



# Comisiynydd Plant Cymru Children's Commissioner for Wales

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## Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 19<sup>th</sup> February 2018

Subject / Pwnc: **National Assembly for Wales - Health, Social Care and Sport Committee: Inquiry into the physical activity of children and young people**

### Background information about the Children's Commissioner for Wales

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. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). 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.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. 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 Government adopted the UNCRC as the basis of all policy making for children and young people and in 2011, the National Assembly for Wales passed the Rights of Children and Young Persons (Wales) Measure, which places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

I welcome that this inquiry provides for a specific focus on the physical activity of children and young people. I also positively note that the Committee intends for the information to be considered during the development of the National Obesity Strategy. The Inquiry offers an opportunity to set out Wales's expectations to help ensure the best possible start for our children and young people and actively equip them, parents/carers, professionals and the public with knowledge, tools, support, opportunities and services to reach their full potential and lead as healthy and physically active lives as possible. Ultimately, working towards and achieving this would uphold children's rights and it is my intention to focus primarily on this aspect within my response. In this response I make the following key points.

1. Physical activity and obesity have a clear relationship with Children's Rights. It is therefore crucial that in taking this agenda forward the Welsh Government and public services consider their obligations under the United Nations Convention on the Rights of the Child (UNCRC) and Rights of Children and Young Persons (Wales) Measure 2011.
2. Access to play, rest, leisure, recreational activities, cultural life and the arts is a right in itself (Article 31, UNCRC) and should be clearly acknowledged and associated with this agenda.
3. Based on the information readily available I am concerned about the apparent social inequalities in participation in sport and in obesity levels.
4. It is imperative that children and young people in Wales are given opportunities to meaningfully engage in this agenda, from gathering evidence in respect of children and young people's current experiences of engaging in physical activity, to designing and evaluating programmes, services and activities. Ultimately, this is a right that all children and young people regardless of the topic under Article 12 of the UNCRC.
5. I identify some promising programmes in place in Wales, but would emphasise the need for clear evidence of effectiveness, to include outcome measures and qualitative evidence from children themselves.

### **Children's Rights and the UNCRC**

This Inquiry presents the opportunity to frame the discussions around children and young people's rights to health (Article 24) and survival (Article 6). Furthermore the United Nations Convention on the Rights of the Child (UNCRC) can be used as a framework to ensure that all rights of children and young people are acknowledged and opportunities for realising them are maximised. An approach to physical activity seen through a Children's Rights

lens supports a child or young person's right to rest, leisure, play, recreational activities, cultural life and the arts (Article 31), to associate with others and join clubs (Article 15) and to fulfil their potential (Articles 6 and 29).

I have seen the importance of these rights through spending time with children at numerous engagements, such as school visits, out of school activities and the annual Conwy play day, and through consultation work that my office undertook with young people in summer 2017. This work gathered the views of over 200 children and young people from diverse backgrounds about their opportunities to take part in activities under Article 31 of the UNCRC, that is, to play and take part in sport and leisure activities, the arts, culture and heritage. Some children and young people talked about using their leisure time for specific "sports" but many more told us how they were involved, to varying degrees, in physical activity. Examples included; walking, swimming, cycling, playing outside and going to the park. The latter was particularly referenced across of a range of ages. In 2016 the UN Committee on the Rights of the Child acknowledged Wales' specific policy commitments to play and children's rights, yet they also made a number of recommendations for further development, including to "provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialization and public transport to access such spaces."<sup>1</sup> As Play Wales outlined in their written submission for this Inquiry "although there are limited longitudinal studies assessing the longer-term impact of play for health, there is evidence (and it is widely accepted) that playing is central to children's physical, mental, social and emotional health and wellbeing (Lester and Russell, 2008)."<sup>2</sup> Therefore whilst this Inquiry is focused on physical activity there is a link and opportunity here which should not go unrecognised in relation to play, including play sufficiency legislation. [General Comment 17](#) was written by the UN Committee 2013 following concerns that there was "poor recognition given by States to the rights contained in article 31"<sup>3</sup> and I would recommend this document as it explores in greater detail the relationships and expectations on state parties in relation to a child's right to rest, leisure, play, recreational activities, cultural life and the arts which fits with this agenda.

Five to seven year olds told me as part of my Beth Nesa consultation, which involved over 7000 children and young people in Wales, that play was important to them - their biggest priority was "more places to play."<sup>4</sup> "Better places

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<sup>1</sup> [Committee on the Rights of the Child Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland](#), 2016, page 20.

<sup>2</sup> [Inquiry into physical activity of children and young people](#), Play Wales, September 2017, page 1.

<sup>3</sup> [General comment No. 17 \(2013\) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(art. 31\)\\*](#), Committee on the Rights of the Child, April 2013, page 3.

<sup>4</sup> [Children's Commissioner for Wales Beth Nesa? What Next? The findings](#), Children's Commissioner for Wales Office, 2016, page 15.

for young people to spend time in their local area”<sup>5</sup> was ranked 6<sup>th</sup> priority for 7-11 year olds and 3<sup>rd</sup> for 11-18 year olds.

In relation to the development of the national obesity strategy, I would also like to highlight that the UN Committee not only identified obesity as a concern,<sup>6</sup> but made a specific link to nutrition. The conclusions drawn by the World Health Organisation’s 2017 report<sup>7</sup> in respect of obesity and related behaviours, also identifies nutrition/dietary behaviour as a key factor along with physical activity and sedentary behaviour. The report is informed by the [Health Behaviour in School-aged Children \(HBSC\) Survey](#) which involves children and young people from across Europe and North America, including Wales. I will revisit some of these aspects again within this response.

Whilst highlighting these particular rights, the realisation of one right should not have a detrimental impact on the achievement of others. For example, the right to play, leisure and recreational activities also includes the right “rest” and emphasises that play is freely chosen. The views of a 9 year old who was involved in our consultation work over the summer perhaps show what children can experience if their rights aren’t equally considered despite the best intentions of the adults around them, *“3 days I have activities after school but I do get the rest of the week off.”*<sup>8</sup>

### **Children’s Rights commitment and approach**

On a regional and local level Public Services Boards, Local Authorities and Health Boards are some of the key vehicles through which current and future policies and programmes are delivered, from active travel to the forthcoming obesity strategy. Last year my office published [The Right Way](#), a guide to how public services can adopt a children’s rights approach which I am promoting across Wales, in order to ensure that children’s policies and services are planned and delivered in-line with a children’s rights framework. In addition, the Future Generations Commissioner and I will shortly be launching a toolkit which will assist public bodies in meeting their obligations to children and young people under our respective sets of legislation and measuring their progress.

### **Physical Activity Levels**

As the Children’s Commissioner for Wales it is my aspiration that every child and young person in Wales has an equal chance to fulfil their potential. Information in respect of physical activity in Wales reported by both parents and

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<sup>5</sup> [Children’s Commissioner for Wales Beth Nesa? What Next? The findings](#), Children’s Commissioner for Wales Office, 2016, page 15.

<sup>6</sup> [Committee on the Rights of the Child Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland](#), 2016, page 16.

<sup>7</sup> [Adolescent obesity and related behaviours: trends and inequalities in the WHO European Region](#), 2002–2014, WHO, 2017, pages 44-47, accessed 23.01.2018.

<sup>8</sup> Young person –Article 31 Survey: Children and Young Person’s Survey, Children’s Commissioner for Wales Office, Summer 2017.

children similarly indicate that around half of children may be active: “51% of children (age 3-17) were reported by parents/carers as being active for at least an hour seven days a week”<sup>9</sup>. A similar picture is presented in respect of school aged children being “hooked on sport”<sup>10</sup> with 48% of secondary school children and 49% of primary school stating that they take part three or more times a week. With 29% of children in the same survey reporting no frequent sporting activity, it can be seen that there are wide differences in the everyday experiences of children in relation to physical activity across the population.

Furthermore, there are indicators that income inequalities are having an impact. The School Sports Survey (Sport Wales) identifies “there is around a ten percentage point difference between pupils who are hooked on sport in FSM1 compared with FSM4 (Free School Meals Quartile).”<sup>11</sup>

The Child Measurement Programme for Wales 2015/16 reported that a quarter of reception aged children in Wales (26.2%) are overweight or obese<sup>12</sup> and that once again those from the most deprived backgrounds appear to be amongst those significantly affected. I note that in their [State of Child Health 2017 Recommendations for Wales Report](#) the Royal College of Paediatrics and Child Health have recommended that “Public Health Wales should expand the Child Measurement Plan for Wales to measure children after birth, before school and in adolescence”<sup>13</sup> having stated that “Data on obesity in older children is not collected in Wales and this must be rectified.”<sup>14</sup>

### **Children and Young People’s engagement**

In order to have a picture of the physical activity of children and young people in Wales and create meaningful policies, programmes and opportunities I believe that their right to give their views and have them taken into account must be upheld (Article 12). In Wales, quantitative data is gathered from children and young people through a number of surveys including the Health Behaviour in School Age Children Survey, the Millennium Cohort Study and the School Sport Wales Survey. The nature of the surveys have enabled a degree of comprehensive data specific to Wales to be established, which can also in most cases be compared to children’s lives in the rest of the UK and internationally. This survey data is important to understand patterns and behaviours. However, it is also important to understand the context for why there are certain patterns of behaviour, such as gender differences in sports participation, and why some promising programmes may fail to achieve the results hoped for. This type of

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<sup>9</sup> [National Survey for Wales 2016-17: Child Health – Lifestyle](#), statistical bulletin, Welsh Government, Sept 2017, page 6.

<sup>10</sup> “the number of occasions per week that a pupil takes part in either extracurricular school based activity or community based club activity” [State of the Nation Report, Sport Wales](#), 2015, page 5.

<sup>11</sup> [State of the Nation Report, Sport Wales](#), 2015, page 6.

<sup>12</sup> [National Child Measurement Programme for Wales 2015/16](#)<sup>12</sup>

<sup>13</sup> [State of Child Health 2017 Recommendations for Wales Report](#), Royal College of Pediatrics’, page 8.

<sup>14</sup> [State of Child Health 2017 Recommendations for Wales Report](#), Royal College of Pediatrics’, page 8.

understanding may be gained through a mixture of qualitative research and activities which enable children to participate in discussion and decision-making forums. The 2015 School Sport Survey identified that children and young people were “Nine times more likely to enjoy P.E. 'a lot' if their ideas about school sport are always listened to.”<sup>15</sup> The redevelopment of the Curriculum in Wales presents an opportunity to co-design this aspect with children and young people. Similar involvement of children and young people in co-designing community resources for physical activities is also likely to achieve more successful policies and provision. This way of working fits with a children’s rights approach and also the ways of working under the Wellbeing of Future Generations (Wales) Act 2015.

My aspiration as Children’s Commissioner for Wales is for every child to have an equal life chance to enable them to fulfil their potential. Robust data will provide evidence of the progress Wales is making towards this. Children and young people should have a key role in being involved in policy development, providing feedback and holding public services to account for their progress in this area. At a recent Government round table discussion with researchers involved in the national surveys mentioned above, I was encouraged to note a recent development of plans by some of the survey providers to enable children and young people to engage with their schools on development plans arising from the results of surveys.

### **Barriers to participation**

Views that over 200 children and young people provided to my office in summer 2017 give an indication that attitudes and barriers to utilising play and free time and taking part in activities (including physical activity) are affected by a number of factors including, but not exclusive to, gender. Aspects affecting children and young people’s participation include where children and young people live, socio economic circumstances – more specifically child poverty, health (including disabilities), family and social networks, and religion and culture. It is for this very reason that the participation of all children and young people in developing policies and strategies, as stated above, is so important.

Through interactive workshops held during 2017, my office was able to gather qualitative data from children and young people of both sexes including those with disabilities, different socio economic backgrounds, Welsh speakers, young carers and those who are care experienced. Despite their different social contexts there were a number of similarities in terms of the barriers to enjoying free time or engaging in activities. These were lack of time (particularly due to school work and exams), transport issues, availability and accessibility, cost of activities and equipment as well as lack of money, knowing ‘what is on’ and confidence. Links with confidence were self-image, family support,

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<sup>15</sup> [School Sport Survey webpage](#), Sport Wales, accessed 30/01/2018.

whether the activity was perceived by their peers as 'social suicide' (although this was usually associated with arts based activities) and some concerns about bullying.

Although there were commonalities across different social groups, as may be expected, there were some differences. Many girls talked about unequal access to football and rugby. A number of Muslim girls talked about the need for more female only activities and sports coaches to enable them to uphold their religious practices whilst participating in activities they enjoyed. However, accessing football was also raised as a barrier for boys, particularly in terms of elitism, and members of the LGBT community ambassadors group talked about the barrier of gender specific teams. Children and young people with disabilities raised particular issues about wheelchair access to play and leisure facilities and the suitability of changing areas. They also talked about support to get to places but not wanting adults to be overly protective; "people annoy me by interfering" as one disabled young person described it. Care leavers spoke about barriers in terms of local authority rules in respect of permission to participate as well as health issues like anxiety, depression and back problems. Meanwhile, for young carers, their caring role and money were two significant barriers. When asked – "What sports and leisure do you do?" one young carer replied, "Walking to the shops to buy things for my mum". There have also been concerns expressed about cuts to facilities in relation to the current era of austerity in public spending. My office provides an Investigation and Advice service and recent contacts have included concerns from adults and a group of children about outdoor and indoor provision being closed, changes to costs and degree of community consultation.

### **Physical Environment**

Several children and young people and their parents also identified concerns related to undertaking activities outside; traffic, poorly maintained areas, not being old enough to play outside, drugs paraphernalia, gangs and safety in general. In 2015, with the support of Sustrans, my office published a report about School Journeys<sup>16</sup> based on the views of almost 1000 children aged 5 – 11. When asked what they liked about walking, cycling or scooting to school "Children's comments on this issue most commonly fell into four categories: health benefits, having fun and playing, enjoying the environment, spending time with friends, family and other people."<sup>17</sup> The added benefits from active travel were striking. More negatively, "Road safety was mentioned as a barrier by a lot of children, including cars, speeding and safe ways to cross roads. In addition, a lack of paths to walk along busy roads and of cycle paths in good condition were mentioned by many children. Other barriers were the weather

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<sup>16</sup> [School Journey's Children's Commissioner for Wales, Special Mission, School Journeys Survey, Findings and Report](#), Children's Commissioner for Wales, 2015.

<sup>17</sup> [School Journey's Children's Commissioner for Wales, Special Mission, School Journeys Survey, Findings and Report](#), page 7.

and lack of provision of cycle racks at school.”<sup>18</sup> This upholds that the physical environment provides a backdrop to play and utilisation of free time which promotes physical activity. I believe that as a population we need to build activity into everyday routines, such as travel to school, and that habit needs to start at a young age. For the period of 2014/2015 the National Survey reported that the proportion of Primary School children who typically walked to school was 49%, the same as the year before. In 2016/2017 this figure dropped 7 percentage points to 42%. Cycling dropped from 3% to 2% and finally to 1% in 2016/2017. The figures reported over these periods in respect of secondary school children have remained relatively static within 3 percentage points of each other but paint an even bleaker overall picture in terms of active travel engagement for children in this age group – for 2016/2017 it was 34%. It is important that this data continues to be collected in a manner which enables the figures to be compared over time to help build a long term picture of children and young people’s active travel in Wales.

Older children involved in discussions in summer 2017 continued to express concerns, similar to those expressed in 2015 through the Beth Nesa consultation, regarding the availability of age appropriate activities in their local area. *“16 year olds, for example, are seen as too old to play in the park but too young to go to the pub. There should be more outdoor adventure and indoor social spaces that are young people friendly and not child friendly.”*<sup>19</sup> It is important to remember that all children and young people have the right to play and leisure (including physical activity) and that whilst setting the scene for this in the early years is important, the environment should provide opportunities into adolescence and beyond.

### **The role of technology**

As part of the interactive summer workshops all children and young people involved in discussions about how they spent their free time mentioned using technology from watching YouTube to talking with friends. This is perhaps not surprising given Ofcom’s [Children and Parents: Media Use and Attitudes Report](#) in November 2017 which states that “More 3-4, 5-7s and 8-11s are online than in 2016, with increases of more than ten percentage points for the youngest two age groups.”<sup>20</sup> Yet, when children and young people gave their views about what they missed out on, using technology was rarely mentioned. Instead they expressed wanting to engage in activities and experiences. Therefore, whilst technology may be an easily accessible option for many (but not all) this may not necessarily mean it would be their first choice. One young person identified Technology as a clear barrier and believed this widely affects children and young people *“The availability of entertainment. Whether it is YouTube, Xbox, Facebook, Netflix*

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<sup>18</sup> [School Journey’s Children’s Commissioner for Wales, Special Mission, School Journeys Survey, Findings and Report](#), page 6.

<sup>19</sup> Young person - Member of Children’s Commissioner for Wales Community Ambassador group, Summer 2017.

<sup>20</sup> [Children and Parents: Media Use and Attitudes Report](#), Ofcom, November 2017, page 7.



*or TV, there are far too many easily accessible sources of entertainment. These are all addictive and can limit the amount of physical exercise that young people do. Young people can often find time for homework because it needs to be done, but in my opinion, exercise is something that many people leave out.*"<sup>21</sup> I note that the WHO report highlights sedentary behaviour as a contributory factor in relation to obesity. In their January 2018 publication in respect of children's screen time the British Psychological Society recommended that more robust studies were needed which can identify causality and that more qualitative methods, such as interviews, ethnography and participatory design, should be employed...."<sup>22</sup>

### **Reducing Barriers**

Without prompting, some children and young people we heard from in the summer offered solutions to the barriers they raised, including: More role models (particularly for girls), female coaches, social sporting opportunities and using money differently to run youth clubs over the summer. I will be publishing a spotlight report this year which will provide more details on the views of children and young people around access to play and leisure opportunities, and will ensure that this is shared with the Committee in order that it can contribute to this ongoing Inquiry.

As Commissioner I have had the privilege of visiting a number of promising programmes relevant to this agenda including Us Girls, Street Games, Food and Fun, Fit and Fed and several schools embracing the Daily Mile programme. I have seen children and young people enjoying activities from running and skipping to music as part of their daily mile to learning about how to cook healthy food. Many also told me how much they valued these activities.

However, the [Effectiveness of a childhood obesity prevention programme delivered through schools, targeting 6 and 7 year olds: cluster randomised controlled trial \(WAVES study\)](#) recently published in the British Medical Journal highlights my earlier point that effective evaluation of programmes to establish if they have achieved their intended outcomes is important. In this case, even with what appeared to be comprehensive social interventions, the programme did not deliver the intended outcome, which was to reduce childhood obesity. The authors conclude that the childhood obesity epidemic is unlikely to be addressed by school programmes alone "without wider support across multiple sectors and environments."<sup>23</sup>

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<sup>21</sup> Young person - Member of Children's Commissioner for Wales Community Ambassador group, Summer 2017.

<sup>22</sup> [Better evidence needed on appropriate screen time for children and young people](#), The British Psychological Society, 17<sup>th</sup> January 2018, accessed 02.02.2018.

<sup>23</sup> [Effectiveness of a childhood obesity prevention programme delivered through schools, targeting 6 and 7 year olds: cluster randomised controlled trial \(WAVES study\)](#), Adab Peymane, Pallan Miranda J, Lancashire Emma R, Hemming Karla, Frew Emma, Barrett Tim et al. BMJ 2018; 360 :k211, page 1, accessed 08/02/2018.

Submitted by:

A handwritten signature in black ink, appearing to read 'Sally Holland', written in a cursive style.

**Professor Sally Holland**

**Children's Commissioner for Wales**