



Report of the Cabinet Member for Children Services

Council – 4 November 2021

Update on Children and Young People's Rights Scheme

Purpose:	To approve Swansea's Children and Young People's Rights Scheme following consultation and to agree to continue with a co-productive approach for mechanisms for listening to children and young people
Policy Framework:	United Nations Convention on the Rights of the Child (1989), Social Services and Wellbeing (Wales) Act 2014, Curriculum and Assessment (Wales) Act 2021, 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 Council: <ol style="list-style-type: none">1) Notes the results of the Consultation at Appendix 2;2) Approves the Swansea's Children's Rights Scheme at Appendix 1;3) Agrees to the establishment of 6 co-production forums to work with children and young people on themes identified as priorities as part of the consultation;4) Agrees to the continuation of conversations and co-production with children and young people, and other stakeholders to add detail to the operation of each co-production forum.
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1. Background

- 1.1 The Children and Young People's Rights Scheme sets out the arrangements the Swansea Council 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 A substantial amount of work has been completed looking at the original Children's Rights Scheme adopted in 2014 and working to ensure a revised draft 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.
- 1.3 A plan on a page of the Children and Young People's Rights Scheme, was co-produced with children, young people and the Children's Rights Network in preparation for formal consultation. This incorporated National Principles for a Rights Based Approach to Children, and took account of previous extensive work with children, young people and practitioners on what a new Scheme should look like. This has been recognised as good practice in terms of its accessibility and usability by the Children's Commissioner and is being considered for roll out as a National tool.
- 1.4 Details of the consultation response can be found in Section 2 of this report and a copy of the revised Children & Young People's Rights Scheme and plan on a page can be found under **Appendix 1**
- 1.5 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.*
- 1.6 The pandemic has exacerbated existing inequalities and impacted 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.
- 1.7 Through working with and listening to children and young people it is clear that a refreshed way of looking of how we ensure we include all children and young people in decisions that affect their lives is required. Therefore a recommendation made was 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;
 - Make an equitable and inclusive offer to those who would be traditionally 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 formal elected positions but equally have a right to have their voice heard;
 - Be appropriate to the age and maturity of the children participating.
- 1.8 As participation is a central tenet of the Children and Young People's Rights Scheme, what children, young people and adults feel the Council should do to ensure children and young people have inclusive and meaningful opportunities to engage with decisions makers was included within the same consultation.
- 1.9 Details of the consultation response can be found within this report and recommendations for continuing the conversation through co-production as next steps to address this work.

2. Consultation Summary

- 2.1 Swansea's Children's Rights Network is made up of over 80 stakeholders with a vested interest in furthering the children's rights agenda in Swansea. This includes council department and public service representatives, third sector partners, school staff, parent carers and individuals. The Network coproduced consultation questions and agreed it was important that a range of methods and formats were developed and made available in an effort to increase accessibility and uptake of the consultation.
- 2.2 The following were developed in both English and Welsh, and launched on 16th June 2021:
- Online survey for children aged 0-10 years
 - Online Survey for young people aged 11-18 years
 - Online survey for individual adults and/or practitioners
 - Children and Young People Easy Read survey – produced by Learning Disability Wales
 - Adult Easy Read survey– produced by Learning Disability Wales
 - Symbol Survey – produced by Widgit
 - An offer of face to face session in schools and/or community groups
- 2.3 Opportunities to participate were distributed specifically to:
- Hwb account holders via the Council's Education Newsletter
 - Staff within the Social Services and Education Directorates
 - All Cabinet Members and Councillors
 - All Councillors
 - Third sector partners
 - Commissioned partners
 - Members of Swansea's Children's Rights Network

- All recipients were also requested to distribute to children, young people and families as well as other networks.
 - The consultation was also publically promoted.
- 2.4 During the period 16th June to the 31st July 2021 a total of **358** survey responses were received.
- 2.5 It is important to recognise feedback indicates that during the current climate priority has had to be given to supporting children’s wellbeing through the pandemic, more so than supporting opportunities to undertake consultation, even though it is recognised as important.
- 2.6 Feedback also reiterates that consultation at the end of summer term is not ideal, and is particularly reflective in the low uptake from young people dealing with finishing the school year in a good position to continue successfully in September.
- 2.7 As we recover from the pandemic, and community opportunities build, engagement work continues to grow. We are seeking to continue the conversations in schools and community groups to fully develop co-production work outlined in Section 3.8 below. While useful, this consultation should be viewed as a starting point, and one element of the process of co-production of effective and meaningful mechanisms for listening, that are right for children and young people.
- 2.8 Full details of this can be found under Appendix 2.

3. Consultation Response – Children & Young People’s Rights Scheme

- 3.1 The Children and Young People’s Rights Scheme outlines 5 key principles for embedding children’s rights;
- Participation
 - Empowerment
 - Embedding
 - Accountability
 - Non-discrimination
- 3.2 Each statement (and their respective indicators) has been derived from the national indicators outlined in ‘The Right Way’. The decision to do so was co-decided by Swansea’s Children’s Rights Network, through Big Conversation mechanisms with children and, through the last cycle of corporate reporting on the Children’s Rights Annual Report. Proposed incorporation of The Right Way principles into local policy in Swansea has been recognised as good practice by the Children’s Commissioner and a draft plan on a page is being considered for roll out as a National tool.
- 3.3 Each of the principles and their respective indicators formed the basis of our consultation. Participants were asked to agree or disagree with each and provide additional comments/thoughts/ideas for areas of improvement or goals that were missing.

- 3.4 For each principle of the Children and Young People's Rights Scheme, for every goal, the majority of participants agreed that this is the way Swansea Council should proceed.
- 3.5 Consistent feedback reiterates the need to put in place measurable and tangible actions to achieve this – to ensure the rhetoric of respecting children's rights in Swansea becomes a reality.
- 3.6 Survey feedback suggests public trust in Swansea Council to recognise and fulfil the rights of ALL children in Swansea is low, and 'the proof is in the pudding' has been a theme within the qualitative elements of responses. This includes ensuring robust ways of evidencing accessibility, transparency and meaningful opportunities for everyone, particularly those who have not historically been involved to do so.
- 3.7 Therefore it is recommended that following the approval of the Children and Young People's Rights Scheme, a robust action plan and key performance indicators to monitor its implementation be developed.
- 3.8 The Participation element of this consultation has provided initial data about how children and young people want to engage in decisions that affect them:
 - We know that a range of mechanisms is required and that work is particularly required to engage children whose voices are 'quiet', i.e. those who do not currently have the opportunity to be heard, and those who do not wish to speak up directly or publicly, but wish to contribute anonymously or as and when they have ideas to share.
 - We know that extensive work is required to ensure disabled children have opportunities to engage and have their voices heard in ways that are best for them, including opportunities for bespoke work when requested, but also that universal opportunities are facilitated in a way that enables the integration of disabled children. This includes work to incorporate the United Nations Convention on the Rights of Disabled Persons into the Swansea's Children's Rights Scheme.
 - We know that a wealth of practice takes place in schools to facilitate pupil voice but work is required to bring that local data and pupil's voices together at a county level. This means 1) making use of pupil voice committees as a resource, 2) ensuring all learners have opportunity to contribute to issues that affect them, and 3) developing ways to collate local data to understand issues for children and young people in relation to their education that are wider than their school, but common across the authority.
 - We know that extensive work has been done to ensure that children's rights and the UNCRC are explicitly incorporated into the Curriculum and Assessment (Wales) Act 2021. The introduction of the Act now places rights within National Policy, challenging schools and local authorities across Wales to consider how rights can be taught and embedded within curriculum and school life. Swansea has a sound foundation for the embedding of rights in their curricula and in fulfilling the expectations of

the Act, as a direct result of historic work through Unicef's Rights Respecting Schools Programme. Swansea Council is eager to continue to work in partnership with schools as experts in rights-based learning environments to ensure the continued success of the excellent Rights Respecting practice that currently takes place in schools across the city, as we move from a move from a commissioned model to one that is driven not only by local policy, but that at a National level. Work is planned to equip challenge advisors with the information and resources to support schools to incorporate existing rights-based practice into the development of new curricula. Specific support from challenge advisors will commence in the Autumn Term 2021.

- We know that a wealth of practice takes place to ensure children and young people, at a very local level, are able to participate in ways that are appropriate to them. Conversation and continued co-production is required to extend this local practice to a county-wide approach, to ensure a non-discriminatory approach to participation, supported by trusted and specialised adults in specific fields. This means incorporating good practice and the knowledge, expertise and skills that already exists in adults and children into county-wide forum discussions, with an aim to influence change based on the needs of children and young people.
- We know, based on feedback from children and young people, the key issues they wish to work on to make Swansea a better place to live are:
 1. Protecting the Environment and Green Spaces
 2. Quiet voices – developing systems for listening to children and young people who do not wish to 'speak up' but do want to have their say, e.g. digital platforms and virtual suggestions boxes
 3. Supporting disabled children – working on making change so that disabled children feel integrated and able to have their voices heard as any other child would.
 4. Equality for LGBTQ+ children and young people – developing resources that address discrimination and promote diversity and equality for children and young people who identify as LGBTQ+
 5. Politics – developing resources for children and young people to understand what politics is, who local politicians are and how to organise change
 6. Listening to Learners – strengthening collective pupil voice across the County, building on good practice currently taking place in individual schools.
- We know that feedback and influencing real change is a priority for participants who responded. Formalising feedback between children and young people and decision makers and publishing that change (more regularly than annually) is essential.

3.9 Based on the information above, in order to take this forward, the model below is proposed

- 6 co-production forums are established to work on each of the priorities outlined above:
 Environment – facilitated by Partnership and Involvement Team
 Quiet voices – facilitated by Partnership and Involvement Team
 Politics – facilitated by Partnership and Involvement Team
 Equality in LGBT+ - co facilitated by Partnership and Involvement Team and CFS
 Enabling Disabled Children – facilitated by CFS
 Listening to Learners – facilitated by Education
- Each co-production forum would be recruited via open invitation (initially), and will be made up of children, young people, families, officers and members with a stake in each subject area.
- Consistency has been a key element of feedback, and to ensure this, once the initial membership of each forum is established, this will remain the same for each for the year. This means dates can be calendared in advance and clear roles and responsibilities can be established.
- To ensure tangible change, each forum would meet quarterly and have its own work-plan, co-produced by its members. The work plan should provide clear steps that show how issues raised will be addressed, and what changed has occurred as a result. Detailed work plans will be co-produced by each forum once membership is established.
- Infographics would be produced quarterly raising issues, questions and progress. This would be shared with cabinet and relevant decision makers for action, and with the public to promote work on a regular basis.
- We will make sure this is inclusive and accessible to all through active efforts to include marginalised groups and will track and monitor this throughout the year

4. Next Steps

- 4.1 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.
- 4.2 A robust and measurable action plan and key performance indicators to monitor the progress and impact of Swansea's Children and Young People's Rights Scheme will be developed to support the Children's Rights Scheme. The CR Scheme (including participation and empowerment as tenets of it) will be produced by the Children's Rights Network Policy sub-group. This is made up of officers, including education and school staff, parent carers, third sector and other representatives of services for children. 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. Involvement officers will also be working with children and young people across its development to see that these indicators are what cyp think they should be.

- 4.3 One of the key principles outlined in the Children and Young People's rights scheme is participation. The establishment of formal mechanisms for listening to children and young people requires a co-productive approach to development. Whilst we have initial data about how children and young people want to engage, we want to continue the conversation on what type of mechanism and structures would allow us to achieve inclusive and effective engagement of all children and young people. Specifically, further work is required with young people to understand issues pertaining to 11+ years, and with all stakeholders to refine the detail of how co-production forums can operate most effectively.
- 4.4 Continuation of the co-production of a formalised model for listening to children and young people, with relevant stakeholders during the Autumn of 2021 will ensure a wider reach of children, young people, families and partners, and convening a co-production forum of stakeholders to discuss/develop/refine the proposed model.
- 4.5 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.
- 4.6 A You Said, We Did response to the consultation will be produced and publicised, providing feedback on actions and decisions taken in response to participant feedback.
- 4.7 All of this work will be celebrated and promoted throughout the week of Universal Children's Day, Friday 19th November 2021.
- 4.8 Following Council approval the promotion and publication of Swansea's Children and Young People's Rights Scheme will also be driven forward.
- 4.9 The UNCRC Council Champions, Cabinet Members and Corporate Management Team will support this work as it develops and recognise that this is critical as we continue to develop mechanism and structures which allow us to achieve inclusive and effective engagement of all children and young people across Swansea.

5. Equality and Engagement Implications

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

5.4 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 with 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 intrinsic in supporting this.

5.5 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, 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.

6. Legal Implications

6.1 There are no legal implications.

7. Financial Implications

7.1 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 - Children & Young People's Rights Scheme

Appendix 2 - Summary Consultation Responses in relation to the Swansea's Children's Rights Scheme.

Appendix 3 - IIA Screening Report