

Equality Impact Assessment (EIA) Report

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

Please refer to the 'Equality Impact Assessment Guidance' while completing this form. If you would like further guidance please contact the Access to Services Team (see Guidance for details).

Where do you work?
Service Area: Poverty and Prevention
Directorate: People

(a) This EIA is being completed for a...

Service/ Function	Policy/ Procedure X	Project <input type="checkbox"/>	Strategy <input type="checkbox"/>	Plan <input type="checkbox"/>	Proposal <input type="checkbox"/>
----------------------	----------------------------------	-------------------------------------	--------------------------------------	----------------------------------	--------------------------------------

(b) Please name and describe below...

City and County of Swansea Children and Young People's Rights Scheme

This is the newly developed Children and Young People's Scheme which outlines the way in which the City and County of Swansea intend to implement and monitor its commitment to paying due regard to the United Nations Convention on the Rights of the Child (UNCRC).

In September 2013 it was agreed that the United Nation Convention of 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

The approach adopted by Swansea Council is consistent with that of the Welsh Government. The 'Rights of Children and Young Persons (Wales) Measure 2011', was passed by the National Assembly for Wales on 18th January 2011 and approved by Her Majesty in Council on 16th March 2011. The Measure embeds consideration of the United Nations Convention on the Rights of the Child (UNCRC), and the Optional Protocols, into Welsh law. This is the first time that any government in the United Kingdom has been under a duty to have due regard to Children's Rights.

(c) It was initially screened for relevance to Equality and Diversity on...(13/06/2014)

(d) It was found to be relevant to...

Children/young people (0-18).....	x	Religion or (non-)belief	x
Any other age group (18+)	x	Sex	x
Disability	x	Sexual orientation	x
Gender reassignment	x	Welsh language	x
Marriage & civil partnership.....		Poverty/social exclusion	x
Pregnancy and maternity	x	Carers (inc. young carers)	x
Race	x	Community cohesion	x

(e) Lead Officer

Name: Jane Whitmore

Job title: CYPSU Team Leader

Date : 19/06/2014

(f) Approved by Head of Service

Name: Sarah Crawley

Date: 06/10/14

Section 1 – Aims (See guidance):

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

What are the aims?

The Children and Young People's Rights Scheme aims to ensure the effective monitoring and oversight of the of the implementation of the 'due regard' duty by:

- Setting out the arrangements the City and County of Swansea have to ensure compliance with their duty to have due regard to the UNCRC;
- Providing transparency about the processes that are being followed to comply with the duty;
- Outlining monitoring procedures via which Officers of the City and County of Swansea can evidence their compliance to the duty where appropriate and necessary.

Who has responsibility?

The specific arrangements to make sure that the Local Authority complies with the duty to have due regard to the UNCRC when exercising any of their functions, and the roles and responsibilities and set out below:

Cabinet Members:

- Must have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; they are responsible for making sure that the City & County of Swansea comply with the duty.
- Are responsible for the agreeing and monitoring the Children and Young People's Rights Scheme.
- Will consider the progress made on the implementation of the Scheme as outlined in an annual progress report.
- A Lead Member of the Cabinet has been identified who will exercise political leadership for the promotion of children and young people's rights under the UNCRC (1989).

Executive Board:

- Must also have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; their work includes developing internal processes that will make sure staff comply with the duty.
- Includes providing information and advice, developing tools and recording mechanisms to help staff to consider the UNCRC in their work and in their options and advice to Cabinet Members.
- Will receive the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan.
- The Lead Director of People has been identified to work with the Lead Member to ensure that effective Member/Officer dialogue occurs to embed and promote children's rights and embed the UNCRC into policy and practice.

Heads of Service:

- Responsibility includes ensuring that all staff, including themselves, have a suitable level of knowledge of the UNCRC and the implications of the Scheme on their area of work
- Will act as 'Champions' of children's rights and to promote and raise awareness of the UNCRC in their service area to enhance rights based practice.
- Will be responsible for ensuring that the options and advice that their staff include in the corporate reporting process is of good quality and has paid due regard to the UNCRC.
- Will contribute to the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan.

Local Authority Staff

- The City & County of Swansea staff support Cabinet and Council in having due regard to the UNCRC when make decisions, as they provide options and advice in relation to Council functions.
- It is very important that staff give balanced consideration to the UNCRC, before they begin

to develop policies or other pieces of work through the Impact Assessment Process

- Training and awareness raising will be given to staff to help them understand the UNCRC and how it impact upon their role.

Who are the stakeholders?

Stakeholders of this policy are Councillors, members, and officers within the City and County of Swansea, partner organisations whose work directly or indirectly impacts on children, children and young people themselves, families, carers, and wider members of the public in Swansea.

Section 2 - Information about Service Users(See guidance):

Please tick what information you know about your service users and provide details/evidence of how this information is collected.

Children/young people (0-18).....	x	Carers (inc. young carers)	<input type="checkbox"/>
Any other age group (18+)	<input type="checkbox"/>	Race	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Religion or (non-)belief	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	Sex	<input type="checkbox"/>
Marriage & civil partnership.....	<input type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	Welsh language.....	<input type="checkbox"/>

What information do you know about your service users and how is this information collected?

In terms of the whole population of Swansea, the Council's Research and Information Unit keep colleagues up to date with statistical/data updates and have developed equality profiles by ward areas to inform service areas.

Customer monitoring across the Council varies by department – many undertake profiling to inform their services, and where necessary these processes are being updated to reflect the legislative changes contained within the Equality Act 2010.

The CYP Rights Scheme sets out the overarching framework by which decision makers can consider children's rights. Specific policy or service developments affected by the due regard duty, will themselves be subject to an Equality Impact Assessment and will outline information collected that is specific to that service or area under this section.

The latest estimate of the population of the City and County of Swansea stands at 240,000 (Mid-Year Estimate, 2013). Swansea now has the second highest population of the 22 Welsh Unitary Authorities, representing almost 8% of the total population of Wales (3,082,400). The estimated population of children and young people (aged 0 – 18) living in Swansea is **54,100**.

Any Actions Required?

- Not applicable

Section 3 - Impact on Protected Characteristics (See guidance):

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Children/young people (0-18)	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group (18+)	➔ <input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Disability	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	➔ <input type="checkbox"/>	<input type="checkbox"/>	x	<input type="checkbox"/>
Pregnancy and maternity	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh language	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	➔ x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thinking about your answers above, please explain in detail why this is the case?

Importantly, the Council recognises 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. As such the duty should positively impact on children and young people and any other protected characteristic they may possess by:-

- Promoting and raising awareness of the UNCRC including rights children and young people have that protect these characteristics e.g. the right to support if you are disabled, or the right to practice your own religion or belief.
- Enabling the development of a specific training plan that outlines how all staff within the authority will understand the UNCRC, the relationship between children’s rights and the protected characteristics and, the impact on both when children’s rights are not enjoyed.
- Providing an extended framework through which Council can make decisions that they can evidence to be in the best interests of children and young people and enable them to enjoy their rights that include expressing their beliefs and orientations that fall within the protected characteristics and wider.
- The work and actions outlined above contribute to an overarching implementation action plan that supports the CYP Rights Scheme.

What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view? Please provide details below.

Prior to the development of the CYP Rights Scheme, children, young people and practitioners were involved in shaping what it could look like, based on their thoughts about Welsh Government’s scheme. Children and young people were supported to think about what Welsh Government were doing well and what they could improve to make informed decisions about what the best scheme in Swansea would look like. As a result, officers of the Authority have taken on board these views when developing the Children and Young People’s Rights Scheme, such as reporting timescales being annually and recommendations for a variety of training being made available.

The CYP Rights Scheme was available for public consultation from 01.08.2014 – 12.09.2014 (with special permission for it to be consulted upon with young people at the Big Conversation in mid-July). A timetable of events and sessions was developed to engage with children, young people and their families alongside a wider public consultation.

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.

Any actions required (to mitigate adverse impact or to address identified gaps in knowledge).

- Not applicable
-

Section 4 - Other Impacts:

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

Foster good relations between different groups	Advance equality of opportunity between different groups
Elimination of discrimination, harassment and victimisation	Reduction of social exclusion and poverty

(Please see guidance for definitions on the above)

Please explain any possible impact on each of the above.

The UNCRC is underpinned by the principles outlined above. As a whole, the rights framework, if children and young people are able to enjoy their rights should contribute to all of the above, i.e. If decisions that are made that affect children and young people in Swansea are evidenced to have been made with consideration to the UNCRC, then in the relevant and appropriate areas all efforts should have been made to eliminate discrimination, harassment and victimisation, foster good relationships between different groups, advance equality of opportunity between different groups and contribute to the reduction of social exclusion and poverty.

Specifically the UNCRC contributes in the following ways: -

Foster good relationships between different groups:

Article 2 of the Convention applies to all children, whatever their race, religion or ability; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. The due regard policy in Swansea encompasses requirements to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups in meeting Children's Rights as well as other legislation such as the Equality Act.

Elimination of discrimination, harassment and victimisation

Within the UNCRC specific rights are outlined that relate to the protection of children and young people from discrimination, harassment and victimisation:

Article 4 – the protection of rights by duty bearers;

Article 11 – protection from being taken out of the country illegally;

Article 16 - Children and young people have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes;

Article 19 – protection from all forms of violence i.e. being hurt or mistreated mentally or physically;

Article 20 – protection from deprivation of family environment, i.e. those children who cannot be looked after own family must be looked after properly by people who respect their ethnic group, religion, culture and language;

Article 21 – care and protection for children and young people in foster care;

Article 22 – care and protection for children and young people who are refugees;

Article 32 – protection from work that is dangerous and/or might harm a child or young person's health or education;

Article 33 – protection from the use of harmful drugs and from being used in the drug trade;

Article 34 – protection from all forms of sexual exploitation;

Article 35 – care and protection to prevent children and young people from being abducted, sold or trafficked;

Article 36 – protection from other forms of exploitation, i.e. any activity that takes advantage of children and young people or harms their welfare or development;

Article 37 – protection from being punished in cruel and harmful way. Children and young people who break the law should be treated fairly;

Article 38 – care and protection for children and young people who are affected by war. Children and young people under 15 years should not be forced or recruited to join in war or armed conflict;

Article 39 – special care for those who have been neglected, abused or exploited to physically and psychologically recover and reintegrate into society;

Article 40 – fair treatment of children and young people who are accused of breaking the law in a justice system that respects their rights;

Article 41 – protection of children's rights through law, i.e. If the country's laws provide

better protection of children's rights than the articles, those laws should apply, e.g. legal duties laid out in the Equality Act (201) that safeguard the protected characteristics of children and young people.

Advance equality of opportunity between different groups

Article 23 (Children with disabilities): Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

Article 26 (Social security): Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

Article 29 (Goals of education): Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

Article 30 (Children of minorities/indigenous groups): Minority or indigenous children

Reduction of social exclusion and poverty

Article 26 (Social security): Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

Article 27 (Adequate standard of living): Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

What work have you already done to improve any of the above?

As above, see section 3.

Is the initiative likely to impact on Community Cohesion (see the guidance for more information)?

The CYP Rights Scheme seeks to enhance community cohesion as outlined in point 1.

How will the initiative meet the needs of Welsh speakers and learners?

The Scheme consultation was bilingual. The integration of the UNCRC into the corporate Equality Impact Assessment Process means that the convention will be considered in the same way as the Welsh language in terms of impact. The Scheme's implementation will include children and young people from Welsh and English medium schools.

Actions (to mitigate adverse impact or to address identified gaps in knowledge).

- Not applicable
-

Section 5 - United Nations Convention on the Rights of the Child (UNCRC):

In this section, we need to consider whether the initiative has any direct or indirect impact on children. Many initiatives have an indirect impact on children and you will need to consider whether the impact is positive or negative in relation to both children's rights and their best interests

Click here ([add hyperlink](#)) to read the UNCRRC guidance before completing this section.

Will the initiative have any impact (direct or indirect) on children and young people? If not, please briefly explain your answer and proceed to Section 6.

It is anticipated that the Children and Young People's Rights Scheme will have the following impact on children and young people: -

- Increased numbers of children and young people participating in engagement opportunities, including wider consultation opportunities;
- Increased numbers of children and young people participating in engagement opportunities which are driven and set by themselves on topics that are important to them, will increase;
- Policies and frameworks which have been through the corporate reporting process and their impact and consideration of children's rights will be closely monitored;
- The number of staff who have undergone children's rights training across the Local Authority and its wider partners will increase;
- The number of departments/service areas who have adopted rights based practice and embed it into their day to day work will increase;
- Attainment, attendance and well-being outcomes for children and young people in Swansea will be improved as a result of a rights based approach (this has already been demonstrated in schools who have adopted a rights based approach);
- Schools that have adopted a rights based approach have also reported:
 - children and young people having more confidence to speak out about child protection or welfare issues;
 - improved relationships and behaviour and engagement in learning with a reduction in bullying and exclusions and improved attendance;Children and young peoples enhanced moral understanding and positive attitudes toward diversity in society and the reduction of prejudice;
- Children and young people becoming more involved in decision making.

Is the initiative designed / planned in the best interests of children and young people? Please explain your answer.

The nature of the Children and Young People's Rights Scheme in itself has been designed and planned in the best interests of children and young people.

Actions (to mitigate adverse impact or to address identified gaps in knowledge).

- Not applicable
-

Section 6 - Monitoring arrangements:

Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:

Monitoring arrangements: To ensure the effective monitoring and oversight of the implementation of the 'due regard' duty, the development and publication of an annual progress report on the implementation of the Children and Young People's Rights Scheme is required, this will include an action plan outlining training and development for the year informed by the annual progress report.

A children and young people monitoring group will be established to work with officers to produce the annual progress report looking at the activity that has been undertaken to ensure the Council pays due regard to the UNCRRC.

The annual progress report will be submitted to Cabinet for consideration, the Programme Scrutiny Board, and Council prior to publication.

From an external perspective, a partnership between the City & County of Swansea and Wales Observatory has been established.

The remit of this external monitoring process has been developed and a protocol of understanding established to ensure that this relationship is based on mutual trust, co-operation and that of a 'constructive partner for change'.

The Observatory have a clear role in assessing the application of the UNCRC due regard duty within the City & County of Swansea and is able to make representation to relevant parties both within and outside the City & County of Swansea within the context of the due regard duty.

Reporting on Compliance with the duty

Under the Scheme the Council is committed to publishing an annual progress report on Children and Young People's Rights outlining the following in two main sections:

(A) Implementation of the Due Regard Duty - In this section progress of the implementation action plan shall be reported on including;

- Actions taken a political level to respond to the challenges of children and young people's rights in Swansea
- Actions taken by Chief Officers to support their Officers as they seek to ensure compliance with children and young people's rights, as set forth in the Policy Framework
- Reviews and revisions to existing policies and strategies to make them compliant with the provisions of the UNCRC (1989)
- Outputs and outcomes of the Authority's efforts to develop more fully and promote the concept of children's and young people's rights and responsibilities
- Development of relevant Officer structures to promote and embed children and young people's rights
- Examples of projects, programmes and initiatives which are promoting: participation; the engagement of children and young people in service development and delivery; and processes to enable children and young people to query the Authority should they consider that the rights to which they are entitled under the UNCRC (1989) are not being met

(B) Promoting Children and Young People's Rights in Swansea – In this section of the following shall be reported;

- Processes and actions which enable the Council to promote knowledge and understanding amongst children and young people, and the general public in Swansea, of the UNCRC (1989)
- Participation processes and structures that enable children and young people's voices to be heard by the Authority
- Educational and awareness raising initiatives focused upon developing and promoting children and young people's understanding of the relationships between rights and responsibilities
- Action taken within the Authority at Chief Officer, managerial, and operational levels to ensure that planning, policy development and service provision is compliant with the UNCRC (1989)
- Action taken to foster greater co-operation with agencies, partnerships and networks beyond the Authority to promote knowledge and understanding of the UNCRC (1989)
- Resources identified to support, and arrangements for the provision of a pan-Authority children and young people's rights awareness raising programme.

Outcomes

Performance measures incorporating the points above have been developed, with key milestones identified that clearly identify progress targets, responsible Officers and

Departments/ Directorates, and resources required to raise awareness of children and young people's rights in Swansea.

This will formulate the annual progress report on the due regard duty for embedding the UNCRC into the local authority policy framework and inform objectives which will be measured annually within the annual action plan.

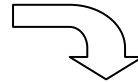
Actions: not applicable

Section 7 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...
- Outcome 2: Adjust the initiative...
- Outcome 3: Justify the initiative...
- Outcome 4: Stop and remove the initiative...

X



For outcome 3, detail the justification for proceeding here:

Section 8 - Publication arrangements:

On completion, please follow this 3-step procedure:

1. Forward this EIA report and action plan to the Access to Services Team for feedback and approval – accesstoservices@swansea.gov.uk
2. Make any necessary amendments/additions.
3. Provide the final version of this report to the team for publication, including email approval of the EIA from your Head of Service. The EIA will be published on the Council's website - this is a legal requirement.

Action Plan:

Objective - What are we going to do and why?	Who will be responsible for seeing it is done?	When will it be done by?	Outcome - How will we know we have achieved our objective?	Progress

* Please remember to be 'SMART' when completing your action plan (Specific, Measurable, Attainable, Relevant, Timely).