

**Senedd Cymru**

**Y Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol**

**Ymchwiliad:** Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

**Ymateb gan:** Comisiynydd Plant Cymru

**Welsh Parliament**

**Equality and Social Justice Committee**

**Inquiry:** Well-being of Future Generations (Wales) Act 2015

**Evidence from:** Children's Commissioner for Wales



**Senedd Equalities and Social Justice Committee**

[SeneddEquality@senedd.wales](mailto:SeneddEquality@senedd.wales)

Date: 23 June 2025

Dear Chair

I write in relation to the current inquiry as part of the Post legislative scrutiny of the Well-being of Future Generations (Wales) Act 2015 (“the Act”). I welcome the opportunity to provide evidence in this regard.

As an independent human rights institution, the Children’s Commissioner for Wales has a distinct role from that of the Future Generations Commissioner, but we share common interests around the improvement of public bodies’ work in the interests of children now and in the future.

It is notable that there has never been any post legislative scrutiny of the legislation which established my office. Due to the limits on devolution at the relevant time, the legislation to create the office of the Children’s Commissioner for Wales went through the UK Parliament, via a section in the Care Standards Act 2000. Wales was the first of the UK nations to have a children’s commissioner but there has never been any follow up of the legislation governing the work of the office.

Having gone first in this regard, there are limitations on the list of public bodies to which our legal powers apply, as well as practical limitations on how we carry out our role. We are not permitted to engage in activities relating to matters that are reserved to the UK Government for example, despite these often being indivisible from the concerns and issues that children and their families bring to the office. Children’s lives and children’s rights under the UNCRC which underpins the work of my office do not fall neatly into devolved and reserved matters.

Subsequent legislation in the UK to create their respective Commissioner offices has taken aspects of what works from our legislation, but crucially, has expanded on this and tweaked the parts that don’t work so well in practice. As an example, one key

Tŷ Llewelyn | Llewelyn House  
Parc Busnes Glan yr Harbwr  
Heol yr Harbwr  
Port Talbot  
SA13 1SB  
01792 765600  
[post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)

*Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.*

*We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.*



power that the office in England has, from section 110 of the Children and Families Act 2014, is the ability to request data and information from public bodies for the purposes of carrying out their primary function. This has enabled the Children's Commissioner for England to publish some significant reports and calls related to policy and legislation; this is not a power that my office holds in its current format.

The Cross-Party Groups on Children in our Care, and Children and Families, have come together to produce, and recently launched, a [legislative proposal](#) to protect and strengthen the rights of babies, children and young people in Wales. I am pleased that this contains a proposal to look at increasing the powers of my office and transfer of accountability from Welsh Government to the Senedd, alongside provisions to ensure the full and direct incorporation of the UNCRC into Welsh law.

The reason for me raising the above is to make the distinction that my office is an independent human rights institution, in accordance with the Paris Principles (which establish the minimum standards required for the independence and effective functioning of national human rights institutions). The Well-being of Future Generations Act is not grounded in human rights treaties. It is important to recognise that whilst the Act has an important place in Welsh public life to ensure that decision making is done on the basis of longer term aims and future sustainability, it does not and should not replace the human rights of children. Meeting children's rights is a pre-requisite to achieving the Act's principles and wellbeing goals, and as such, both pieces of legislation need to be reviewed to ensure they complement one another and avoid any duplication or loss of visibility of a children's-rights focus. There therefore continues to be an important role for my office to play in protecting and upholding children's rights alongside this important Act.

The role of the Future Generations Commissioner is vital in terms of providing direct support (and challenge) to public bodies, specifically in relation to how they are implementing the Act. The changes introduced by the legislation are still very new in terms of implementation timescales, when you are looking at wholesale cultural change in the way organisations carry out their core business. Their prescribed role in legislation is different to the role of my office, as they are directly remitted to work with public bodies in implementing the Act.

My office, despite not having this formal duty, has nevertheless also played a part in helping shape the way public bodies work. We have proactively developed a children's



rights approach entitled *The Right Way*, which is a framework for working with children, grounded in the UNCRC to help public bodies integrate children's rights into every aspect of decision-making, policy and practice. Created with expert advice from the Wales Observatory on Human Rights of Children and Young People, it encourages public services across the country to commit to the UNCRC and to improve how they plan and deliver their services.

We have also produced a bilingual [series of guides](#) for different sectors and settings, which can all be found on our website.

To this end, my office worked in collaboration with the office of the Future Generations Commissioner to produce guidance for public bodies entitled [The Right Way: a Future Fit for Children](#). We worked with and alongside two of the Public Services Boards (PSBs) to produce this resource, which is [a report](#) with practical tools and examples to help public bodies consider children's rights across each of the Well-being goals and the Five Ways of Working under the Well-Being of Future Generations Act.

During the passage of the Act, my office had raised concern at the loss of Children and Young People's Partnerships. Unfortunately, efforts by the office and others to lobby against this change were unsuccessful. In the time since the Bill was enacted, my office has taken considerable time and resource to work with and alongside Regional Partnership Boards to ensure that they each have governance structures to ensure children's issues are discussed and explored. From my most recent follow ups with RPBs, they now all have structures in place to consider children's issues, but each is in a different stage in terms of progress around the governance and implementation of these structures, so inevitably some momentum has been lost while these new arrangements have been implemented. There is not one consistent approach across all of Wales' regions either, on this basis. I would welcome a strengthening of requirements for Children and Young People's Subgroups of Regional Partnership Boards to report within specified timeframes on their work programmes and progress.

In relation to Public Services Boards, my office has had limited engagement with these structures. Whilst I have seen some evidence of involvement of children in the wellbeing assessments, I am not sure how effectively children's issues are able to be considered within these large documents, or how strongly children feature in the wider work of the PSBs, given their very broad remit.



**Comisiynydd  
Plant Cymru**  
Children's  
Commissioner  
for **Wales**

In summary, the legislation is still very new in relative terms. Shifting the ways in which public bodies work is a large task and one that requires significant commitment from all involved. Whilst there may at times be frustration at the slow pace of change, it is my view that the changes that we have seen would not have been possible without the introduction of the legislation and the Future Generations Commissioner's office. In other words, as we saw with the legislation to remove the defence of reasonable punishment back in 2020, and in countries across the world who have implemented this change, the fastest way to accelerate the pace of change is to undertake both legislative and educational/culture change steps; without this, I don't think the progress that has been made to date would have been possible.

Lastly, it is clear that the roles of the Future Generations Commissioner and my office have related but clearly distinct remits and aims. It is important that the offices both continue to be funded and supported to deliver on better public services, and ultimately better outcomes for the populations we serve.

Yours sincerely,

Rocio Cifuentes MBE  
Children's Commissioner for Wales

Tŷ Llewelyn | Llewelyn House  
Parc Busnes Glan yr Harbwr  
Heol yr Harbwr  
Port Talbot  
SA13 1SB  
01792 765600  
[post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)

*Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.*

*We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.*