

Cyflwynwyd yr ymateb i ymgynghoriad y [Pwyllgor Cyllid](#) ar [Cyllideb Ddrafft Llywodraeth Cymru 2025-26](#).

This response was submitted to the [Finance Committee](#) consultation on the [Welsh Government Draft Budget 2025-26](#).

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To:

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**Via email only**

**Date 29/11/24**

Dear Chair

**Re: A call for information – Welsh Government Draft Budget proposals for 2025-26**

Thank you for the opportunity to contribute to this call for information.

We want Wales to be the very best place for children to grow up happy, healthy and safe. There is no denying that public services are facing unprecedented challenges and from our conversations with hundreds of families via our independent advice service and from the thousands of views we glean from children themselves, the impact of stretched finances for public services are having a devastating effect on their lives. This is why Wales must take a children's human rights approach to its budgeting to ensure we maximise all available resources to ensure we provide the very best outcomes for our children.

The Senedd Finance Committee engagement report on priorities the Welsh Government draft budget 2025-26 shares some similar themes, notably around Education and ALN support reform, transport, and the need to longer term sustainable funding arrangements.

**Background: The Children's Commissioner for Wales and Children's Rights in Wales**

- The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the Senedd that affect children's rights and welfare.
- The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18.
- The Rights of Children and Young Persons (Wales) Measure 2011 states that Welsh Ministers must, when exercising any of their functions, have due



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau  
We welcome correspondence in the medium of Welsh and English as well as alternative formats

regard to the requirements of the United Nations Convention on the Rights of the Child (UNCRC). The duty applies whenever a Minister uses their powers to make any decision. This includes the budgetary process.

### **Children's Rights Impact Assessments (CRIAs) and the Due Regard Duty**

- Welsh Government uses Children Rights Impact Assessments (CRIA) to evidence how it has had regard to children's rights in its decision-making. CRIAs should set out the impacts of policies on children's rights, both positive and negative. For any negative impact, mitigating measures should be detailed within the CRIA. Welsh Government undertakes CRIAs as part of the integrated impact assessment (IIA) process. In its 2021 Children's Rights Scheme, Welsh Government describes CRIAs as "the tool officials are expected to use to support Welsh Ministers in ensuring the due regard duty is fulfilled", and state within the Scheme that CRIAs should be published once completed.
- Children's human rights should be visible within Welsh Government budgets and despite Welsh Government Treasury noting that children's human rights have played a critical factor in strategic integrated impact assessments for over a decade, recent, high-profile examples of budgetary decisions have been made without CRIAs being made publicly available.
- A recent example of decisions made without producing a CRIA was the withdrawal of funding for the Wales Police Schools Programme - SchoolBeat. Government has confirmed to us that the decision was made at a policy and budgetary level without a CRIA. This decision will leave schools without adequate support and learners without critical education.
- A high-profile example of Welsh Government not fulfilling their duty in law to consider children's human rights in decisions was the withdrawal in 2023 of free school meal provision in school holidays. The High Court ruled that the decision was unlawful because it breached the Rights of the Children and Young Persons (Wales) Measure 2011 and the Equality Act 2010, after a judicial review was lodged by two families.

**Our call:** We want to see Welsh Government take a children's rights-based approach to budgeting and that the process of reviewing budgetary decisions in relation to children's rights be made transparent, to enable us and others to hold Welsh Government accountable. In so doing, Government will be able to establish any unintended consequences of budgetary decisions on children's lives and ensure that we're maximising all available resources to ensure children live happy, healthy and safe lives in Wales.

In practice, this would mean Welsh Government considering the following type of queries (summarised from Scottish Government guidance):

- Ensuring there are enough resources to deliver services and programmes essential to upholding children's rights



- Whether (and how) allocations within the budget prioritise closing the gap in the enjoyment of rights between different groups of children
- The extent to which available resources are applied on the basis of 'best value' principles such as reducing waste and ensuring best value duties are implemented throughout the expenditure of the budget
- Whether (and how) children's rights outcomes are measured, linked to, and achieved by allocation of financial resources
- Whether adequate resources are in place for transitional services which will allow children to be properly supported in their move from children's to adult services.

### **Priority areas for the budget**

The following is a selection of areas we see as priorities for the future budget. This is certainly not an exhaustive list but features areas that are continually raised with us as an office by children and those who work and care for them.

#### **Tackling Child Poverty**

- We do not feel the current Monitoring Framework proposed is good enough to deliver on the Strategy. It requires a comprehensive action plan, which sets out targets and measurable outcomes, in line with the UN Committee's Concluding Observation recommendation from 2023. The Auditor General has recommended that the Strategy is refreshed to include SMART actions and a suite of performance measures to ensure effective delivery. Whilst acknowledging that many of the levers that will help alleviate poverty in Wales rest at UK Government level, we know that there are actions Welsh Government can and do take. We need to be certain that this investment is reaching those most in need and without a detailed monitoring framework, it is impossible to determine whether the investment of millions is having the desired effect. Its absence also restricts us and others to hold Welsh Government to account.

#### **Education and ALN Reform**

- This budget must do all it can to prioritise those in most need of support at school. We are aware of examples of correspondence from schools and local authorities declaring to schools and families that cuts are being made to provision for children with additional learning needs and there is nothing they can do about it. An example of a quote from one of these letters: "cuts to budgets mean that children will receive less support, less provisions and fewer opportunities, and we have no choice but to do this; there is simply no money for us to carry on". This undoubtedly will alarm families. It is also concerning in the context of attendance figures and instances of de-registration.



- More must be done to tackle the costs of the school day, and the costs of transport to and from school for those children for whom this incurs a financial cost.
- The ambitions of the ALN Act are not currently being delivered across Wales. We must prioritise funding for this. We are seeing examples regularly in our casework of children being placed on recued timetables, or providing little meaningful support at all as the provision simply isn't there in the local area.

### **Transport**

- Transport on trains and buses should be free for all children. Such a move would lift a financial weight from the shoulders of struggling families, connect young people to opportunities of education, work, training, recreational activities and socialising. It would also encourage the use of more sustainable modes of transport.
- The recent Petitions Committee report Freedom to Thrive recommended that Welsh Government “should set out a clear ambition to provide free public transport for young people at the earliest opportunity”.

### **‘Short termism’ of funding**

Whilst accepting there are issues in relation to when Welsh Government receives confirmation of its block grant, we are concerned about the consequences of not having long-term forecasts and plans. There is a danger that we're sticking plasters over significant issues affecting childhoods in Wales.

To give one example of short termism in funding, we recently had sight of information shared on the Child Poverty Innovation and Supporting Communities Grant:

- Applicants had one month to complete an application from the date of the original email (application deadline is 14th July), and the funded activity has to be delivered in full by 31 March 2025. Funds will not be available until 19th August at the earliest. The grant is described as funding “to enable innovation and collaboration between sectors and/or regional partnerships on the issue of child poverty...It should be illustrated how children, young people and families in poverty will benefit from this grant funded additional collaborative working arrangement in the longer term.”
- It is difficult to see how this approach can embed a long-term sustainable funding arrangement to tackle this huge societal issue. While certainly this funding is welcome, this demonstrates the barriers that those wishing to make applications face when the deadline is extremely tight and funding only for a very short period.

### **What the UN Committee on the Rights of the Child is recommending**



- Under article 44 of the UNCRC, the UK Government is obliged to submit regular reports to the Committee on progress on putting the Convention into practice. In 2023, the UN Committee on the Rights of the Child published their Concluding Observations (recommendations) on the post recent report from the UK. Welsh Government has committed to publishing its response to relevant Concluding Observations.
- Recommendation 11 of the Concluding Observations is of particular relevance and is a recommendation we whole-heartedly agree with:

*The Committee recommends that the State party incorporate a child rights-based approach into the State budgeting process in all jurisdictions of the State party, the overseas territories and the Crown dependencies and:*

*(a) Implement a tracking system for the allocation, use and monitoring of resources for children, with a view to eliminating disparities and ensuring equitability, and assess how investments in all sectors serve the best interests of children;*

*(b) Introduce budgetary allocations for children in disadvantaged situations and ensure that children are not affected by austerity measures;*

*(c) Ensure that, in situations of economic crisis, regressive measures are not taken without meeting the requirements set out in paragraph 31 of the Committee's general comment No. 19 (2016) on public budgeting for the realization of children's rights, including that children participate in the decision-making process relating to such measures...*

*...(e) Ensure transparent and participatory budgeting in which civil society, the public and children can participate effectively.*

### **Scrutiny by and participation of children and young people themselves in the budgeting process**

To ensure this budget responds to the needs of children and young people, we call on the Welsh Government to ensure children's views and experiences play a central role in shaping this draft budget. Organisations, including our own, can provide valuable evidence from children to support this work.

We call on Welsh Government to ensure children's rights are made explicit within budgetary commitments to ensure it's clear to children and young people that the Government has considered and responded to children's views and experiences and that children, and those who work with and for them, can adequately hold Welsh Government to account.



**The Children's Commissioner for Wales's financial situation and the 2025-26 budget.**

My organisation is funded solely by, but operated independently of, Welsh Ministers and Welsh Government, and I am accountable for the use of public resources made available to me.

As I've highlighted in my budget estimate to Welsh Government, I am the lowest-funded Commissioner, based on the Cash Grant In Aid 2023-24 budget settlement.

Within that submitted budget estimate, I have highlighted known risks, including:

- The impact of the Budget Motions and Designated Bodies Order 2021 has been to limit the level of retained cash balance that I can independently use without the Welsh Government providing the corresponding resource budget and, if required, the cash. Consequently, we face restrictions on our ability to respond swiftly and independently to emerging needs or issues, including any potential review or inquiry of public bodies.
- This limitation and risk was highlighted in the Senedd's Public Accounts and Public Administration Committee's inquiry report, 'Review of the Welsh Commissioners' in 2022-23.
- In practice, the only process outlined to me if I were to need additional cash to instigate an additional piece of work, including my use of powers, is to send in a request via officials for Ministers to consider. No timescales for decision-making have been provided to me, nor details of how we would go about appealing a decision if my request was refused. In a recent discussion with senior officials about us considering potential use of powers imminently in relation to serious safeguarding practice concerns, we were told that we would have to provide significant details for Government to consider – which highlights the constraints of an independent Commissioner who's solely dependent on Government funding.
- Our inability to approve work plans due to timescales of budget allocation being confirmed by Welsh Government. We provide an early estimate in August for officials to consider and, as is required of us under our legislation, submit a final estimate by the end of October each financial year. Timescales of us receiving confirmation from Welsh Government of our settlement varies, with confirmation sometimes received in March, with the latest being in April.
- Inability to deliver our statutory functions due to insufficient budget allocation.

With thanks once again for the opportunity to contribute to this call for evidence,

Yours sincerely,



Rocio Cifuentes

**Rocio Cifuentes MBE**

**Comisiynydd Plant Cymru**

**Children's Commissioner for Wales**

