effective access to education, training, health care, rehabilitation, preparation for employment, and recreational opportunities.

Article 24 - Health and health services - All children have a right to the highest attainable standard of health, and to health care services that help them to attain this. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy.

Article 26 - Right to social security - Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance.

Article 27 (1)-(3) - Right to adequate standard of living - Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

Article 30 - Children of minorities/ 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 people in the country where they live.

Article 31 - Leisure, play and culture - Every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.

Article 32 - Child labour - Governments must protect children from economic exploitation, and any work that is likely to be harmful to their health or interfere with their education.

Article 33 - Drug abuse - Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.

Article 34 - Sexual exploitation - Governments must protect children from all forms of sexual abuse and exploitation.

Article 35 - Sale, trafficking and abduction - Governments must protect children from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation.

Article 36 – Protection from exploitation or maltreatment - Governments must protect children from all forms of exploitation or maltreatment.

Article 37(a) - Prohibition of capital punishment and life imprisonment – Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment.

Article 39 – Recovery and rehabilitation of child victims - Children who have been the victims of any form of exploitation or abuse; cruel, inhuman or degrading treatment or punishment; or who are victims of war should receive the help they need to recover their health, dignity and self-respect, and reintegrate into society

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

Positive/Neutral/Negative

The policy has potential to have a significant positive impact on the rights and wellbeing of children affected by domestic abuse. It sets out a clear message, promoting equality and respect, and rejecting all forms of domestic abuse. It is aligned with the Equally Safe vision, which makes it unequivocally clear that violence against women and girls, in any form, has no place in a vision for a safe, strong and successful Scotland. The Scottish Government, CoSLA and key partners recognise

that domestic violence damages health and wellbeing, limits freedom and potential, and is a violation of the most fundamental human rights. The Domestic Abuse Housing Policy is aligned with this vision.

Domestic abuse violates the most basic human rights of children by denying them access to a safe and stable home environment. It has a detrimental effect on their development and wellbeing, and is a violation of their rights whether they are a victim themselves or they are a witness to domestic abuse within the family. It violates the child's right to live free from threat of violence (Article 19) and under this legislation the state is obliged to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else looking after them.

We recognise that children can experience domestic abuse in a number of ways, extending beyond direct observation of violent and abusive acts. It is not necessary for a child to directly witness or be subject to abuse to be affected by it. They may overhear incidents or, in other ways, be aware that violence or abuse has occurred. A child's experience of domestic abuse may include:

- Being aware of the abuse – either witnessing it directly or overhearing it
- Being forced to watch the abuse/ confirm the abuse if justified
- Being forced to participate in the abuse and degradation of the mother
- Intervening to protect the mother
- Being blamed as the cause of the abuse
- Having their toys and possessions destroyed
- Having their pets hurt or killed
- Being told not to tell
- Trying to keep young siblings safe during violent episodes
- Having to leave home, friends, relatives and their school
- Being abducted and used as hostages in an attempt to get the woman to return
- Being threatened with death
- Being murdered
- Being abused separately from the abuse of their mother

This experience can result in disruption to the child's stability, impacting their physical, emotional and psychological wellbeing. It can lead to short and long term emotional, cognitive and behavioural difficulties, as well as physical symptoms associated with trauma and stress; the effects of which may last well into adulthood.

Through the policy we will ensure that we provide an effective and trauma responsive service to women and children experiencing domestic abuse. We will tackle domestic abuse and the attitudes that pervade it by promoting positive gender roles and setting out a clear message that rejects all forms of domestic abuse. We will help prevent and reduce adverse childhood experiences by providing safe and nurturing accommodation and support which will allow children and families to thrive.

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

Which groups of children will be affected by the policy/measure? Are there competing interests between different groups of children and young people, or between children and young people and other groups?

The policy will have a positive impact on the rights and wellbeing of all children and young people experiencing or at risk of domestic abuse. There may be a differential, but still positive, impact on some groups of children and young people due to the additional barriers faced by these groups, for example those with disabilities or those from minority ethnic backgrounds. However appropriate support and consideration will be given to all groups to ensure they receive a consistent and effective service.

This CRWIA should be read in conjunction with the other impact assessments conducted for the policy.

4. If a negative impact is assessed for any area of rights or any group of children and young people, can you explain why this is necessary and proportionate? What options have you considered to modify the proposal, or mitigate the impact?

If options to modify the policy/measure are included here, include associated resource implications where relevant.

Consideration has been given to whether any of the provisions of the policy breach the requirements of the United Nations Convention on the Rights of the Child (UNCRC). It was concluded that the policy is in compliance with all requirements.

We recognise that some women experiencing domestic abuse may feel the need to move out, away from home and existing support networks and for any children involved this may mean moving away from their friends, family and school, creating further upset and upheaval for the child.

It is our aim to provide the highest quality housing options advice that identifies a range of housing options to suit the needs of the women and children experiencing, or at risk of, domestic abuse, and we will work with women to explore these options, to ensure the housing and support needs of both the women and child are fully considered.

All decisions relating to preventing and responding to domestic abuse are taken in the best interests of children and young people, in the interests of their safety and in promoting their health and wellbeing.

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

This will inform Scottish Ministers' duty to report to Parliament on children's rights under the Children and Young People (Scotland) Act 2014.

By providing access to safe and secure accommodation, free from the threat of violence, we expect the policy to have a positive impact on the following GIRFEC wellbeing indicators:

- Safe
- Achieving
- Nurtured
- Included
- Healthy

The policy will promote the implementation of the UNCRC by improving children and young people right's, specifically:

Their Article 3 – Best interest of the child. That is 'every decision and action taken relating to a child must be in their best interests'

Their Article 6 right to life, survival and development (*every child has a right to life and to develop to their full potential*).

Their Article 19 right to protection from all forms of violence (*governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them*).

Their Article 27 right to an adequate standard of living (*every child has the right to a standard of living that is good enough to meet their physical, mental, spiritual, moral and social development. Governments must take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing*).

Their Article 34 right to protection from sexual exploitation (*governments must protect children from all forms of sexual abuse and exploitation*).

Their Article 36 right to protection from exploitation or maltreatment (*governments must protect children from all forms of exploitation or maltreatment*).

Their Article 37 right to protection from capital punishment and life imprisonment (*children must not be subjected to torture or other cruel, inhuman or degrading treatment or punishment. They should not be deprived of their liberty unlawfully or arbitrarily*).

Their Article 39 right to recovery and rehabilitation (*children who have been the victims of any form of exploitation or abuse; cruel, inhuman or degrading treatment or punishment; or who are victims of war should receive the help they need to recover their health, dignity and self-respect, and reintegrate into society*).

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

This would include public or targeted consultations with children and young people, their parents/carers and the children's workforce. To make an informed assessment of the impact, the views of the children and young people who will be affected by the

policy/measure should be considered fully. If the policy/measure has changed as a result of consultation with stakeholders, please set this out.

The policy has been developed in partnership with North Lanarkshire's Violence Against Women Strategic Group and Violence Against Women Operational Group. Membership includes representatives from a range of council and statutory services as well as third and independent sector organisations. The partnership is committed to delivering a broad spectrum of improvement activity set out in the Violence Against Women Action Plan and to working with a range of partners and services to deliver a whole system approach to safeguard and support those experiencing or at risk of domestic abuse, as well as providing a focus on prevention and tertiary prevention to support longer-term change. Partners include, but are not limited to:

- Scottish Women's Aid
- Aura
- Assist
- Scottish Rape Crisis Centre
- Police Scotland
- NHS Lanarkshire
- SAY Women
- Revive Scotland
- Other council services, such as education
- North Lanarkshire Health and Social Care Partnership

A key element of the work of the VAW Strategic and Operational Group is to gather the views and experiences of women and children with lived experience. This experience has been captured and reflected in the policy outcomes, objectives and approach set out.

The policy will be reviewed and updated on an annual basis or earlier if required, informed by the experiences of women and children captured by our specialist services in North Lanarkshire, the VAW partnership and also through the authentic voices national project.

The policy has also been informed by recommendations set out in the Change, Justice and Fairness research (2015), the priorities set out in Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls (2018) and the Domestic Abuse: A Good Practice Guide for Social Landlords (2018). These key documents are also informed by the lived and living experience of women and children affected by domestic abuse.

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

The evidence base may include demographic information, academic research, service monitoring/inspection reports, service evaluation reports, user surveys, etc. In particular, look at what existing evidence tells you about children and young people's views and experiences of the relevant service(s); and/or what it tells you about children and young people's views of the policy proposal. Identify any gaps in the evidence base, and set out how you will address these.

The CRWIA has been informed by a range of evidence. North Lanarkshire's Violence Against Women Partnership collates evidence, data and views from women

with lived experience which has been used to inform the policy and assessment. Housing data and evidence in relation to domestic abuse has also been used. This includes the number of approaches made to the housing service for domestic abuse reasons, number of homeless applications, outcomes, household composition, temporary accommodation provided as well as case audits which helps the service develop an improved understanding of how best to meet the needs of women and children affected by domestic abuse.

The CIH and Scottish Women's Aid have also developed a good practice guide to develop Housing Domestic Abuse Policy and there are a range of resources, information and good practice guides available which have been utilised in the development of the policy and assessment.

All provisions of the policy have been considered against the available evidence and assessed under:

- the general principles and 41 articles under Part 1 of the United Nations Convention on the Rights of the Child. These articles set out the civil, political, economic, social and cultural rights that all children are entitled to;
- the three Optional Protocols to the United Nations Convention on the Rights of the Child; and
- the eight wellbeing indicators developed as part of the Scottish Government's Getting It Right For Every Child (GIRFEC) approach. These indicators are:
 - Safe
 - Healthy
 - Achieving
 - Nurtured
 - Active
 - Respected
 - Responsible
 - Included

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

As part of the normal decision making process, the implementation of the policy/measure should be monitored. Please set out plans for measuring the impact of your policy/measure, including how it will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area. Wellbeing is defined by eight wellbeing indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.

The policy will be subject to regular review and monitoring to ensure its effectiveness and relevance in supporting women and children affected by domestic abuse. An annual review will be undertaken by the Housing Domestic Abuse Working Group in partnership with women with lived experience of domestic abuse and the Violence Against Women Partnership. The CRWIA will continue to be reviewed and updated where necessary during the implementation of the policy.

9. How will you communicate to children and young people the impact of the policy/measure on their rights?

Providing information to children and young people on how their rights will be impacted helps to ensure that policy making is transparent. Are you publishing a child-friendly or accessible CRWIA?

Publication on the council's website and engagement with Children's Services Groups. We will also explore developing a child friendly version.

10. Sign & Date

Policy Lead Signature & Date of Sign Off: Margaret Kelly, Business Strategy Manager, Enterprise and Communities, January 2023

Head of Service Signature & Date of Sign Off: Stephen Llewellyn, Head of Housing Solutions, January 2023

Annex 1 – UNCRC Article Clusters

[CRC Clusters \(unicef-irc.org\)](https://www.unicef-irc.org/)

I General measures of implementation

[Article 4](#) implementation obligations

[Article 41](#) respect for existing standards

[Article 42](#) making Convention widely known

[Article 44\(6\)](#) making reports widely available

II Definition of a child

[Article 1](#)

III General principles

[Article 2](#) non-discrimination

[Article 3\(1\)](#) best interest to be a primary consideration

[Article 3\(2\)](#) State's obligations to ensure necessary care and protection

[Article 3\(3\)](#) standards for institutions services and facilities

[Article 6](#) the right to life, survival and development (see also: [VI Basic health and welfare](#))

[Article 12](#) respect for the views of the child

IV Civil rights and freedoms

[Article 7](#) right to name, nationality and to know and be cared for by parents

[Article 8](#) preservation of child's identity

[Article 13](#) freedom of expression

[Article 14](#) freedom of thought, conscience and religion

[Article 15](#) freedom of association and peaceful assembly

[Article 16](#) protection of privacy

[Article 17](#) child's access to information, and role of mass media

[Article 37\(a\)](#) right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

V Family environment and alternative care

[Article 5](#) parental guidance and child's evolving capacities

[Article 18\(1\) and \(2\)](#) parental responsibilities and State's assistance

[Article 9](#) separation from parents

[Article 10](#) family reunification

[Article 11](#) illicit transfer and non-return

[Article 27\(4\)](#) recovery of maintenance for the child

[Article 20](#) children deprived of their family environment

[Article 21](#) adoption

[Article 25](#) periodic review of placement and treatment

[Article 19](#) protection from all forms of violence

[Article 39](#) rehabilitation and reintegration of victims of violence (see also: [VIII - Special protection measures](#))

VI Basic health and welfare

[Article 6](#) right to life, survival and development (see also: [III - General principles](#))

[Article 18\(3\)](#) support for working parents

[Article 23](#) rights of disabled children

[Article 24](#) right to health and health services

[Article 26](#) right to social security

[Article 27\(1\)-\(3\)](#) right to adequate standard of living

VII Education, leisure and cultural activities

[Article 28](#) right to education

[Article 29](#) aims of education

[Article 31](#) right to leisure, play and participation in cultural and artistic activities

VIII Special protection measures

A - Children in situations of emergency

[Article 22](#) refugee children

[Article 38](#) children and armed conflict

[Article 39](#) rehabilitation of child victims (see also: [V Family environment and alternative care](#))

B - Children involved with the system of administration of juvenile justice

[Article 40](#) [administration of juvenile justice](#)

[Article 37\(a\)](#) [prohibition of capital punishment and life imprisonment](#)

[Article 37\(b\)-\(d\)](#) [restriction of liberty](#)

[Article 39](#) rehabilitation and reintegration of child victims (see also: [V Family environment and alternative care](#))

C - Children in situations of exploitation

[Article 32](#) child labour

[Article 33](#) drug abuse

[Article 34](#) sexual exploitation

[Article 35](#) sale, trafficking and abduction

[Article 36](#) other forms of exploitation

D - Children belonging to a minority or an indigenous group

[Article 30](#)

[Optional Protocol to the UNCRC on the Involvement of Children in Armed Conflict](#)

[Governments](#) should ensure that children under 18 who are members of the armed forces do not take a part in combat. Any recruitment of children under 18 must be voluntary and carried out with the full consent of the child's parents/carers. The UK Government has entered interpretive Declarations to this Optional Protocol. The UK would not exclude the deployment of under 18s who are members of the armed forces in direct combat if there is a genuine military need; it is not practicable to withdraw them before deployment; or doing so would undermine the operational effectiveness of their unit. The minimum age at which children may join the UK armed forces is 16 years, with parental consent required.

[Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution and Child Pornography](#) [Governments](#) must prohibit the sale of children, child prostitution and

child pornography, and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

Annex 2 – General Comments

General Comments are non-legally binding interpretive aids issued by the UN Committee on the Rights of the Child to provide State parties with assistance regarding the interpretation of an article or issue relating to the UNCRC, and what actions governments should take to ensure its implementation. New General Comments appear at irregular intervals.

[Treaty bodies Search \(ohchr.org\)](#)

1. [The aims of education \(2001\)](#)
2. [The role of independent National Human Rights Institutions in the protection and promotion of the rights of the child \(2002\)](#)
3. [HIV/AIDS and the rights of children \(2003\)](#)
4. [Adolescent health and development in the context of the Convention on the Rights of the Child \(2003\)](#)
5. [General measures of implementation on the Convention on the Rights of the Child \(2003\)](#)
6. [Treatment of unaccompanied and separated children outside their country of origin \(2005\)](#)
7. [Implementing child rights in early childhood \(2005\)](#)
8. [The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment \(2006\)](#)
9. [The rights of children with disabilities \(2006\)](#)
10. [Children's rights in juvenile justice \(2007\)](#)
11. [Indigenous children and their rights under the Convention \(2009\)](#)
12. [The right of the child to be heard \(2009\)](#)
13. [The right of the child to freedom from all forms of violence \(2011\)](#)
14. [On the right of the child to have his or her best interests taken as a primary consideration \(2013\)](#)
15. [On the right of the child to enjoyment of the highest attainable standard of health \(2013\)](#)
16. [State obligations regarding the impact of the business sector on children's rights \(2013\)](#)
17. [On the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(2013\)](#)

18. [On harmful practices \(Joint General Comment with the Committee on the Elimination of Discrimination against Women\) \(2019\)](#)
19. [Public budgeting for the realisation of children's rights \(2016\)](#)
20. [Implementation of the rights of the child during adolescence \(2016\)](#)
21. [Children in street situations \(2017\)](#)
22. General principles regarding the human rights of children in the context of international migration [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
23. State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return [\(Joint General Comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families\) \(2017\)](#)
24. [General comment No. 24 \(2019\)](#) on children's rights in the child justice system
25. [General comment 25 \(2021\)](#) Children's Rights in relation to the digital environment.