

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac
Addysg
Ymchwiliad i Hawliau plant yng Nghymru
CRW 10
Ymateb gan: Chwarae Cymru

National Assembly for Wales
Children, Young People and Education
Committee
Inquiry into Children's rights in Wales
CRW 10
Response from: Play Wales

About Play Wales

Play Wales is the national charity for children's play. We work to raise awareness of children and young people's need and right to play and to promote good practice at every level of decision making and, in every place, where children might play. We provide advice and guidance to support all those who have an interest in, or responsibility for providing for children's play so that one day Wales will be a place where we recognise and provide well for every child's play needs. Our team of six works across Wales – our work includes:

- Policy
- Information service
- Advice and support
- Workforce development.

Our response

Play Wales is a member of the Wales UNCRC Monitoring Group, a national alliance of non-governmental and academic agencies, tasked with monitoring and promoting the United Nations Convention on the Rights of the Child in Wales. Play Wales endorses and echoes the response submitted by the group and this response will specifically address issues regarding the right to play, as enshrined in article 31 of the Convention.

Has the measure influenced Welsh Government decision making?

Policy and legislation on children in Wales is underpinned by the UNCRC. The Rights of Children and Young Persons (Wales) Measure 2011, the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015 all establish duties on public authorities that contribute toward the realisation of children's rights.¹

We agree with conclusions made by Hoffman & O'Neill² that *'the Measure has resulted in greater visibility for children's rights in policy processes undertaken by Ministers...(and) although there remain challenges of implementation of the Convention in Wales through government policy and action, overall the Measure has had a positive impact on the way policy is undertaken'* (p. 9)

Play Sufficiency Duties are positioned (in Section 11) within the wider Children and Families (Wales) Measure 2010 anti-poverty focus, with the claim that play opportunities may mitigate the negative effects of poverty, build resilience and reduce 'poverty of experience' for low-income families.³ In Wales, play sufficiency is rights based, in line with all Welsh Government's policies relating to children and young people. The play sufficiency duties were commenced in two parts (November 2012 and July 2014). The statutory guidance⁴ on assessing for and securing sufficient play opportunities for children in their areas issued to local authorities by Welsh Ministers references the Rights of Children and Young Persons (Wales) Measure (2011). It also notes other rights that the duty supports in addition to article 31 rights (notably articles 12 and 15)

Has the measure improved outcomes for children?

Play Wales has recently commissioned a small-scale research project exploring perceptions of what has changed since the commencement of the Welsh Government's Play Sufficiency Duty in 2012. The study follows on from two previous small-scale research projects, one on the first Play Sufficiency Assessment⁵ and the second as a follow up on approaches to securing Play Sufficiency⁶. It also draws on the experiences of team members working in and with Welsh local authorities on the Play Sufficiency Duty and with the conceptual tools that have been developed over this period.

Findings of this research⁷ note that *'despite the challenges faced, there is still great enthusiasm for the Play Sufficiency Duty. People talked of new connections and breakthroughs, of play being taken seriously within the authority, and of innovative initiatives. There was a sense of a broad appreciation of the nature of children's play and the conditions needed to support it, embracing both specific provision and opportunities for children to play and hang out in their neighbourhoods.'*

Play Sufficiency Assessments require consultation with children, and as a minimum this is done through surveys. Those authorities with play development capacity have developed more meaningful and child-friendly ways of compiling collective wisdom regarding children's relationship with their neighbourhoods. This has shown that many children do still play out.

Seeking children's views on their right to play is an important component of gauging how the right to play is being respected, protected and fulfilled. Play Wales is working with Dr David Dallimore of Bangor University to analyse surveys completed by nearly 6,000 children across thirteen local authority areas in Wales as part of their Play Sufficiency Assessments in 2019. Through the survey, children tell us what's good about the play opportunities in their local area and tell us how satisfied they are about when, how and where they can play.

Early analysis⁸ suggests that overall, the picture presented by children across Wales is that when they are allowed out, and able to play in the places they want to, most children are happy with the choice of good quality spaces, and overall are satisfied with their play opportunities. There are however, many children that because of parental restrictions – often with well-meaning concerns for safety – are not able to play out and therefore gain the greatest health, social and emotional benefits on offer.

Is the Measure embedded across Welsh Government cabinet portfolios?

The children's survey asks questions that attempt to predict children's satisfaction with their play opportunities, and therefore identify the most important barriers that children face. The responses reinforce that play 'takes place whenever and wherever opportunities arise'⁹ and the Play Sufficiency Duty recognises that children's ability to find time and space for play is affected by all local authority functions and therefore requires authorities to work cross-departmentally. The same is true at national government level. The statutory Play Sufficiency Assessments have resulted in positive partnership working across local authorities¹⁰, but more can be done at national level.

There is no doubt that there are many policy areas and developing pieces of legislation which will improve opportunities for children's play. Some worth mentioning include:

- The anticipated national speed limit of 20 mph

- The inclusion of funding for staffed play provision as part of the Holiday Hunger - Playworks Pilot facilitated in summer 2019

However, it is difficult to assess whether these decisions were influenced by either Rights of Children and Young Persons (Wales) Measure (2011) or Section 11 or Children and Families (Wales) Measure 2010. Furthermore, the opportunity to refer to and use of the due regard duty during debates, plenary sessions and scrutiny undertaken by committees has not always been embraced as it might have been.

Play Wales welcomes the planned Welsh Government play review due to commence in autumn 2019. This will offer an opportunity to review cross-departmental working nationally to ensure children's right to play is acknowledged and embedded in national policies, practices and funding streams.

How effective are Child Rights Impact Assessments and Compliance Report?

To further support cross portfolio working, we recommend that quality Child Rights Impact Assessments (CRIAs) are consistently undertaken on all proposed policies, budgetary decisions and legislation likely to impact on children and young people, and that these are routinely made available in a timely manner to external stakeholders, and for scrutiny by children and young people who should also be engaged in their preparation.

The most recent Welsh Government Compliance Report identified 'commissioning, coordinating and supporting training' as one function, which we agree is crucial in enabling officials, particularly those leading on the development of CRIA, to have sufficient understanding of the Convention and the due regard requirements prescribed by the Measure. The report states that 648 staff across 4 departments have completed the online training during the period covered by the report, a significantly lower number than in the previous period. We understand that the training is currently being refreshed and updated to improve its accessibility. It should be emphasised that, as due regard duty is non-delegable, Welsh Ministers should also routinely undertake training.

¹ Children's Commissioner for Wales (2017) *The Right Way: A children's rights approach in Wales*, p4.

² Hoffman and O'Neill (2019) *The Impact of Legal Integration of the UN Convention on the Rights of the Child in Wales*, Manchester: Equality and Human Rights Commission, p 9

³ Welsh Government (2012) *Creating a Play-friendly Wales: Statutory Guidance to Local Authorities on assessing for sufficient play opportunities for children in their areas*, Cardiff: Welsh Government

⁴ Ibid

⁵ Lester, S. and Russell, W. (2013) *Leopard Skin Wellies, a Top Hat and a Vacuum Cleaner Hose: An analysis of Wales' Play Sufficiency Assessment duty*, Cardiff: Play Wales

⁶ Lester, S. and Russell, W. (2014) *Towards Securing Sufficient Play Opportunities: A short study into the preparation undertaken for the commencement of the second part of the Welsh Government's Play Sufficiency Duty to secure sufficient play opportunities*, Cardiff: Play Wales

⁷ Russell, Barclay, Derry, Tawil (in publication) *Children's Right to Play in Wales:*

Six years of stories and change since the commencement of the Welsh Play Sufficiency Duty, Cardiff: Play Wales

⁸ Play Wales (2019) *Play for Wales* magazine Issue 53, Summer 2019, Cardiff: Play Wales, p.6

<https://www.playwales.org.uk/login/uploaded/documents/MAGAZINE/Play%20for%20Wales%20Issue%2053%20Summer%202019.pdf>

⁹ UNCRC (2013) *General Comment 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (article 31)*.

¹⁰ Play Wales (2019) *Play Wales reviews of Play Sufficiency documents*