

PSB 07

Dulliau gweithredu lleol ar gyfer lleihau tlodi:

Deddf Llesiant Cenedlaethau'r Dyfodol a byrddau gwasanaethau cyhoeddus

Local Approaches to poverty reduction:

The Well-Being of Future Generations Act and public service boards

Ymateb gan: Comisiynydd Plant Cymru

Response from: Children's Commissioner for Wales



# Comisiynydd Plant Cymru Children's Commissioner for Wales

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## Ymateb i Ymgynghoriad / Consultation Response

**Date / Dyddiad:** 01 December 2017

**Subject / Pwnc:** CCFW Response to ELGC Consultation on Local Approaches to poverty reduction: The Well-being of Future Generations Act and public service boards

### Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's 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 National Assembly for Wales insofar as they 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. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Government adopted the UNCRC as the basis of all policy making for children and young people and in 2011, the National Assembly for Wales passed the Rights of Children and Young Persons (Wales) Measure, which places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

My responses to specific consultation questions are below. I have not responded to every consultation question but only to those of direct relevance to my remit.

## Introduction

- 1.1 Every child has rights to grow up in a country that keeps them healthy, happy and safe and enables to them fulfil their potential. Whilst this might be the experience of the majority of children in Wales, we know that this is not the case for all our children. Almost a third live in households affected by poverty and are disproportionately more likely to be disadvantaged than any other population demographic<sup>1</sup>. We know that poverty denies children the full realization of their rights guaranteed to them by the United Nations Convention on the Rights of the Child (UNCRC) and severely blights their life-chances if they do not receive the right care or support. This can have a significant, long-lasting and sometimes irreversible impact on their future economic, health and social well-being.
- 1.2 Whilst I recognise that many of the key levers to lift people out of poverty currently sit outside the devolution settlement, the rates of child poverty in Wales have remained stubbornly high and are projected to substantially increase by 2021<sup>2</sup>. Childhood is a key window of opportunity and the interventions or policy decisions we make today will determine whether Wales' children will be able to fulfil their potential or face growing up in a country with worsening economic, social, cultural and environmental prospects. In line with the UN Committee on the Rights of the Child's recommendation<sup>3</sup>, a more radical approach and special focus is needed at all levels of government to stem the tide and eradicate child poverty in Wales.
- 1.3 The Children and Families (Wales) Measure 2010 places a duty on Welsh Ministers and local authorities to publish strategies and take reasonable steps that contribute to eradicating child poverty in Wales. Local authorities are able to discharge this duty under the Well-being of Future Generations (Wales) Act 2015 and its Section 39 requirement to publish a local Well-being Plan. In doing so, local authorities are expected to work with partners to develop this plan and take account of the current and future state of economic, social, environmental and cultural well-being for its area (known as a Well-being Assessment).
- 1.4 It is my view that the Well-being of Future Generations Act upholds the spirit of the UNCRC and has brought a fresh impetus to the building of prosperous, resilient and inclusive societies. However, I have consistently raised concerns about the potential for children's specific needs and vulnerabilities to become lost inside the Act's age-inclusive approach.
- 1.5 It is important to recognise that the UNCRC was established to provide children with a layer of protection, provision and support rights that are in addition to those already guaranteed to them by other international human rights treaties. Therefore, and in line with Article 4 of the UNCRC, it is

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<sup>1</sup> Welsh Government (2017) *Statistics: Households below average income*, [.html] <http://gov.wales/statistics-and-research/households-below-average-income/?lang=en> Accessed on: 01/17/2017

<sup>2</sup> Institute for Fiscal Studies (2017) *Living standards, poverty and inequality in the UK: 2017-18 to 2021-22*, [.pdf] <https://www.ifs.org.uk/uploads/publications/comms/R136.pdf> Accessed on: 01/12/2017

<sup>3</sup> UN Committee on the Rights of the Child (2016) *Concluding Observation on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*, [.html] <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskHOi6VpDS%2f%2fJag2Jxb9gncnUyUgbnuttBweOlylfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpixij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0GL> Accessed on:01/12/2017

my view that the specific needs and vulnerabilities of children should be given special consideration inside the arrangements required by the Well-being of Future Generations Act.

1.6 To that end, I have embarked on a joint programme of work with the Future Generations Commissioner to ensure that the needs of children remain prominent and visible in the Act's implementation. The programme builds on my earlier publication [The Right Way](#) and sets out a principled and practical framework for how public bodies and Public Services Boards (PSBs) can adopt a Children's Rights Approach (CRA) when exercising their functions under the Act. This resource has been developed in collaboration with public bodies and is due to be published in the next 4-6 weeks.

1.7 *The Right Way* resource principles and practical, real-life examples encourage public bodies and PSBs to:

- embed children's rights across their organisations;
- to consider how to combat discrimination and barriers facing some groups of children;
- to empower children;
- enable them to fully participate in service developments and delivery; and
- to be accountable to the children and young people they serve.

I believe that by using these approaches, public bodies and PSBs will be enabled to join with children and their families in their localities to bring forward fresh approaches and solutions. I have written to the newly established Children First areas to encourage this approach.

1.8 The joint resource with the Future Generations Commissioner also features an online self-assessment tool which will enable PSBs to set baselines and monitor their progress in achieving a children's rights approach within the Wellbeing of Future Generation Act's ways of working.

- **Examine how public service boards (PSBs) are targeting improvements to public services in Wales's most deprived communities;**

2.1 Article 27 of the UNCRC guarantees children the right to a decent standard of living. Every child should be supported to lead a good quality of life and be enabled to achieve to the highest attainable standard of economic, health and social well-being irrespective of their background or socio-economic status (Article 2, UNCRC).

2.2 The Well-being of Future Generations Act enables local authorities and PSBs to discharge duties under the Children and Families (Wales) Measure 2010 to tackle child poverty in their Well-being Plans. These plans are currently in the process of being drafted, so it is not possible to fully determine how PSBs are targeting their resources to tackling poverty in Wales. However, it is my view that in order to tackle poverty and child poverty, these Well-being Plans should form the "basis of a unifying, comprehensive and rights-based" strategy for improving children and young people's well-being and coordinating services across the area. The plans should make a direct, high-level commitment to the UNCRC and I am encouraging PSBs to give specific consideration to children's rights, taking into account their particular vulnerabilities when setting their Well-being

Objectives. Using the UNCRC as a framework for decision-making will enable PSBs to recognise children and young people as a distinct and diverse part of the population and use their assessment data in a way that maximizes their contribution to improving children and young people's well-being across each of the Well-being Goals.

2.3 Appropriate consideration should also be given to how PSBs target their finances and resources. PSBs should recognise children and young people as assets, as guardians and as leaders of the economic, social, cultural and environmental future of Wales. They will inherit tomorrow's Wales but the success of that inheritance will depend on the long-term investment we commit to children's rights today. It therefore makes sound economic and social sense for PSBs to take account of children's rights when planning their finances and allocating budgets. PSBs should work towards being able to demonstrate how every effort has been made *"to mobilize, allocate and spend budget resources to fulfil the economic, social and cultural rights of all children."* (p.9)<sup>4</sup> Whilst I recognise they are not legally bound to carry one out, a Children's Rights Impact Assessment could be a useful tool to help PSBs articulate this and to ensure appropriate read across between the Plans and their financial decision-making.

- **Assess the quality of evidence used by PSBs in the development of their local Well-being Plans in relation to the needs and experiences of people living in poverty, including how PSBs are approaching the impending demise of Communities First;**

3.1 To act in accordance with the sustainable development principle public bodies and PSBs are expected to work towards securing the long term well-being of current and future generations. An important part of this function is to identify important factors that have an impact on the economic, social, cultural and environmental well-being of the local area. Whether carrying out the Well-being Assessment or any other population assessment, it is my view that special consideration should be given to children and young people and any analysis should give prominence to their well-being needs across each of the seven Well-being goals.

3.2 Section 37 of the Well-being of Future Generations Act requires PSBs' Well-being Assessment to include analysis of children and young people's current and future well-being needs. In line with Article 4 of the UNCRC, public bodies' and PSBs' data collection should cover the whole of childhood (up to 18 years old) and to, as far as possible, be disaggregated to identify discrimination or potential discrimination against children and young people. This should give a particular focus to the most vulnerable, marginalized and disadvantaged groups of children and young people, including those affected by poverty.

3.3 In a report published by the Future Generations Commissioner, it is clear that each of the PSBs have considered the impact of poverty and child poverty in their Well-being Assessments.

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<sup>4</sup> UN Committee on the Rights of the Child (2016) *General Comment No. 19: Public budgeting for the realization of children's rights (art. 4)* Available online at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2f5F0vHXnExBBGbm8arvSxpbQtFqy5IM9widpzdQWNBmhRXy4X6xyiM8Fc%2f9OYXa5aUuXyfKJREeo1uSWTnfnFJbMWZ> Accessed on: 01/12/2017

However, her analysis shows that many of them have used different measures and proxy measures to determine baselines and areas for progress<sup>5</sup>.

3.4 The Well-being Assessments have considered children's needs through a variety of different approaches. Some of the assessments have provided analysis of children's well-being needs in the context of a whole-population, whilst others have taken an age-specific approach and have clearly presented their analysis of children's needs as a distinct part of the population. Whichever the approach taken by PSB, it is clear to me that the impact of poverty on children was predominantly considered in the context of the economic and health well-being goals; focusing on importance of education, employment and preventing adverse childhood experiences. Whilst I recognise the challenging and cross-cutting nature of poverty, more could have potentially been done to explicitly draw out the relationship between poverty and children's safety, housing, sense of belonging and access to services. A more explicit focus on children's rights could have potentially helped to explore these areas and helped to consider how poverty impacts on more vulnerable groups of children, for example those identifying as disabled, Black or Minority Ethnic including gypsy or traveler, or the different experiences of children as a result of their gender.

- **Explore and understand the experiences of organisations (public, private and third-sector) and individuals in the development of well-being plans and the potential impact of greater regional working.**

4.1 Article 12 of the UNCRC guarantees the right of every child to have their views and opinions heard in decision-making processes that might affect them. The Well-being of Future Generations Act enables PSBs to discharge their duties under Section 12 of the Children and Families (Wales) Measure 2010 and to facilitate children and young people's participation and involvement in decision-making.

4.2 I am aware that all PSBs have taken strides to supporting children and young people to be involved in the development of the Well-being Assessments and are currently carrying out consultations on their Well-being Plans with children and young people. This position is also expressed by the Future Generations Commissioner and I support her recommendations to ensure that these mechanisms should deepen their conversations with citizens and to involving them in securing the future well-being of Wales.

4.3 It is important to recognise that the duty to promote and facilitate children and young people's participation is wider than involvement in the local well-being plan. A Child Rights Approach recognises the importance of empowering children and supporting them to have their views placed at the centre of policy and practice for all local partners.

4.4 There is an expectation that all PSBs adopt the Children and Young People's National Participation Standards and secure the structures, systems and resource needed to meaningfully embed children

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<sup>5</sup> Future Generations Commissioner (2017) *Well-being in Wales: Planning today for a better tomorrow*. [.pdf] [https://futuregenerations.wales/wp-content/uploads/2017/07/FGCW\\_Well-being\\_in\\_Wales-Planning\\_today\\_for\\_a\\_better\\_tomorrow\\_2017FINALENG.pdf](https://futuregenerations.wales/wp-content/uploads/2017/07/FGCW_Well-being_in_Wales-Planning_today_for_a_better_tomorrow_2017FINALENG.pdf) Accessed on: 01/12/2017

and young people's participation throughout the organisation and enable as many children and young people as possible to be involved in all aspects of planning, delivering and evaluating services. This should include supporting children to learn about their rights, have access to appropriate information and to involving them scrutiny processes.

Submitted by:

A handwritten signature in black ink, appearing to read 'Sally Holland', written in a cursive style.

**Professor Sally Holland**

**Children's Commissioner for Wales**