

**National Assembly for Wales
Environment and Sustainability Committee
WFG 51
Well-being of Future Generations (Wales) Bill
Response from Children's Commissioner for Wales**

**Comisiynydd Plant Cymru
Children's Commissioner for Wales**

Keith Towler

**Wellbeing of Future Generations (Wales) Bill – Environment and Sustainability
Committee Inquiry**

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim is to safeguard and promote the rights and welfare of children.¹ In exercising this functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC).² The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare. They may also make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales.³

The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty that applies to all children and young people aged 18 and under. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children and in 2011, Welsh Government passed the Rights of Children and Young Persons (Wales) Measure⁴.

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This response is not confidential



Children's Commissioner for Wales

¹ Section 72A Care Standards Act 2000

² Regulation 22 Children's Commissioner for Wales Regulations 2001

³ Section 75A (1) Care Standards Act 2000

⁴ <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislationmeasures-rightsofchildren.htm>

I welcome the intention of this Bill to legislate for a set of long term well-being goals that will ensure that the interests of citizens both now and in the future will be promoted and safeguarded. However I do have concerns that this Bill does not provide sufficient links to the rights and entitlements that children and young people already enjoy under the United Nations Convention on the Rights of Children and think that the scope of this Bill could lead to those rights and entitlements being lost sight of.

I am yet to be convinced that the rationalisation of local authority and partner plans and strategies into Single Integrated Plans has significantly improved outcomes for children and young people, and the current proposals to further rationalise plans does little to allay those concerns albeit I welcome the proposals to establish such plans on a statutory footing.

I will explain in more detail in my response to the general principles of the Bill.

1. The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas –

General Principles:

a. The “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified:

Although the Bill seeks to set out provisions that provide a framework for public bodies to improve wellbeing through sustainable economic, social and environmental development for Wales, I am concerned that the Bill does not reflect strongly enough the need to realise human rights within its common aim. I welcome the principle of sustainable development outlined within the Bill, however, it must be recognised that considerable attention should be paid to meeting the specific needs and vulnerabilities of children and young people and to ground positive foundations of wellbeing for them as the future generation of adults. The United Nations Convention on the Rights of Child (UNCRC) sets out provisions to protect and promote children and young people’s wellbeing. The Convention significantly reflects the intentions set out in this Bill and provides a robust framework to underpin and inform the promotion and safeguarding of children and young people’s wellbeing in Wales. With this in mind, I would like to see a commitment to deliver on the UNCRC to be included on the face of this Bill.

b. The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies:

I welcome the fact that the Bill intends to provide a clear set of wellbeing goals that all Public Service Boards and other public bodies will be working towards, providing a consistency and clarity of purpose throughout Wales. However I do have concerns that as currently formulated the well-being goals are not sufficiently linked to the rights and entitlements that are set out for children and young people within the UNCRC. Enshrining the connectivity between the sustainable development wellbeing goals and the UNCRC within the Bill would further evidence Welsh Government's commitment to the Getting it Right 2009 Action Plan⁵.

I welcome the intent to ensure that a robust and comprehensive framework for collaboration, integration and engagement informs the development of wellbeing objectives. I am concerned, however, about the lack of status given to children and young people in this Bill and about the lack of provision put in place to ensure that Public Service Boards deliver on protecting and promoting children and young people's wellbeing through the UNCRC. I am concerned that without such provision, the specific needs and vulnerabilities of children and young people could be overlooked at objective-setting and delivery stages, and may negatively impact on the sustainability of the programmes of work.

The Bill intends to repeal the separate requirement for Children and Young People Plans and whilst it refers to retaining the substantive duties in section 5 of the Childrens Act 2004, the relevant sections of the Children and Families (Wales) Measure 2010 (relating to child poverty) and the Mental Health (Wales) Measure 2010 which will be discharged through the local well-being plans this could lead to the focus on children and young person's issues being marginalised or overlooked. One of the reasons for having a separate human rights conventions for children is the acknowledgement that children have different needs to adults and have not always been seen as individuals with their

⁵ Welsh Assembly Government (2009) *Getting it right 2009* [.pdf] Available online at: <http://wales.gov.uk/docs/dcells/publications/091117gettingitrighten.pdf> Accessed on: 28/08/2014

own rights. The proposed Future Generations Bill does not appear to take this sufficiently into account and the safeguards to ensure the rights and entitlements of children are properly considered are not strong enough.

c. The approach to measuring progress towards achieving well-being goals and reporting on progress:

I welcome the proposals put in place to strengthen governance arrangements for improving the wellbeing of Wales. Too often there has been a gap between policy intention and the implementation of policy, something that the approach within this Bill seeks to address by placing governance arrangements on a statutory footing. I welcome the requirement for specified public bodies to report annually on their progress and to make such reports publicly available.

I think that it is right that an outcome focused accountability approach supported by national indicators is adopted. This should help to promote a level of consistency and approach across Wales. However I think that it is important to ensure that a key element of public bodies annual reporting in relation to their well-being objectives is to consult with the public and to publish the results of public feedback in relation to the achievement of wellbeing objectives. This will help to promote the transparency and importance of the voice of the citizen that is mentioned elsewhere in the Bill.

In terms of measuring progress, I agree with the approach set out in relation to an annual reporting process for public bodies. I would, however, like to see greater detail as to how the processes of engagement with children and young people informs this process in line with Children and Young People's National Participation Standards for Wales.

d. The establishment of a Future Generations Commissioner for Wales, the Commissioner's role, powers, responsibility, governance and accountability:

I welcome the establishment of a future Generations Commissioner for Wales and the proposal for the Commissioner to be supported by an advisory panel. I welcome the opportunity to ensure that the interests of children and young people, as part of the Bill's

intention to provide for a set of long term goals for Wales are mentioned and further strengthened in the future.

I am unclear as to the extent of influence that the Future Generations Commissioner will have in relation to holding Public Service Boards and other public bodies to account for issues affecting children and young people and thus for potential overlap and duplication of effort between Commissioners. This situation has the potential to confuse and complicate the relationships that already exist between existing Commissioners and their stakeholders, and those stakeholders and the Future Generations Commissioner. It would be helpful to have clearer guidance as to the respective powers and remit of the different Commissioners offices to help avoid such confusion.

The Bill makes reference to the establishment of an advisory panel for the Future Generations Commissioner to advise the Commissioner of the exercise of his or her functions. There is little information in the Bill in relation to this committee, or to the relationship between the Commissioner and the members of the panel. As an independent human rights institution it is imperative for me, as Children's Commissioner for Wales to maintain my independence. It is important that the two offices work together without compromising one another's independent roles and remit thus clarity at the commencement of this new relationship is critical.

I look forward to supporting the Future Generations Commissioner in promoting and safeguarding the interest of future generations.

e. The establishment of statutory Public Services Boards, assessments of local Well-being and development / implementation of local well-being plans:

Public Service Boards

The key issue for the Children's Commissioner for Wales is how to maintain the focus on children and young people and how the Public Service Boards will take up their responsibility in relation to upholding the rights of children and young people in Wales.

As previously stated in my consultation response on 'Shared Purpose, Shared Delivery Guidance' I hold a concern that losing a structure such as the Children and young Peoples

Partnerships will result in a loss of focus upon the specific needs and vulnerabilities of children and young people and that particular stakeholders will lose a voice in discussing local services, for instance smaller third sector organisations. The rationalisation proposed within this Bill could potentially lead to a lack of transparency and difficulties in understanding how to engage in influencing the discussions on population needs and service provision opportunities.

From a children and young people policy perspective, public bodies will be engaged with Family First areas, Integrated Family Support Services, education consortia, Communities First clusters and Local Safeguarding Children's Boards – all of which cut across local authority boundaries. This is not in itself an issue; however it will need to be taken account of when establishing Public Service Board priorities, commissioning arrangements and scrutiny mechanisms.

I am, however, more concerned about outcomes for children and young people across Wales rather than structures. I recognise the need for processes to develop integrated community plans, but whatever processes are undertaken to develop the integrated community plan – it will be the assurance mechanisms which will be essential to identify their effectiveness for children and young people.

I would also welcome further detail within the Bill on scrutiny mechanisms in relation to the potential impact of audit and inspection processes.

Assessment and Implementation of Local Wellbeing

The Bill proposes to amalgamate a number of existing statutory assessment and planning processes. Whilst the proposed changes are intended to simplify the current complex inefficient framework I am concerned that the specific needs and vulnerabilities of children and young people, families, carers and those in need of care and support could be lost if this process is not carefully managed. I am not convinced that the move to single integrated plans has necessarily led to improved outcomes for children and young people. I would want to be assured that any further changes to assessment and planning, particularly when that appears to amalgamate some very specific assessment and

planning processes for vulnerable children and young people will be able to demonstrate improved outcomes.

I do have some concerns about the proposed accountability framework that provides Welsh Ministers with relatively few powers and relies predominantly on the role of local government scrutiny to secure continuous improvement. I would like to see a more robust accountability mechanism with Welsh Government having the power to intervene directly should that be required.

Ends.