Involving children and young people in decisions about their education

second edition

Motivate children and young people to learn

Improve staff-pupil relationships

Develop children’s and young people’s communication skills...
About this guide

This Enquire guide is about involving children and young people with additional support needs in decision making, from whole-school issues to personal learning and support. It has mainly been written as a resource for education professionals, but may be helpful to anyone who wants to help children and young people to take part, including parents/carers, health and social work professionals, youth workers and children's charity workers.

Throughout the guide you will see statements displayed like this:

“Nobody knows what I need except me.”

[young woman, 2002]

or:

“It's not the talking that does it - it's the listening.”

[young man, 2006]

These are quotes from young people, taken from past Enquire and Children in Scotland consultations.

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Definitions for this guide

Children – under 16-year-olds.

Young people – 16- and 17-year-olds.

Pupil – any child, young person or 18–19 year old who is on a school roll.

School – includes all types of school, units, alternative-to-school provision and pre-schools/nurseries.

Consultation – gathering children’s or young people’s views on a particular issue or question.

Participation – children and young people joining in decision making, from giving their views in a consultation through to more active involvement.

Involving [children and young people] – where adults give children and young people opportunities and support to take part.
Contents

Part one: How to involve children and young people

- contains principles and practical considerations from a wide range of sources.

Part two: Participation – the law and ‘capacity’

- summarises the law on involving children and young people in decision making, with information about the definitions of ‘capacity’.

Part three: Resources

- provides an extensive list of sources of further information, training and support.
Why involve children and young people?

Involving a child or young person in their own learning can be a vital part of assessing and supporting their progress. Involving groups or the pupil body as a whole can be a fresh and effective way to tackle issues such as bullying, poor attendance or indiscipline. Meaningful involvement can:

✦ motivate children and young people to learn
✦ make pupils feel part of, and proud of, the school
✦ improve relationships between school staff and pupils
✦ help teachers develop their practice and support their pupils
✦ help children and young people develop their views and values and understand the views and values of others
✦ teach children and young people how to exercise their rights and respect the rights of others
✦ develop children’s and young people’s independence, communication skills, problem-solving abilities, confidence and sense of personal responsibility
✦ teach children and young people how to work in partnership with others.

These desirable and positive outcomes for pupils and schools are recognised in initiatives such as the ones listed on page 6. They fit well with the purposes of Curriculum for excellence: to enable all young people to become successful learners, confident individuals, responsible citizens and effective contributors. Also, research shows that personal strengths like problem-solving and confidence make children and young people more resilient – the Centre for Confidence and Wellbeing website has information about this. Meaningful involvement can help children and young people develop the skills and qualities they need to cope with adversity and bounce back from difficulties.
Part one:  How to involve children and young people

Finding an appropriate role for pupils

Involving pupils at school means supporting them to take meaningful, responsible, age-appropriate roles in the school community, so they can work in co-operation, not conflict, with staff and parents/carers. Children and young people need adults to help them learn how to exercise their rights and respect the rights of others. School staff remain responsible for taking decisions in the best interests of pupils, which may sometimes involve going against an individual’s or group’s wishes. Adults still need to make the decisions it would be unfair to ask a child to make, and to support young people to make good decisions for themselves.

The supporting children’s learning: code of practice states that, “In order to express views, children and young people need to have experience of being asked for their views, being listened to, making some choices and having some influence over what they do... Taking account of these views does not mean education authorities have to accept and implement everything. At the same time, once sought and expressed, these views should not be disregarded.”

Using the existing structures

Involving children and young people in decisions at school is not a one-off project, nor do you need to start separate structures and systems from scratch to meet the requirements of each piece of law and guidance. For example, existing review meetings and the personal learning planning process provide ideal opportunities to seek and take account of the views of pupils with additional support needs.

One-off or occasional consultations have a place but also have limits. For example, they may be completely unsuitable for getting the opinions of children and young people with significant communication or learning disabilities. Regular ongoing involvement enables participants to learn more about the issues, think through their opinions, change their minds and develop the skills of getting involved.

Existing structures may include:

- pupil council
- suggestion boxes
- review meetings
- personal learning planning
- pupil conferences (school and local authority level)
- guidance system
- peer tutoring, mentoring or buddy systems.
Pupils may also be getting practice in participation through the following initiatives:

- **Determined to succeed** *(Enterprise in education)*
- **Education for citizenship**
- **Health promoting schools**
- **Eco schools**
- **Cooperative learning** strategies
- **Being cool in school, The motivated school** and restorative practices like peer mediation.

You do need to consider whether the existing structures are working. Do pupils get the help they need to really say what they think at review meetings, and are they listened to? Does the pupil council represent the views of all pupils, or only a select few? Do teachers have enough time for their guidance role? Do the pupils in your school believe it’s worth raising an issue, or do they think that “Usually nothing gets done.” [young man, 2006]?

“They should let anybody go [to the pupil council] not just elected members... luckily I got on but usually only popular people get on so it’s not a fair representation.”

[young man, 2006]

“I hated reviews - I came out more upset than I went in. I felt that people were talking over me - there was no eye contact. I felt like a shadow.”

[school leaver, 2002]

**Degrees of participation**

This model shows different levels of participation, from consultation through to total ownership of a project. Different degrees of participation are appropriate in different circumstances. Involving pupils at any of these levels could change things for the better. Increasing pupil involvement may seem more challenging, but may also have more remarkable, lasting, positive results.

It is important to be open about the degree of participation you are offering when you are inviting pupils to get involved. Tell them how much influence they can have.

“We also need to speak more about the curriculum. We need more support throughout every subject to determine what we do and how we do it.”

[young man, 2006]
Assigned but informed
Adults decide on the project and children volunteer for it. The children understand the project, they know who decided to involve them, and why. Adults respect young people’s views.

Consulted and informed
The project is designed and run by adults, but children are consulted. They have a full understanding of the process and their opinions are taken seriously.

Adult-initiated, shared decisions with children
Adults have the initial idea, but young people are involved in every step of the planning and implementation. Not only are their views considered, but children are also involved in taking the decisions.

Child-initiated, shared decisions with adults
Children have the ideas, set up projects and come to adults for advice, discussion and support. The adults do not direct, but offer their expertise for young people to consider.

Child-initiated and directed
Young people have the initial idea and decide how the project is to be carried out. Adults are available but do not take charge.

Degrees of participation model from Empowering children & young people: promoting involvement in decision making (Save the Children), Lina Fajerman and Phil Treseder, 1997.
Principles of involvement

Consultation charter

The Consultation Institute has created a Consultation charter, with seven best-practice principles for meaningful consultation. The principles are set out below, with our suggested interpretations for school situations.

Principle 1 – Integrity

Honestly intend to listen to what children and young people say and make changes based on their views.

Principle 2 – Visibility

Make sure all children and young people who have a right to participate know about it and get the chance to give their views.

Principle 3 – Accessibility

Design the information and activities so they are attractive and all the participants, including those who have particular access requirements, can understand and join in.

Principle 4 – Transparency

Make sure the participants know that whatever they say may be made public and tell them how you plan to publish or share their views. Remember that it could become public later, for example if a parent asks to see the information a school holds about their child. Make sure anything that should be confidential is kept confidential.

Principle 5 – Disclosure

Tell the participants all the important information up front. In particular let them know the reason for their involvement, how much influence they can have and what decisions have already been taken.

Principle 6 – Fair interpretation

Collate and assess the participants’ views (the output) objectively and independently of the final decision (the outcome).

“Teachers will listen to young people’s views but if they don’t agree, will adapt it and put their views on it.”

[school leaver, 2002]
Principle 7 – Publication

Publish or share both the output and the outcome so that participants find out what happened to their contribution.

“I think it’s weird that people make decisions in meetings but they don’t actually make them eventually. It’s just stupid – they aim for something but they don’t actually do it. They should be able to reach their targets.”

[young woman, 2006]

You can use these principles to guide any consultation, from a one-to-one structured conversation with a young child to gather her views for a review meeting, to a whole-school consultation on a new school uniform.

“I now have an IEP [Individualised Educational Programme], at the request of me and my Mum. Unfortunately I was not included in its setting up. I would have appreciated being included in the process.”

[young woman, 2007]

Participation charter

The Participation charter was developed by Participation Works and Children Now. The principles in the charter are set out below.

Participation is a right.

Children and young people are the best authorities on their own lives.

Participation depends on respect and honesty.

Participation must be accessible and inclusive.

Participation is a dialogue to influence change.

Participation is built in.

Participation is everyone’s responsibility.

Participation benefits everybody.

The Participation charter explains each of these principles in detail.

The Consultation charter and Participation charter are available free of charge – see Part three: Resources for details.
Key questions to answer before you start:

- What do you want to know or achieve by involving children and young people?
- Who should be involved?
- What level of involvement can they have?
- What methods will you use to help them have their say?
- What will you do with their views and ideas?
- How will they know the effect of their involvement?
- When, and for how long, will children and young people be involved?
- What will you do if they are inspired to take the project further?
- Do you need a budget, and if so, how much?
When to involve children and young people

The supporting children’s learning: code of practice states that:

“Schools and early years settings should create a climate where seeking children’s views and encouraging participation in decision-making are part of everyday activities.”

“All children with additional support needs should be engaged in personal learning planning and for many this process will be sufficient to address their additional support needs.”

Try to look for everyday opportunities to give children and young people some independence and control. For example, if they are working toward a particular goal, give them a checklist they can use to monitor their own progress. If possible, get them to write the checklist – this will help with their planning skills.

Common pitfalls

Involvement is too late
If the participants’ views cannot influence the final outcome, then you should not ask them to get involved. Children and young people (and adults) feel angry and frustrated if they are consulted about an issue but the decisions have already been made, and they will become suspicious about getting involved in future.

Involvement is too soon
Try to avoid asking for children’s and young people’s views before you have planned what you will do with their opinions and how they will get feedback. If there is no outcome, they may feel the discussion was pointless.

Involvement is not sustained
Try to make sure there is either a ‘next step’ or a proper ending to children’s and young people’s participation.
Getting and sustaining interest – incentives and rewards

Getting children and young people to participate – incentives
Incentives and rewards are not the same as bribes. Participation should be voluntary and based on a real understanding of what is being asked of participants. But everyone needs a reason to participate in any process.

The incentives and rewards should be proportionate to the amount of time and effort you are asking the participants to give, and the amount of responsibility they are taking on.

Real incentives for children and young people include the chance to make a difference on an issue they feel is important, to have some positive attention from an adult, to gain new skills, to get a reference for when they leave school or to do something for their CV. Getting to go to a nice or interesting place, being served good food, meeting new people in similar or very different situations and perhaps making new friends are things children and young people have told us they really value. And giving away a free thing can help! (Pens, pencils, keyrings etc are often popular.)

You could consider offering an activity, privilege or gift as an incentive to get involved. Try to make sure this is something the children/young people do want and be clear about what it is for. Also, try to make sure it is something they all have an equal opportunity to get. For example, if you are trying to motivate children and young people with behaviour difficulties to get involved, it might be helpful to keep the incentive separate from any behaviour rewards or sanctions. If you are able to offer a trip away overnight or on a weekend, you might need to give extra support so a young carer or a child with mobility difficulties can join in.

Keeping children and young people involved – rewards
Real rewards that keep children and young people involved include:

- seeing genuine results from their participation
- having some control over a process
- learning how to work in co-operation with others
- making new friends
- getting thanks and positive feedback from adults
- being treated with respect
- feeling useful and valued in the school community
- having fun.

For wider recognition, look for opportunities to nominate children/young people for awards and to have participants’ work accredited against a national standard (some opportunities are listed in Part three: Resources).
If you do offer an activity, privilege or gift for participation, make sure you deliver this in the way you promised. You may also have the opportunity to allow the participants to design their own reward, which can further contribute to their communication and planning skills.

If interest tails off, you could ask the participants why this has happened. If you act on their feedback, you may re-ignite their interest.

“When we go to school we like to meet our friends. We don’t like getting made fun of.”

[young person, 2006]

**Time**

You will need time to plan and then support children’s and young people’s involvement. Don’t forget to plan time after you’ve spoken to the participants for them to share their views and let them know what happened.

Also, the participants will need time to:

- learn about the issue you are discussing
- formulate their views
- decide whether to participate in the activity
- share their views on a particular issue.

Some children/young people will need more time than others. Some may enjoy a long period of time devoted to a particular issue or activity, others will benefit from frequent short sessions.

In a discussion, it is often more helpful for adults to sit in supportive silence than to suggest ideas to the children/young people. You will soon find out if the children/young people don’t understand or don’t know what to say. However, if adults start joining in a discussion or activity with their own ideas, children and young people are put off from contributing and will quickly lose interest.

Make sure adults do take time to listen. It can help to get everyone to agree some ground rules at the start.

“I hate it when they interrupt when I’m speaking but I am not allowed to interrupt them... if they’re allowed to we should be.”

[young person, 2002]

In school, it can be difficult to find time to meet pupils. Pupils who get involved can end up missing lots of classes or lots of breaks. Try to balance this out as best you can, and talk to the pupils about the issues.
Creating a comfortable environment

Try to find a space to meet where all the participants can move around easily, sit comfortably, feel relaxed and take time out or go to the toilet when they need to. Like adults, children and young people appreciate being given breaks and nice refreshments. Try to avoid places where there are physical access barriers or negative associations for pupils.

“You should make it a relaxed atmosphere, like by not having a long table with everyone looking at you but having a round table so you feel like you’re part of the meeting.”

[young person, 2006]

Many children and young people feel more comfortable in a virtual or online environment, where they can type, text or email their views. With some support from your school’s technical team, you can have an online chatroom, survey/voting system, blog, Wiki or message board/forum for free. These can be powerful tools for promoting participation, and using them also gives you the chance to teach pupils about responsible and safe use of the internet. The ICT in Education website www.ltscotland.org.uk/ictineducation has advice and a 'jargon buster’ glossary of technical terms.

“When they’re in a meeting we still get paranoid ‘cos they’re talking about everything. Sometimes we get to go into the meeting and listen to it, but I dinnae like it when you’re outside and you’re doing it yourself, so you need a help with that.”

[young man, 2006]
Information

Children and young people usually know what they like and don’t like. This is valid and valuable knowledge. However, if they don’t know their options it can be hard for them to know what they want.

Try to help children and young people make informed contributions by giving them as much information as possible about the school and wider education system, their rights, responsibilities, choices and about the people who can help them. Where possible, show them how to find information themselves, ideally from a range of sources within and outwith the school.

Also, pupils can really switch off if they can’t see the reasons behind situations, or how decisions are made. Simple background information can make a big difference. For example, if you tell pupils something is going to happen and then the plans change, tell them why. Remember, they are likely to wonder what happened but may not ask.

Recording children’s and young people’s views

The best methods for recording allow the children and young people to produce the record. Records produced by the participants are more meaningful to you and them and provide a clearer, more powerful picture of their views than a report written by adults. The record does not need to be polished or expertly presented. It does need to be true and include all the views expressed.

Children and young people may like to use:

- film (a very powerful method)
- voice recordings
- story boards
- writing/typing/drawing/painting (individually or as a group)
- photomontage/annotated photographs.

You may need to offer a choice from a variety of options to meet the needs of all the participants.

“If people with dyslexia find trouble reading, then what’s the point in someone sitting there writing down pages after pages of words you can’t read. So, my solution is: use a Dictaphone, use something on the computer so it talks to you, or voice, or video – video sounds very good to do.”

[young man, 2006]
Sharing children’s and young people’s views

It’s important to share the participants’ views as widely as possible, in an appropriate way. Depending on the situation, this could be limited to sharing them with some of the adults who support an individual, or extended to the whole school community and beyond.

Agree with participants what information you and they will share and how this will happen. Offer participants chances to say something anonymously, to change their mind and to withdraw their permission for sharing their views if they want. Your school’s child protection policy may place limits and requirements on sharing certain information and items, such as photos of pupils, which you can explain to participants.

The children/young people may want you to pass on their messages to others, or they may want to do this themselves. Try to offer this choice.

You and the children/young people could use web technology like blogs and podcasts to put the record of their views on the web. This can be a very rewarding and powerful way for them to share their views and get responses from others; it can be done for free and with minimal technical expertise.

Confidentiality and privacy

Pupils appreciate it when school staff respect their privacy and are discreet. Be trustworthy – share what you promised to share, and keep secret what you promised to keep secret. If you can’t keep something secret because of your concern for the child, you should tell them who else you are going to tell and why.

“I think it’s a really good idea to have a school counsellor who you can go and speak to if you’ve got any problems whatsoever, with full confidentiality, knowing that they’re actually going to listen to you and take what you’re saying on board, and not just brush you off like everybody else.”

[young woman, 2007]

Be aware that pupils can find review meetings (and other situations like children’s hearings) really difficult, particularly when adults they don’t know are openly discussing issues they consider private. It can help to make sure the child/young person understands the role of everyone who is contributing to their meetings.
Being inclusive

All pupils will benefit from having information in a variety of formats and being able to express themselves in a variety of ways.

You may need to make specific adaptations for some children/young people, or they may need help to participate from someone who knows them well. If you are not sure what's needed, you could collaborate with colleagues who know the child/young person well, speak to their parent/carer, and ask the child/young person.

In a group, you will help to make everyone feel they belong if you avoid putting anyone on the spot or insisting they answer a question.

If you are consistent and persistent in everything you do, you will help all children and young people, particularly those who are suspicious or uncertain about getting involved.

You may need to make an extra effort to make sure every child and young person gets to have their say. Pupils who are less confident or well known among their peers, and pupils whose communication or behaviour difficulties mean they need support to participate, are particularly likely to have their views overlooked. Your school needs to make sure that every pupil can raise an issue and feel it will be fairly considered.

“If there is nowhere to get your views across you bottle it up and bottle it up and get angry. There needs to be something. If I can’t get my views across I tell my parents but for people where there is nowhere else to go, there needs to be something.”

[young woman, 2002]

Person-centred planning can transform a child or young person’s participation in decisions about their education, support and life. This is not simply a plan – it is an alternative approach to planning, using a range of techniques, underpinned by values of inclusion and human rights. Part three: Resources has some sources of further information and training on person-centred planning.
Focusing on solutions

When they are having difficulties, children and young people appreciate having someone to talk to who is a good listener and who acknowledges the seriousness of their difficulties to them, but also respects their strengths and feelings.

“It’s a good idea to have a counsellor or a specific teacher who the young person can speak to in order to get their problems off their chest.”

[young man, 2006]

Pupils with additional support needs may respond particularly well to a solution-focused approach to tackling problems. This includes:

- recognising the pupil’s own strengths and resources
- identifying circumstances when things go better, so these can be developed and extended
- looking at goals for the future and how to reach them, rather than examining problems in the past.

Advocacy

An independent advocate can help a child or young person get information and make choices about their life. They can help children/young people put their views across, and may speak for them if they need this. Their loyalty is to the individual they are supporting, and their aim should be to safeguard that person’s rights. Having the support of an advocate can be life changing.

Consider if any of the children/young people you know might benefit from having an advocate. You can find details of independent advocacy services through the Scottish Independent Advocacy Alliance – see Part three: Resources, for contact information.

You could also start a peer advocacy group, so pupils can provide mutual support and encouragement. These can be highly effective and beneficial for the whole school. Also look out for peer advocacy youth clubs – some are listed on our website for children and young people.
Involving independent people or organisations

It is important that pupils feel they can approach school staff with issues.

“Talk to someone you know or have met before, not a stranger, because you need to trust them and feel comfortable otherwise you won’t be confident enough to say what you think.”

[young person, 2006]

However, it can also be beneficial to involve people or organisations from outside school. Local and national organisations may be able to support you and contribute to involving children and young people. Also, pupils may be able to say something to an independent person that they feel they can’t say to school staff. You can support children and young people by introducing them to organisations where they can speak to someone outside school, from national helplines to local youth clubs. And many, though not all, children and young people enjoy meeting new people.

“Problems I have are big to me but to them [school] it is a small thing. I can’t speak to anyone in the school - I need to go outside the school.”

[young woman, 2002]

You may want to get help from an outside organisation to tackle a particularly controversial or emotional issue or if you are trying to change a climate of distrust in the school. This may cost money, but could convince pupils of your integrity and pave the way for better communication.

If you have children/young people in the group whose first or preferred language is not English, you may need to bring in independent interpreters to give them an equal chance to have their say.
“Adults should have to listen to what children think and then, when making decisions, remember what the young person said. But that’s not really enough; the person who is receiving help should have a say in the help they get.”

[young person, 2006]
Part two:
Participation – the law and ‘capacity’

This section summarises the law and guidance on involving children and young people in decision making, with information about the definitions of ‘capacity’.

Duties to consider the views of children and young people

● Have due regard to the views of children and young people
Your education authority must “have due regard, so far as is reasonably practicable”, to the views a child or young person wants to express in decisions that significantly affect him or her, “taking account of the child or young person’s age and maturity”.

Standards in Scotland’s Schools etc Act 2000

Parents also have a duty to have “due regard” to the views of their children, and to the views of anyone else who has parental rights or responsibilities for the child.

Children (Scotland) Act 1995

● Seek and take account of the views of children and young people with additional support needs
Your education authority must “seek and take account of the views” of children and young people who have the "capacity to express a view“ when it is:

+ establishing if a child or young person has additional support needs*
+ deciding what support to provide for a child or young person who has additional support needs*
+ establishing if a child or young person needs a co-ordinated support plan, or if a co-ordinated support plan should be discontinued
+ preparing a co-ordinated support plan
+ gathering information about the support a child or young person needs in their final period of school education (it should do this at least 12 months before the child or young person is due to leave school).

Education (Additional Support for Learning) (Scotland) Act 2004

*In these two circumstances, the education authority has some discretion over whether it consults the child or young person. The supporting children’s learning: code of practice states that this discretion is, “to avoid over-formalising the dialogue between professionals, teachers especially, and children and young people”.
● Take account of the views of children affected by disability
When a local authority is assessing the needs of a disabled child, or a child who has a family member with a disability, it must take account of the child’s views, as far as is reasonable and practical.

    Children (Scotland) Act 1995

● Consult children and young people on accessibility strategies
Your education authority and school have to prepare accessibility strategies to increase the opportunities for disabled pupils to participate in the curriculum and improve communication and the physical environment for disabled pupils. The people responsible for preparing these strategies have to "consult such children, parents and young persons as they think fit".

    Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002

● Consult children and young people on school development
All pupils at your school must be “given an opportunity to make their views known” when the school development plan is being prepared. In addition, the development plan should include how the headteacher of the school will consult pupils and seek to involve them in decisions about the everyday running of the school.

    Standards in Scotland’s Schools etc Act 2000

● Involve disabled people in producing disability equality schemes
Your education authority has a duty to promote equality for disabled people. It must produce a disability equality scheme, including an action plan for how it will meet its duties. Disabled people who have a vested interest must be involved in developing the schemes. For education authorities, this could include involving disabled pupils.

    Disability Discrimination Act 2005
Children’s and young people’s rights to participate

● Express their views freely in matters that affect them
Children and young people who can form their own views have the right to express their views freely in all matters that affect them. Their views should be given “due weight in accordance with [their] age and maturity”.

Article 12 United Nations Convention on the Rights of the Child (UNCRC)

“I’m quite happy I get the opportunity to come along to meetings and discuss problems I need help with.”
[young woman, 2006]

● Seek, receive and share information
Children and young people have the right to freedom of expression, which includes the “freedom to seek, receive and impart information and ideas of all kinds” in any medium. This should only be restricted when necessary to respect the rights of others or protect public safety/morals.

Article 13, United Nations Convention on the Rights of the Child (UNCRC)

● Participate in decisions about additional support for learning
Parents of children with additional support needs have rights under the Education (Additional Support for Learning) (Scotland) Act 2004 (ASL Act). When a child turns 16 – becomes a young person – they get these rights on their own behalf. The rights include:

- requesting assessments
- requesting a place at any school, including an independent special school, and, if necessary, appealing a refusal to an Education Appeal Committee or, if they have a co-ordinated support plan, to the Additional Support Needs Tribunals
- requesting mediation
- in certain types of dispute, putting their case to an independent adjudicator or an Additional Support Needs Tribunal
- consenting, or not, to the education authority passing on information about them when they change or leave school
- having a supporter or advocacy worker with them in a meeting.

Education (Additional Support for Learning) (Scotland) Act 2004
- **Appeal an exclusion**
  Children and young people have the right to appeal their exclusion from school. A child’s parent can do this on their behalf, but if the child and their parent disagree, the child’s wishes take precedence.

  *Education (Scotland) 1980 Act and Standards in Scotland’s Schools etc Act 2000*

- **Make a placing request (and appeal a refusal)**
  Young people without additional support needs who are still on a school roll are also able to request a place at any school run by a local authority. If the local authority refuses the request, the young person can appeal to an Education Appeal Committee.

  *Education (Scotland) 1980 Act*

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“If teachers actually listened to what we were saying then we wouldn’t have half the problems that we do have in the education system, because young people would actually be getting the support they need, because they’re getting listened to.”

[young woman, 2007]
**Capacity to understand**

The duty to take account of a child or young person’s views, and his or her right to take certain actions, only apply if he or she “has capacity” – is able (with help) – to understand the situation. Usually, the adults who know a child or young person well decide together whether he or she has the capacity to understand a particular issue or question. Sometimes a doctor, solicitor or court can decide.

The United Nations Convention on the Rights of the Child states that a child who is “capable of forming his or her own views” has the right to express those views.

For issues relating to the ASL Act, a child or young person “lacks capacity” to do something if he or she is incapable of doing it because of “mental illness, developmental disorder or learning disability or [an] inability to communicate because of a physical disability”. A child or young person does not lack capacity as a result of their communication difficulty if that difficulty can be overcome “by human or mechanical aid”, including interpretation.

The supporting children’s learning: code of practice states: “The question of whether children or young people have the capacity to do something must be considered at each stage of their involvement” – it is not a one-off final decision.

The Age of Legal Capacity (Scotland) Act 1991 gives 16-year-olds and over legal capacity. This is the capacity to, for example, get into a legally binding contract. However, under-16s can do anything, within reason, that is commonly done by children of their age and circumstances.

Also, under-16s have legal capacity in specific circumstances. They can consent to a medical procedure if their doctor believes they can understand the treatment and possible consequences. They can also ask a solicitor to act on their behalf, if they understand what that means in general. From age 12, children are presumed to have this understanding. A child aged 12 or over can consent to being adopted.

All of this applies to young parents who are under 16, and they have parental rights and responsibilities as well. It does not apply if someone, regardless of their age, has “incapacity” due to a disability or disorder. It also does not override other laws that set minimum age limits on certain activities, such as buying alcohol.
“He [a teacher] had ultimate respect for everyone... He always had time for you... His door was always open at lunchtime - you could go into his room and just sit and have a laugh and have your lunch with him.”

[young man, 2002]
Part three:
Resources

The final section of this guide lists resources for promoting children's and young people's participation, and sources of further information.

However, the most powerful resource you have is your relationship with, and ability to listen to, the children and young people involved.

“It's not the talking that does it - it's the listening.”
[young man, 2006]

Enquire and Children in Scotland consultations have shown that, to really talk to someone, children and young people need to feel the person:

- cares about them
- will be kind to them
- will really listen to them
- will be open minded, not judgemental
- has time for them
- is trustworthy.

Information about the rights of children and young people

Article 12 in Scotland

Network that promotes children's and young people's participation and information rights. Runs PE.S.T. (Peer Education Skills Training) – support and training by and for young people. Resources include:

- Beginners guide to the UNCRC
- Telling it like it is – an introduction to peer education and training.

01674 674 086 / respond@article12.org

www.article12.org

Enquire – the Scottish advice service for additional support for learning

Independent information and advice, including advice, guides and workshops for children and young people on participating in decisions about additional support at school. Publications include:

- People who can help you in and out of school
- Round the table – a guide to going to meetings
- What are additional support needs?
- What's the plan? Your education and support.

0845 123 2303 / info@enquire.org.uk

www.enquire.org.uk

www.enquire.org.uk
SCCYP – the office of Scotland’s Commissioner for Children & Young People

Offers the Young persons’ freephone for young people and the Enquiries service for parents and professionals to help anyone interested in finding out more about children’s and young people’s rights. Cannot directly intervene in individual cases, but can provide information and signposting help on a wide range of issues. Runs the Children’s choice awards in partnership with Children in Scotland to recognise adults who keep children safe, active and happy. Extensive bank of information online through the participation portal.

Young Person’s Freephone 0800 019 1179 (for young people only)

General Enquiries Line 0131 558 3733 / info@sccyp.org.uk

www.sccyp.org.uk

Scottish Child Law Centre

Independent charity offering free advice on all aspects of Scots law relating to children and young people. Also offers publications, conferences and training.

Under 18s freephone 0800 328 89 70 / text SCLC 80800

Information helpline 0131 667 6333 / enquiries@sclc.org.uk

www.sclc.org.uk

Young Scot – the national youth information agency for Scotland

Information on a wide range of issues for young people aged 12–26, including education, politics, money, health and careers. Also runs the Loud and Clear (www.youngscot.org/loudandclear) consultation toolkit featuring online surveys, voting, e-petitions and discussion boards. Holds the Young Scot Awards.

InfoLine 0808 801 0338 (open 10am to 6pm, Monday–Friday)

General enquiries 0131 313 2488 / infoline@youngscot.org

Text “callback” to 07781 484 317

www.youngscot.org
Awards, accreditation and opportunities for children and young people

**Core Skills National Qualifications website**
Information about *Core Skills* qualifications, including *Communication*, *Problem solving* and *Working with others*.
www.ltscotland.org.uk/nq/coreskills/

**Dynamic Youth Awards (age 10–14) and Youth Achievement Awards (age 14+)**
Nationally recognised awards to accredit learning and achievements in non-formal education, administered by *Youth Scotland*. Both Awards are accredited by *ASDAN (Award Scheme Development and Accreditation Network)*, and *Youth Achievement Awards* are *SCQF* credit rated and levelled.
0131 554 2561 (email via the website)
www.youthscotland.org.uk

**Heads Up website**
Online forum for under-18s to debate national political issues with Westminster MPs and Scottish Parliament MSPs. Also has teachers notes and background information for children and young people.
www.headsup.org.uk

**Help Yourself Awards**
Scheme run by *Save the Children* and *British Gas* to fund community projects involving children and young people.
helpyourselves@savethechildren.org.uk
www.helpyourselves.org.uk

**impetus award**
*Global Ethics UK Trust* award scheme for children and young people who use creative approaches, based on human rights principles, to respond to challenging issues.
0207 405 5709 / impetus@globalethics.org.uk
www.impetusawards.org.uk

**MV awards**
Award to recognise young people’s voluntary work, administered by the *Volunteer Centre Network* and *Volunteer Development Scotland* (open to 16–25 year olds).
01786 479 593 / vds@vds.org.uk
www.vds.org.uk

helpline: 0845 123 2303
**Room 13 Studio Network**

Network of art studios in schools, managed by pupils, which they can use whenever they want providing they don’t fall behind in other work.

management@room13scotland.com

www.room13scotland.com

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**Scottish Youth Parliament**

Elected body of 14–25 year olds representing constituencies from across Scotland, who campaign on children’s and young people’s issues. Launched **Roars not Whispers** peer leader project in February 2007 to develop young people’s skills to work with others, identify issues and campaign for change.

0131 313 2488 / email via website

www.scottishyouthparliament.org.uk

**Roars not Whispers**: 0131 313 2488 (email via the website) www.rnw.org.uk

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**Seen and Heard Awards**

Annual **BT** awards run in partnership with the **UK Youth Parliament**, to recognise children and young people who have used communication skills to create positive social change, and adults who have listened to children and young people.

020 7462 7605 / listening@biglisten.co.uk

www.bt.com/listening or www.myspace.com/seenandheardawards

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**Young Scot Awards**

Annual awards for outstanding achievements by 12–22 year olds in a range of categories including community, health, music, arts, democracy/citizenship.

0131 313 2488 / infoline@youngscot.org

www.youngscot.org

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**YouthBank UK**

UK-wide grant-making initiative run by young people, providing small grants to projects led by young people. For information about **YouthBank** in Scotland, contact Heather McVey at **YouthLink Scotland**.

0131 313 2488 / hmcvey@youthlink.co.uk

www.youthbank.org.uk

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**Youth Voice**

Network for 11–18 year olds, run by **UNICEF**. Provides information, ideas for volunteering and **Youth Voice Roadshows**.

0844 801 2414 / youthvoice@unicef.org.uk

www.unicef.org.uk/youthvoice/

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Involving children and young people in decisions about their education
Sources of activity ideas, training and further information

Assessment is for learning website
Learning and Teaching Scotland resource for getting pupils more involved in their learning.
www.ltscotland.org.uk/assess/

Barnardo’s
Leading children’s charity, which provides a range of support services, the Snakes and ladders training pack and a variety of participation resources, some of which can be downloaded free from the resources section of the website.
General enquiries 020 8550 8822 / dorothy.howes@barnardos.org.uk
Snakes and ladders 0141 222 4700 / selwyn.mccausland@barnardos.org.uk
www.barnardos.org.uk/resources/resources_training/resources_training_snakes.htm

Better Behaviour Scotland website
Scottish Government site with information and case studies for all school staff about improving behaviour in schools, including Restorative practices, Solution oriented school programme and The motivated school.
www.betterbehaviourscotland.gov.uk

BT Better World Campaign
Aims to ensure children and young people most in need are heard and helped; to develop communication skills; and to help children and young people campaign for change. Provides free resources, including online activities, for developing children’s and young people’s communication skills.
0870 333 0373 / bt.betterworld-resource@bt.com
www.btbetterworld.com

CALL Scotland
Provides specialist expertise in technology for children who have speech, communication or writing difficulties, in schools across Scotland. Offers loan of specialist equipment, information and advice, assessment and training.
0131 651 6235/6236 / info@callcentrescotland.org.uk
http://callcentre.education.ed.ac.uk
**Carnegie Trust – Young people initiative website**
Information about research, events and innovations in youth participation, with publications you can download for free.

[www.carnegieuktrust.org.uk/cypi](http://www.carnegieuktrust.org.uk/cypi)

**Centre for Confidence and Wellbeing**
Information, resources and seminars relating to cognitive psychology, particularly factors and techniques that increase problem solving, confidence, optimism, life-satisfaction and happiness.

0141 221 2626 / contact@centreforconfidence.co.uk

[www.centreforconfidence.co.uk](http://www.centreforconfidence.co.uk)

**Centre for Research on Families and Relationships**
Consortium research centre, which aims to produce high-quality collaborative, inclusive research on key issues for families and relationships. Runs events and training, including the *Listening to children* CPD course.

0131 651 1832 / crfr@ed.ac.uk

[www.crfr.ac.uk](http://www.crfr.ac.uk)
**Children in Scotland**

The national agency for voluntary, statutory and professional organisations and individuals working with children and families in Scotland. In relation to participation, provides information, training, events, resources and projects. Facilitates the **Participation Network**. Runs the **Children’s choice awards** in partnership with SCCYP (see page 24) to recognise adults who keep children safe, active and happy. Publications include:

- **Access All Areas** (free online; print copies free but non-members may be charged postage and packing)
- **Consulting with children and young people on accessibility strategies: a good practice guide** (free to members, £2.75 to non-members)
- **Something to say** report on the **Citizenship in practice** project (free online; print copies free to members or £1.50 to non-members)
- **It’s more than just listening!** video of children and young people talking about participation (**National Children’s Bureau**) (£16.50, or £13.50 for members)
- **Why is the sky blue?** How primary school children participate in science. (£3.50 to members; £4.50 to non-members)
- **A picture in your head.** Report on children’s perceptions of, and participation in, the arts. (£2.50 to members, £3.70 to non-members)
- Free downloads of reports on many previous consultations, factseets on issues for children affected by HIV, and **My turn to talk? The participation of looked after and accommodated children in decision-making concerning their care.** Available free online from the participation page.

0131 228 8484 / info@childreninscotland.org.uk

[www.childreninscotland.org.uk](http://www.childreninscotland.org.uk)

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**Circles Network**

National voluntary organisation promoting inclusive communities. Provides a range of services, including person-centred planning training, publications, and, in some areas, advocacy and circles-of-support projects.

01788 816 671 / information@circlesnetwork.org.uk

[www.circlesnetwork.org.uk](http://www.circlesnetwork.org.uk)

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**Consultation Institute and Consultation Charter**

The Institute seeks to promote the highest standards of public, stakeholder and employee consultation through research, publications and specialist events. The **Consultation charter** can be downloaded free from the website **About us** section.

01767 689 600 or 0141 416 0790 (email via the website)

[www.consultationinstitute.org](http://www.consultationinstitute.org)
**Create Scotland website**
Website developed by *YouthLink Scotland* to provide advice on consulting young people, setting up arts projects, child protection, working with arts practitioners, funding and evaluation.

www.create-scotland.co.uk

**Dialogue Youth**
Partnership between *Young Scot, COSLA*, local authorities, the *Scottish Government* and young people. Carries out consultations with children and young people and research into youth issues; supports PSHE and citizenship in the curriculum. The website has contacts for local co-ordinators in every local authority area.

0131 313 2488 / dialogueyouth@youngscot.org

www.dialogueyouth.org

**Dynamix**
Co-operative providing youth participation training, facilitation and resources, including the *Participation – spice it up!* toolkit (£18.95).

01792 466 231 (email via the website)

www.dynamix.ltd.uk

**Edinburgh Youth Social Inclusion Partnership (EYSIP)**
Now closed, but publications from their work include:

- **Action research toolkit** – good practice and tools for exploratory work with young people (£15 + £2 p&p per item)
- **Participation scrapbook** – details of over 20 youth participation methods (£20 + £2 p&p per item)
- **Pupil participation… it’s our school** – toolkit for promoting the participation of pupils with social, emotional and behavioural difficulties in mainstream schools (£15 + £2 p&p per item).

Publications can be ordered from the *Lothian Association of Youth Clubs*.

0131 667 1828 / enquiries@layc.org.uk

www.layc.org.uk

**Education for citizenship website**
*Learning and Teaching Scotland* resource for developing *Education for citizenship*.

www.ltscotland.org.uk/citizenship/

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**Equal Futures**
Not-for-profit family-led organisation that builds and maintains circles of support for disabled people. Supports a circle of friends approach in schools and holds regular training sessions.
0131 226 5454 / info@equalfutures.org.uk
www.equal-futures.org.uk

**Hands on Scotland website**
Commissioned by HeadsUpScotland, the national project for children’s and young people’s mental health. Provides practical information and techniques for responding to troubling behaviour, building up children’s and young people’s self-esteem and promoting mental wellbeing.
www.handsonscotland.co.uk / handson@nhs.net

**Health promoting schools website**
Information and resources for schools to help develop better health and wellbeing, provided by Learning and Teaching Scotland. Includes information for promoting pupil participation, for example fact files on pupil councils.
www.healthpromotingschools.co.uk

**ICT in Education**
Learning and Teaching Scotland website provides ideas, resources and training for using technology. Includes a jargon buster and a guide to blogs and podcasts.
www.ltscotland.org.uk/ictineducation/

**Inclusion Press/Network and Inclusion Distribution websites**
Distributors of social inclusion publications from around the world, including person-centred planning and circles of support resources. Websites also have some free materials.
UK telephone 01625 269 243 / orders@inclusiononline.co.uk
www.inclusiononline.co.uk – UK site for buying resources
www.inclusion.com – Canada-based site with some free resources

**Inclusive education website**
Learning and Teaching Scotland website providing information, resources and good-practice examples on inclusion, equality and the Additional Support for Learning Act.
www.ltscotland.org.uk/inclusiveeducation/
**Inclusive Solutions**

Training, consultation, advice and resources including for developing person-centred planning and circles of support.

01473 437590 / inclusive.solutions@ntlworld.com

www.inclusive-solutions.com

**Participation charter**

Can be downloaded free from the Children and Young People Now (a subscription magazine) and Participation Works (a partnership of not-for-profit agencies) websites. A2 posters of the charter can be obtained free from the Participation Unit at the National Children’s Bureau (NCB).

www.cyprnow.co.uk

www.participationworks.org.uk

National Children’s Bureau 020 7843 6000

**Rights Respecting School Award (UNICEF)**

Programme for schools to achieve awards from UNICEF for placing the rights and responsibilities of the United Nations Convention on the Rights of the Child at the heart of the school’s ethos, and modelling rights and responsibilities in all relationships: teachers/adults – pupils; pupils – teachers/adults; pupils – pupils.

UNICEF Education (Scotland) 0141 589 8121 / brucew@unicef.org.uk

www.unicef.org.uk/tz/

**Save the Children UK**

Provides information and publications including:

- **Participation and learning** – DVD and booklet published with Learning and Teaching Scotland, giving examples of schools communities that involve children and young people and ideas for how people can be involved in joint decision making (distributed free to all local authorities and available online from www.ltscotland.org.uk/participationandlearning)

- **Reaction toolkit** – practical guide to consulting with children and young people on policy-related issues

- **The Recruitment Pack** – resources to involve children and young people in the recruitment of staff (www.savethechildren.org.uk/en/54_3114.htm)


Scotland office 0131 527 8200 (email via website)

www.savethechildren.org.uk

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School Councils UK
Independent charity providing information, training and resources for setting up and running pupil councils. The website provides some free information and resources. Some materials focus on the English curriculum but others have national application.
0845 456 9428 / info@schoolcouncils.org
www.schoolcouncils.org

Scotedublog websites
Links to school blogs and a community of teachers who are using new web technology to promote learning and participation.
www.scotedublogs.org.uk

The Scottish Government website
The website has guidance and codes of practice, policy information and statistics. Publications include:

- Supporting children’s learning: code of practice – accompanies the Additional Support for Learning Act and contains a section on consulting with children and young people
- Working with hard to reach young people: a practical guide – about using street work to engage with young people.

www.scotland.gov.uk

Scottish Independent Advocacy Alliance
Membership organisation that promotes, supports and defends independent advocacy. The website has a directory of independent advocacy providers.
0131 260 5380 (email via the website)
www.siaa.org.uk

Scottish Parliament website – education section
The official website for the Scottish Parliament provides details of the visits programme, teaching resources for primary and secondary schools, and an online games and knowledge zone.
www.scottish.parliament.uk – click on ‘Visit, Learn, Interact’ then, ‘Education’

Scottish Schools Ethos Network website
No longer funded, but the website has an online database of case studies and resources you can search for by using key words and phrases. It includes examples of participation and solution-focused approaches in schools.
www.ethosnet.co.uk

helpline: 0845 123 2303
Scottish Sensory Centre
Provides information, a postal resource library and training to support effective practice in the education of deaf children, deafblind children and visually impaired children. Services for professionals, children and young people and their families, based in the Moray House School of Education.
0131 651 6501 (email via the website)
www.ssc.education.ed.ac.uk

YouthLink Scotland – the national youthwork agency for Scotland
Champions the role and value of the youth work sector in Scotland. Free fortnightly e-bulletins include participation opportunities for children and young people. Information about participation projects and opportunities for children and young people online.
0131 313 2488 / info@youthlink.co.uk
www.youthlink.co.uk

Youth Scotland – the network of youth clubs and groups in Scotland
The largest non-uniformed voluntary youth organisation in Scotland. Works in partnership with a network of area associations across Scotland to offer a range of information, training and support for those involved in youth work.
Produces:

- **Bored meetings? Training for young decision makers** – training pack to improve young people’s skills to participate in and run formal meetings
- **Youth participation pack (Keep it real)** – includes a selection of activities to build young people’s confidence, share their ideas and increase their involvement in decision making (£5 affiliated groups, or £15 to non-affiliated groups).

0131 554 2561 (email via the website)
www.youthscotland.org.uk

We welcome your feedback
Information in the resources section was up-to-date on 2 April 2008.
We are not responsible for third party publications or services.
If you would like to give feedback on the resources listed here, or on any other part of this guide, please contact us at Enquire.
About Enquire

Enquire is the Scottish advice service for additional support for learning. We provide independent and impartial advice to parents and carers, to practitioners in education, social work and health services, and to children and young people themselves.

We aim to help parents, carers, children and young people take part with knowledge and understanding in planning and providing additional support for learning, and to encourage partnership working. We do this by providing independent information and advice to everyone involved in the education of children and young people with additional support needs, including directly to children and young people.

Enquire is managed by Children in Scotland and funded by the Scottish Government.

About Children in Scotland

Children in Scotland is the national agency for organisations and professionals working with and for children, young people and their families. Its goal is to help Scotland become an even better nation in which to be a child and to raise children. Membership benefits include:

- free monthly Children in Scotland magazine and free bi-annual Children in Europe magazine
- daily email news round-up
- regular email updates with the latest child policy information, consultation responses and event news
- discounts on Children in Scotland publications, seminars, conferences, workshops and training.

For a full list of the benefits and to find out how to join, visit www.childreninscotland.org.uk, email info@childreninscotland.org.uk or telephone 0131 228 8484.
Children in Scotland is the national agency for voluntary, statutory and professional organisations and individuals working with children and their families in Scotland.

www.childreninscotland.org.uk

The Scottish Government is the devolved government for Scotland. Its responsibilities include health, education, justice, rural affairs and transport.

www.scotland.gov.uk

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The Clear English Standard does not apply to texts first published elsewhere but included in the guide for reference purposes.