



Report of the Cabinet Member for Children Services

Cabinet – 20 May 2021

Update on Children and Young People's Rights Scheme

Purpose:	To report on the progress of Swansea's Children and Young People's Rights Scheme and to agree to commence a consultation of a plan of a page of the Scheme which will be formally approved by Council.
Policy Framework:	United Nations Convention on the Rights of the Child (1989), Social Services and Wellbeing (Wales) Act 2014, Wellbeing of Future Generations (Wales) Act 2015, Children and Families (Wales) Measure 2010.
Consultation:	Legal, Finance, Access to Services, Social Service Directorate, Citizens and Children & Young People
Recommendation(s):	It is recommended that Cabinet: 1) Notes the contents of the Annual Progress Report 2019 attached at appendix 3. 2) Notes the contents of the Bridging Report for the period April 2020 to March 2021 attached at appendix 2. 3) Agrees to formally consult on the plan of a page of the Children and Young People's Rights Scheme which is attached at appendix 1. 4) Agrees to co-produce a formalised structure for the inclusive and effective engagement of all children and young people in Swansea.
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- 1.1 The Children and Young People's Rights Scheme 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.
- 1.2 This report is the fourth progress report on the due regard duty for embedding the UNCRC into the local authority policy framework and specifically focuses on progress made in the areas outlined in our Action Plan 2018-19 and can be found under **Appendix 3: Children & Young People's Rights Scheme Annual Progress Report 2019**, which was delayed.
- 1.3 In addition a bridging report can be found under **Appendix 2: Children & Young People's Rights Bridging Report 2020**. This report offers insight into progress in respect of children and young people's rights-based work in Swansea during the period of April 2020-March 2021, offering current thinking about what rights-based work, particularly the engagement of children and young people, as the Council recovers from the effects of Covid-19.
- 1.4 During this time period there has been a substantial amount of work to look at the original Children's Rights Scheme adopted in 2014 and ensure this compliments the 'Right Way' principled approach that is being embedded nationally. Although not a far leap from the existing Scheme in Swansea, alignment provides consistency in terms of language and measurement (using the Children Commissioners for Wales matrix), and provides increased opportunity to access resources. Alignment to the National process means opportunity to provide clear guidance, and tangible benchmarks for council departments to embed a whole council approach and evidence outcomes.
- 1.5 A draft plan on a page of the Children and Young People's Rights Scheme, found under **Appendix 1** has been co-produced in preparation for formal consultation. This plan incorporates National Principles for a Rights Based Approach to Children, and takes account of previous extensive work with children, young people and practitioners on what a new Scheme should look like.
- 1.6 The format and content of this draft has been recognised as good practice in terms of its accessibility and usability, and has been requested by the Children's Commissioner, for consideration to be rolled out as a National tool.
- 1.7 Through working with a listening to children and young people it is clear we need a refreshed way of looking at the way we ensure we include all children and young people in decisions that affect their lives.
- 1.8 Recommendations 1 and 2 asks Cabinet to note both reports under Appendix 2 and 3, these will be taken to full Council in September 2021

along with the plan on a page Children and Young People's Rights Scheme

2. Work to date

2.1 The report found at **Appendix 3: Children & Young People's Rights Scheme Annual Progress Report 2019** includes details of:

- An overview of how the Children & Young People's Rights Scheme was developed and is being implemented
- Details of how we have promoted knowledge and understanding of the UNCRC through training and awareness raising sessions
- How we have taken a whole Council approach to embedding Child Rights
- The participation of Children & Young People in decisions that affect them (Article 12)
- Accountability and compliance
- Next steps looking ahead

2.2 This bridging report found at **Appendix 2: Children & Young People's Rights Bridging Report 2020** takes a different format, taking into the consideration the impact and current thinking on how we continue to listen and involve children and young people, as we recover from the effects of Covid-19 in a different and innovative way, taking into account our learning from the past 12 months and enabling us to maintain our Statutory Duty.

2.3 Local Authorities have a duty to promote and facilitate participation by children and young people in decisions which might affect them. The legal basis for this duty is Section 12 of the Children and Families (Wales) Measure 2010. It requires local authorities to *make such arrangements as they consider suitable to promote and facilitate participation by children in decisions of the authority which might affect them, and to publish and keep up to date information about its arrangements.*

2.4 Evidence demonstrates how the pandemic has exacerbated existing inequalities, having a devastating impact on children's rights, well-being and futures.

Key concerns included more children being pushed into poverty, an observed widening of educational inequalities and worsening mental health especially for vulnerable children and young people. Therefore one of the recommendations going forward is to ensure we formalise structures for the inclusive and effective engagement of all children and young people, ensuring that these opportunities must:

- Increase the accessibility of decision makers to children and young people;
- Increase the number of opportunities for children and young people to meaningfully engage with decision makers in decisions that affect them;
- Be inclusive to those who would be traditionally be marginalised from civic participation, e.g. cyp who possess protected characteristics

and/or have additional needs, lack confidence, or do not wish to commit to a formal elected positions, but equally have a right to have their voice heard;

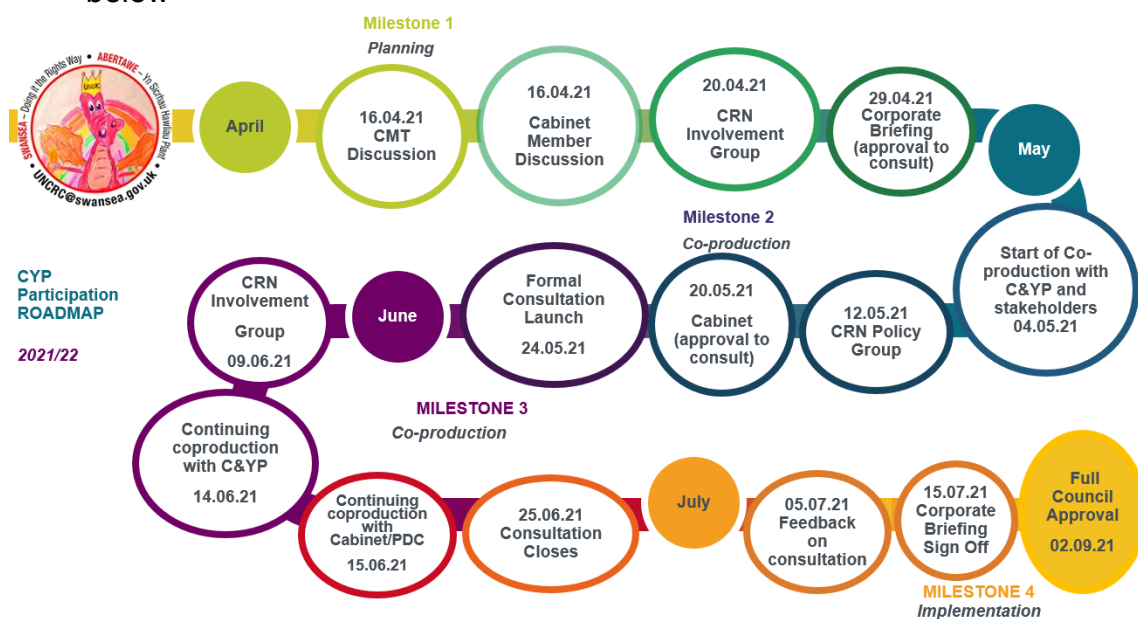
- Be appropriate to the age and maturity of the children participating.
- 2.5 The draft plan on a page Children and Young People's Rights Scheme (found under **Appendix 1**) outlines 5 key principles for embedding children's rights;
- Participation
 - Empowerment
 - Embedding
 - Accountability
 - Non-discrimination

This plan on a page outlines what each of these principles mean and our commitment under each of these principles. It incorporates National Principles for a Rights Based Approach to Children, and has been coproduced with children, young people and practitioners. The format and content of this draft has been recognised as good practice in terms of its accessibility and usability, and has been requested by the Children's Commissioner, for consideration to be rolled out as a National tool.

3. Future work

- 3.1 Cabinet is being asked to agree to formally consult on the draft plan on a page Children and Young People's Rights Scheme (**Appendix 1**) which will then be refreshed as a result and taken to full Council in September 2021 for approval.
- 3.2 Cabinet is also being asked to agree to co-produce how we can formalise structures to achieve inclusive and effective engagement of all children and young people. This work is one of the key principles outlined in the draft Children and Young People's rights scheme, under Participation.
- 3.3 The establishment of formal mechanisms for listening to children and young people requires a co-productive approach to development. The Children's Rights Network Involvement Group led by Swansea's Children and Young People's Partnership and Involvement Officer will oversee engagement of all stakeholders affected to ensure any forum/mechanisms developed are inclusive, meaningful and operate in a way that aligns to the National Participation Standards for Children and Young People.
- 3.4 Key actions for both recommendation 3 and 4 require to ensure a robust plan for listening to children and young people and stakeholders. This will be identified through co-production, engagement and participation and consultation and utilised to inform its development of inclusive and effective engagement mechanisms for all children and young people in Swansea, as part of the Childrens Rights Scheme.

3.5 A timeline and key milestones for both recommendations 3 and 4 is outlined below



3.6 Re-development and re-design of Swansea’s Children and Young People’s Rights Scheme helps to cement participation as a core element of embedding rights based practice. The refreshed plan on a page of the Children and Young People’s Rights Scheme in Swansea aligns to the Right Way principled approach that is being embedded nationally, enabling clear guidance and tangible benchmarks for council departments to embed a whole council approach and evidence outcomes that can be measured locally and nationally.

3.7 A robust action plan will be developed to support the Children’s Rights Scheme. Developed and monitored by the Children’s Rights Network Policy Sub Group, the action plan will incorporate data from Swansea’s response to the UN Call for Evidence, treaty tracker recommendations and feedback from children and young people and practitioners to provide an overarching framework for embedding rights.

3.8 2021 marks the year where young people aged 16 and 17 years are able to vote in local and Senedd elections in Wales. The Local Government and Elections (Wales) Act 2021 created a duty on local authorities to promote awareness among relevant young people of the arrangements for registration as local government electors and to take the steps the council considers necessary to help relevant young people register as local government electors.

3.9 Whilst efforts are ongoing in Democratic Services and more widely in council departments to support young people to register to vote, political literacy remains an issue for young people. Consideration might be given to reviewing how as a Council we support political literacy for young people and adults, in enabling them to understand:

- What politics means;

- Where to find party information;
- Accessibility of information;
- Who political members are;
- The process of voting

3.10 Through the planned co-production and consultation work we will explore what others have done in this regard as this is a much broader agenda in terms of political literacy, such as including this in the school curriculum and utilising education resources produced by the Electoral Commission.

4. Equality and Engagement Implications

4.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- Our Equality Impact Assessment process ensures that we have paid due regard to the above.

4.2 The Children & Young People's Rights Scheme highlights the intrinsic links between the protected characteristics outlined in the Equality Act and the rights of children and young people.

When thinking about children's rights, there are equality implications in regard to age, and sometimes in relation to the other protected characteristics.

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 and acted upon if it is deemed that decisions being made have adverse effects on children and their equality rights. The inclusion of the UNCRC within the IIA process is contained within the report.

There are no equality implications for the Children and Young People's Rights Scheme Annual Report (Appendix 3).

4.3 The UNCRC embraces children's right to be able to express themselves, and receive information in a language of their choice, including Welsh. The report outlines opportunities for participation where children and young people have been able to engage through the medium of Welsh.

Once Appendix 1 is approved and signed off, it will be published and promoted to children, young people, their families and other relevant

stakeholders. Copies will be available in English and Welsh, as well as other languages if required.

- 4.4 A full EIA for Swansea's Children and Young People's rights scheme was produced at the time of its development (2014), and a new Screening Report and Full IIA will be opened based on recommendation within this report.

5. Legal Implications

- 5.1 There are no legal implications.

6. Financial Implications

- 6.1 Whilst there are no immediate financial implications arising from this report, it should be assumed that any resultant future spending needs will need be contained within existing budget provision and have full and due regard to the budget principles set out in the medium term financial plan and the likely levels of future budgets.

Background Papers:

Existing Children & Young People's Rights Scheme

<https://www.swansea.gov.uk/childrensrightsscheme>

Appendices:

Appendix 1: Draft Children & Young People's Rights Scheme Plan on a Page for consultation

Appendix 2: Children & Young People's Rights Bridging Report 2020

Appendix 3: Children & Young People's Rights Scheme Annual Progress Report 2019