

PAPER TO THE CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE

THE COMPLIANCE REPORT ON THE RIGHTS OF CHILDREN AND YOUNG PEOPLE (WALES) MEASURE

The Rights of Children and young Persons (Wales) Measure 2011

1. As a result of the Rights of Children and Young Persons (Wales) Measure 2011, Ministers must have due regard to the UNCRC when exercising any of their functions. This is to secure positive outcomes for children and young people, by creating a culture which respects and upholds children's rights. Everything we do, as we implement the Measure, is focussed on better decision-making and better policy-making for children and young people, resulting in them being able to realise their potential.
2. On 1 May 2014, the full implementation of the Measure came into effect. This was accompanied by our revised and strengthened Children's Rights Scheme, to identify the arrangements Ministers have in place to ensure they comply with the duty. This received unanimous cross party support when passed.
3. Section 4 requires the Ministers to publish a [compliance] report, as a minimum every five years, on how they and the First Minister have complied with the duty under section 1. We reviewed the compliance reporting cycle and committed to producing mid-term reports, moving from reporting every 5 years to reporting every two and a half years. As a result, the second Compliance Report was published on 1 July 2015 and was debated in plenary on 30 June 2015.

Compliance Report

4. The Compliance Report sets out how Ministers have complied with the obligations under the Measure, how they have put in place the arrangements relating to section 1 of the Measure as set out in the Children's Rights Scheme 2014, the way in which the Welsh Government applies the duty to have due regard to the UNCRC generally and what impact it has had.
5. Ministers also committed to report on the following elements, which are included in the Compliance Report:
 - the training available, both to internally and externally;
 - an overview of the work of the Children's Rights Scheme Implementation Group and of the Measure Implementation Group;
 - the number of Children's Rights Impact Assessments (CRIAs) undertaken, reported on a departmental basis;
 - the effectiveness of the CRIA process including specific examples; and
 - the activities relating to promoting knowledge and understanding of the UNCRC under section 5 of the Measure.

6. Whilst I am the portfolio Minister for children and children’s rights, the duty is on all Ministers. The report reflects this and the examples used are across Ministerial portfolios and across legislation, policy and programmes. This was to illustrate how having due regard takes many forms and needs to be flexible to allow for the breadth and scope of the work of Government. As a result of the Measure being fully implemented and the due regard duty being applied to all Ministerial functions, there has been a substantial increase in the number of full CRIA processes having been undertaken:

Numbers of CRIAs Completed from May 2014 to September 2015: 126	
Dept for Education & Skills	38
Dept for Health & Social Services	38
Economy, Science & Transport	4
Finance & Corporate Services	3
Local Government & Communities	25
Natural Resources	18

7. However, the ‘due regard’ duty can be met in a number of ways. It is not always straightforward and will not always mean undertaking a CRIA. In addition, the CRIA process does not necessarily lead to a particular pre-defined outcome. It is possible the highest quality, most robust and comprehensive CRIA does not change the findings/outcomes of the decision being made. It may be the process confirms a decision has no impact or it is broadly positive and the direction of travel does not need to change. It is about how decisions are taken and the considerations which are made to reach a conclusion, not necessarily the conclusion itself.
8. Our policy on making our CRIAs publically available is a testament to our openness and transparency and the benefit of constructive engagement with our stakeholders and interested parties. There have been 3 CRIA newsletters issued to date which have been well received.
9. The report also sets out how the Government is utilising all kinds of methods and avenues to promote children’s rights, including age appropriate resources, internal and external training, e-learning packages and providing funding both for an international conference and to establish a children’s rights centre of excellence. Knowledge and understanding of the UNCRC has an important part to play in ensuring the rights and obligations they contain are respected. This work is ongoing on a national and local level.

Resources:

Childrensrights.wales is Welsh Government’s website to promote knowledge and understanding of the UNCRC. Since January 2015 there have been **26,758** unique visitors.

Twitter (uncrc_wales) – since June 2010 when it was established:

Followers	Following	Posted tweets
503	240	642

Hard copy resources - 27,079 have been requested by a number of organisations since November 2014. These are in addition to those available to download on the childrensright.wales.

For example:

- a fun fact sheet on the UNCRC for younger children (7-11yrs) which, since becoming available on 14 September 2015, 5300 copies have been requested by organisations to distribute directly to children and those who work with them.
- 9,690 book bags to be sent out to Flying Start settings and to include two of our resources on the UNCRC and children's rights in Wales.

UNCRC training for professionals working with children and young people:

Numbers who have attended face to face training on the UNCRC since Dec 2013:

Sector delivered to:	2013-14	2014-15	Totals
Managerial	2	30	32
Education	18	25	43
Health	31	4	35
Social Services	46	33	79
Youth	9	63	72
Justice	103	28	131
Sports	0	2	2
Early Years & Childcare	79	27	106
Media	7	5	12
Voluntary Sector	0	33	33
Training	0	22	22
Not specified	0	2	2
Total	295	274	569

Numbers undertaken external UNCRC e-learning from December 2012 (available on childrensrights.wales): 543

UNCRC training for government officials:

Prior to 1 May 2014 over 2000 officials across Welsh Government had undertaken the previous version of the UNCRC online training. Since then (1 May 2014 to 30 April 2015) the numbers who have attended face to face training or undertaken the revised online training is over a 1000. This is in addition to bespoke training for departments and teams such as Legal Services.

Department	Number
Dept for Education & Skills	53
Dept for Health & Social Services	92
Economy, Science & Transport	162
Finance & Corporate Services	76
Local Government & Communities	87
Natural Resources	470
Permanent Secretary	5
Legal Services	3
TOTAL	1148

10. Delivering effective services leading to better outcomes must also be accompanied by listening to and engaging with children and young people. The Welsh Government is absolutely committed to children and young people's participation and is providing £1.8 million of funding over 3 years to Children in Wales' Centre of Excellence for Children's Rights, which includes structures to enable thousands of children and young people to have their opinions heard and influence our work. Their national independent participation model, Cymru Ifanc / Young Wales, was launched at the end of March 2015 and young people from all kinds of backgrounds shape the nature of the work through steering groups. In addition, we continue to visit Local Authorities to ensure they are implementing their duty to enable the participation of children and young people under the Children and Families (Wales) Measure 2010.
11. The compliance report enabled us to capture the actions and progress made, as well as provide an opportunity to reflect and to consider the lessons learnt with an eye towards improvements as set out in the report. We continually assess the effectiveness of what we do and how we do things. The process of reflection will be informed to a large extent on an independent evaluation of the CRIA process due in late September 2015.

Independent Review of the Role and Functions of the Children's Commissioner for Wales

12. The independent Review on the Role and Functions of the Children's Commissioner for Wales was commissioned by the previous Minister for Communities and Tackling Poverty (MCTP), Jeff Cuthbert AM. The intention of the review was to ensure the Children's Commissioner's role is as clear and as effective as possible for the benefit of children and young people and the recommendations sought to further strengthen the Commissioner's valued position.
13. The review was undertaken by Dr Mike Shooter who published the final report on 10 December 2014. He made 40 recommendations which cover appointment, scrutiny and accountability, efficiency and effectiveness, governance and accountability, and value for money.
14. On 15 July, I issued a Written Statement updating members on the review, setting out how different recommendations relate to different parties, and clearly setting out the Government's position on the appointment of the Commissioners.

Recommendations for the Commissioner

15. Fifteen of the Reviews recommendations were operational matters for the Children's Commissioner for Wales including improved budget estimates, increased involvement of children and young people, and consideration to internal staff structure. I have written to the Commissioner, Professor Holland, and subsequently met with her, asking her to consider these. The Commissioner has responded in an open and positive way to the recommendations and is already taking action on a number of them, with a commitment to consider the remaining recommendations

further. Professor Holland has agreed to keep me informed of action taken in response to these recommendations.

Recommendations for the National Assembly for Wales

16. Two of the recommendations, relating to scrutiny of the Commissioner, were matters wholly for the National Assembly for Wales and I have written to the Presiding Officer drawing them to her attention.

Remaining recommendations for government

17. After careful reflection, we are clear the responsibility for the appointment and funding of the Commissioner should continue to rest with the Welsh Government, whilst the role of scrutiny and accountability rests with the Assembly. Separating these two sets of functions safeguards the effective independence of the Commissioner. The Commissioner is appointed by the First Minister, following fair and open competition which includes a Panel with cross-party representation and young people. The Commissioner, like others in public life, is accountable to the public via the National Assembly's subject and Public Accounts Committees.

18. Of the remaining recommendations a number of these relate to potential legislation. Before committing to new legislation, there is a need to look at whether it is desirable, necessary and practicable. Ministers are conscious of the different roles and powers of the Children's Commissioner, Older People's Commissioner, Welsh Language Commissioner and the Future Generations Commissioner, which are specific to their remits, and these should be maintained. We are of the view the Public Services Ombudsman for Wales should not be included as part of our considerations. We would require evidence of the need for a single piece of legislation defining all Commissioners' roles and purposes, or of the need to amend existing legislation in order to bring greater consistency. Officials have begun work to scope and consider the need for, and implications of, new legislation. However, any new legislation, if considered necessary, would not be possible until the next Assembly term.

19. Whilst accepting the respective Commissioners needs to be adequately resourced to fulfil their role, all bodies in receipt of public funding must be able to evidence value for money. This is all the more pressing given the current financial climate and the need for greater efficiency. We have offered the Commissioners support, advice and encouragement in seeking to maximise joint working, and identify economies in support services and office costs.

20. There are some recommendations which have already been addressed, such as the involvement of children and young people and Members from all parties in the appointment process for the Children's Commissioner, the requirement to give up existing posts where there is a perceived conflict of interest and a training strategy to raise awareness of the UNCRC and the Children's Commissioner amongst professionals who work with children and young people.

21. The review was commissioned with a view to strengthening the Commissioner's office and I am pleased it has enabled open and frank discussion whilst always fully respecting the independence of the Commissioner.