

**Report of the Director of People and Cabinet Member for
Services for Children and Young People**

Cabinet – 21 October 2014

CHILDREN AND YOUNG PEOPLE'S RIGHTS SCHEME

Purpose:	The report presents the Children and Young People's Rights Scheme for Swansea and sets out arrangements to ensure compliance of the United Nations Convention on the Rights of the Child (1989) (UNCRC).
Policy Framework:	Children and Young People Charter (1999) Strategy for the Engagement of Children and Young People (2005) Children and Young People Plan (2011-2014)
Reason for Decision:	In September 2013 Council agreed to create a due regard duty and embed the United Nations Convention on the Rights of the Child (UNCRC) 1989 within the Authority's Policy Framework, and to mainstream positive approaches to the rights of children and young people within the policy and functions of the City and County of Swansea. The development of a Children & Young People's Rights Scheme implements this decision and agreement is sought from Cabinet for formal adoption of the Scheme and publication and launch on 20 th November 2014.
Consultation:	Legal, Finance and Access to Services, Executive Board.
Recommendation(s):	It is recommended that: 1) Cabinet agree that the Children and Young People's Rights Scheme is formally adopted and launched on 20 November 2014.
Report Author:	Jane Whitmore
Finance Officer:	Susan Rees
Legal Officer:	Janet Hooper
Access to Services Officer:	Sherill Hopkins

1.0 Introduction

- 1.1 The background paper for this report is the Report of the Cabinet Members for Opportunities for Children and Young People and Learning and Skills presented at Council on 23rd September 2013 on 'Rights of Children and Young People: Creating a 'due regard' duty and embedding the United Nations Convention on the Rights of the Child (1989)'.
- 1.2 At that meeting it was agreed that the United Nations Convention on the Rights of the Child (1989) ('the UNCRC') be embedded and become part of the Council's Policy Framework and that a duty be placed on the Cabinet to have 'due regard' to the UNCRC when exercising its decision making functions in:
- The formulation of new policies or strategies for the Authority
 - The review or amendment of existing policies or strategies of the Authority
 - The development, confirmation, or amendment of operational decisions that rest within the remit of the Cabinet

2.0 Children and Young People's Rights Scheme

- 2.1 The Children and Young People's Rights Scheme (Appendix A) sets out the arrangements the City and County of Swansea will put in place to ensure compliance with its duty to have due regard to the UNCRC. It provides transparency about the processes that will be followed to comply with the duty, and outlines monitoring procedures and expected outcomes.
- 2.2 The Scheme covers the following areas:
- What is a Children and Young people's Rights Scheme?
 - What is the UNCRC?
 - What is the duty on the local authority?
 - How will we make sure that we comply with the duty to have due regard to the UNCRC?
 - Who is involved in ensuring the local authority complies with this duty?
 - Promoting knowledge and understanding of the UNCRC
 - Accountability and compliance
 - Feedback and complaints

3.0 Consultation and Engagement arrangements:

- 3.1 A consultation period from 1st August to 12th September 2014 has taken place and the consultation process included face to face consultation with children and young people and publication of an online consultation.
- 3.2 Overall responses to the consultation process have been very positive and supportive of the adoption of the Scheme. We have engaged with 52

children and young people and received 37 responses to the online consultation.

3.3 This was not a statutory consultation but followed the same process and will be publicised on the website including responses to suggestions of how the Scheme could be strengthened. These responses will be taken into consideration when developing the action plan that will sit alongside the scheme.

3.4 The outcomes of the engagement process have been used to inform the final Children and Young People's Rights Scheme to be considered by Cabinet for approval. The Scheme will be launched on 20th November 2014 which is universal Children's Rights Day and the 25th Anniversary of the UN Convention.

4.0 Equality and Engagement Implications

4.1 An EIA Screening Form was completed with the agreed outcome that a full EIA report would be required.

4.2 The EIA report is available as Appendix B. Section 3 of the draft EIA notes the possible positive impact of the Scheme and highlights the intrinsic links between the protected characteristics outlined in the Equality Act and the rights of children and young people. The due regard duty placed upon the Local Authority seeks to ensure that when decisions are made that affect children and young people, children's rights must be considered. The inclusion of the UNCRC within the EIA process is currently being piloted with certain service areas prior to implementation.

5.0 Financial Implications

5.1 Whilst there are no immediate financial implications arising from this report, acceptance of this policy could result in additional expenditure at a future time. Acceptance of the policy does not mean that additional resources will be made available and it should be assumed that future spending needs will need to be contained within existing budget provision and have full and due regard to the budget principles set out in 'Sustainable Swansea – Fit for the Future' and the likely levels of future budgets having due regard to the budget and medium term financial plan

6.0 Legal Implications

6.1 The draft Children's and Young Person's Rights Scheme sets out the arrangements to be put in place to ensure the Council complies with the duty to have due regard to the UNCRC. The term due regard requires a balanced consideration of issues when making any decision, in this instance the articles of the UNCRC. This means that decision makers must think about how what they are doing relates to the rights and obligations in the UNCRC. In identifying any negative impact on children

and young people decision makers must consider how to avoid or minimise this impact. Decision makers must also consider how, by using their functions they can improve the way children and young people access their rights. Having considered this, the outcome needs to be given balanced consideration (due regard) against the other factors that decision makers must take into account in making a decision.

Background Papers: Council Report 'Rights of Children and Young People: Creating a 'due regard' duty and embedding the United Nations Convention on the Rights of the Child (1989)

Appendices:

Appendix A – Children and Young People's Rights Scheme.

Appendix B – EIA Report