
Comisiynydd Plant Cymru Children's Commissioner for Wales

Keith Towler

Mr William Powell AC/AM
Cadeirydd/Chair
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Your Ref: P-04-597

Dear William

Thank you for your letter dated 23rd September 2014 requesting my views on the above mentioned petition.

Throughout my tenure as Children's Commissioner for Wales I have consistently called for the participation of children and young people in decision-making to receive greater recognition and status within civic society¹. Under the United Nations Convention on the Rights of the Child (UNCRC), article 12 (The child's right to be heard) is a fundamental right that should be made available to all children and young people in Wales. It is my firm belief that enabling children and young people to participate in the planning, implementation and reviewing of actions that might affect them harbours significant benefits for individuals, organisations and services, and the wider community.

I welcomed the introduction of the Rights of Children and Young Persons (Wales) Measure 2011 which establishes the legal infrastructure for Welsh Ministers to pay due regard to the UNCRC within all functions of Government. In my view, the effective delivery of the due regard duty in the Measure requires a national participation mechanism for children young people which ensures their views and opinions are understood and assists decision makers to address their specific needs and vulnerabilities – an issue which I have spoken out on several times.

The removal of funding from Funky Dragon is as a result of changes made to the Children and Families Organisational Grant (now known as the Children and Families Delivery Grant) in 2013. This, on the face of it, is contradictory to the UN Committee on the Rights of the Child's 2008 Concluding Observations, recommending:

¹ <http://www.childcomwales.org.uk/uploads/publications/400.pdf>

“that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the day of general discussion on the right of the child to be heard in 2006:

- a) Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child;*
- b) Support forums for children's participation, such as the United Kingdom Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland;*

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- c) Continue to collaborate with civil society organizations to increase opportunities for children's meaningful participation, including in the media.”²*

This position is supported by Wales' UNCRC Monitoring Group's position:

“Introduce legislation, long-term core funding and central support to secure national and local participation structures and mechanisms including Funky Dragon” (p.21)³

I also supported this position within the UK Children's Commissioner's Mid-Term⁴ and Final Report⁵ to the UN Committee on the Rights of the Child. In 2013 however, Wales' UNCRC Monitoring Group expressed significant concerns that they have seen a dismantling of the national infrastructure to support children and young people's participation; reporting the loss of the Children and Young People's Participation Unit and Consortium, and the loss of Welsh Government's strategic direction to support participation⁶.

² United Nations Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland* [.pdf] Available online at: <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf> Accessed on: 30/09/2014

³ Save the Children (2007) *Stop, look, listen: the road to realising children's rights in Wales – Wales NGO alternative report* [.pdf] Available online at: <http://www.travellingahead.org.uk/userfiles/files/stop-look-listen%202007.pdf> Accessed on: 30/09/2014

⁴ Atkinson et al (2011) *UK Children's Commissioners' Mid-Term Report to the UK State Party on the Rights of the Child* [.pdf] Available online at:

⁵ Atkinson et al (2013)

⁶ Save the Children (2013) *Rights Here, Right Now: Are Children's Rights a Reality in Wales?* [.pdf] Available online at: <http://www.swansea.ac.uk/media/Final%20Rights%20here%20right%20now%20Report%20E.pdf> Accessed on: 30/09/2014

In trying to understand Welsh Government's rationale for change to the Children and Families Organisational Grant, I have requested a copy of the Children's Rights Impact Assessment and I am still waiting to receive this document.

As Children's Commissioner for Wales, it is not in my remit to challenge Welsh Government's funding procedures or to support an individual organisation in such processes. I have, however, raised my concerns with Jeff Cuthbert AM, former Minister for Communities and Tackling Poverty, on the basis of protecting and promoting children and young people's right to be heard and the concerns raised with me by children, young people and professionals about the potential loss of a national structure designed to enable them to participate in national decision-making.

I have subsequently met with Lesley Griffiths, the new Minister for Communities and Tackling Poverty, who confirmed with me that Wales remains very much committed to listening to the voices of children and young people and to ensuring that they have a robust national platform from which they can influence decision-making and policy development. She also expressed that Welsh Government was not best positioned to directly resource this and that, in light of their recent commitment to Youth Engagement, the National Assembly for Wales would be a primary stakeholder in this process, and committed to pursuing discussions with the Presiding Officer at the earliest possible stage. It is now clear to me through the Children and Families Delivery Grant, Children in Wales (and their partners) would also play an instrumental role.

Whilst I am unable to comment directly on the position of funding for Funky Dragon, I am in favour of the principles outlined in the petition's wording. Children and young people must have a peer-led national

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mechanism from which they can influence decision-making, have their voices heard, and work with Assembly Members, Members of Parliament and the United Nations to further the national best interests of children and young people. Such a structure would need to be aligned with the local participation duties outlined in the Children and Families (Wales) Measure 2010 and provide a platform to which they can be democratically elected from their local areas.

Comisiynydd Plant Cymru
Children's Commissioner for Wales
Keith Towler

It is important to acknowledge that the governance structures of Wales has changed since Funky Dragon was established and that a shared responsibility and funding agreement between the Welsh Government and the National Assembly for Wales will need to be reached to ensure that children and young people are still afforded the opportunities to influence decision making and take up their place in civic society.

Yesterday, I chaired a meeting which included officials from Welsh Government and Children in Wales to discuss achieving progress on this agenda. I was encouraged by everyone's commitment to ensuring Wales has a robust national platform to support children and young people's participation. I am determined that whatever form this might take, it will build upon the considerable achievements that the children and young people involved with Funky Dragon have secured in the past 12 years.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Keith Towler', with a horizontal line underneath it.

Keith Towler
Children's Commissioner for Wales