Children and Young Peoples Policy

Introduction

The National Assembly for Wales and the Welsh Assembly Government have adopted the UN Convention on the Rights of the Child (UNCRC) as the framework for all of their work with children and young people in Wales.

The UNCRC has enabled a move away from a needs-based approach towards a rights-based approach, which continues to reflect children's needs but also emphasises the strength and capacity of children to play an active part in their societies.

There has been a clear emphasis on children's rights and wellbeing in Welsh political discourse and Assembly Government policy has increasingly diverged from the approach taken by the Westminster Government as far as a rights-based agenda is concerned. Despite a commitment to ensuring that rights-based entitlements exist at a policy level, the current reality of some children's experience falls short of what they could expect, particularly in the areas of child and adolescent mental health and the poor outcomes for looked after children.

The UN Committee on the Rights of the Child, which scrutinises progress made by signatories of the UNCRC, gave favourable mention to Wales for establishing a Children's Commissioner in March 2001 (the first country in the UK to do so); for taking a rights-based stance in opposing the physical punishment of children and for adopting the Convention as the basis for its work.

Some areas of weakness in terms of progressing children's policy include the sexual exploitation of children, child impact assessments and annual reports on the wellbeing of children in Wales. There is also no system in Wales, or across the UK, for collection of data on children for all the areas covered by the UNCRC and mechanisms for monitoring outcomes for children are inadequate."

Overview of current statutory powers of the Assembly

The Assembly could, in accordance with the *Government of Wales Act 2006*, pursue an Order in Council seeking Measure-making powers to enable it to legislate in relation to specific matters connected with children and young people. There is no discrete Field in the *Government of Wales Act 2006* which refers to children and young people, but Field 15 "Social Welfare" is clearly of relevance, as are Field 10, "Health and Health Services", Field 12, "Local Government" and Field 5, "Education and Training".

Forthcoming EU and UK primary legislation

The *Mental Health Bill* was introduced in the House of Lords on 16 November 2006 and received its second reading in the House of Commons on 16 April 2007. The current Bill has proved no less controversial than previous drafts, having been heavily amended during its passage through the House of Lords. There are concerns that the Bill misses the opportunity to provide age appropriate assessment, treatment and supervision for children and the right to independent advocacy for under 18s.

EU policy

The European Commission adopted its Communication, *Towards an EU Strategy on the Rights of the Child* on 4 July 2006. The Communication proposes to establish a comprehensive EU strategy "to effectively promote and safeguard the rights of the child in the EU's internal and external policies and to support Member States' efforts in this field." It is hoped the Strategy will be launched by 2008/2009.

The Commission is intending to propose a new programme to protect children using the internet and the new media in 2008 and specific proposals to tackle child poverty.

Key Welsh Government documents and action plans from the Second Assembly:

- Rights in Action: Implementing Children and Young People's Rights in Wales details the Assembly Government's report on progress on implementing children's rights in Wales.
- Children and Young People: Rights to Action (2004)^{iv} outlines children and young people's policy in Wales and sets out seven core themes, each linked to relevant UNCRC articles (or rights).

- Extending Entitlement (2002) sets out 10 basic entitlements for all young people aged 11-25.
- The Children First programme is the Assembly Government's central policy response to children in greatest need (including looked after children, children with disabilities and care leavers).
- The National Service Framework for Children, Young People and Maternity Services (NSF)vii (2005) aims to contribute to the Assembly Government's seven core aims for children and young people (as set out in Rights to Action) by improving quality and reducing variations in service delivery through the setting of national standards in health and social care as well as other areas which impact on children e.g. education, housing, leisure and transport.
- Everybody's Business the Child and Adolescent Mental Health Strategy (2001) is the Assembly Government's 10 year mental health strategy for children and young people.
- Designed for Life (May 2005), ix the Assembly Government's 10 year health and social care strategy is not specifically focused on children and young people, but many elements of the strategy will impact on them.
- The Children Act 2004 is a key piece of legislation which establishes a new statutory basis for partnership working and planning and will greatly strengthen arrangements for integrated children's services at the
- The Child Poverty Strategy and Implementation Plan (2006)^x contains proposals, targets and milestones to halve child poverty in Wales by 2010 and eradicate it by 2020.

Legacy issues from the Second Assembly

- The Assembly Committees who jointly scrutinise the Children's Commissioner Annual Report said that it would be desirable for the annual monitoring to be carried out by a Committee of the whole Assembly and for a cross cutting Children's Committee to be established in the Third Assembly.
- The Health and Social Services Committee legacy paper highlighted the protection of the most vulnerable, including children, as a high level strategic issue for the Third Assembly.
- The Local Government and Public Services Committee legacy paper highlighted that continued scrutiny of the corporate parenting role of local authorities will be essential in the Third Assembly.
- The Social Justice and Regeneration Committee recommended continuing work to assess the impact of child poverty initiatives.

Useful Links

Funky Dragon, the Children and Young People's Assembly for Wales, is a peer-led organisation: http://www.funkydragon.org/index.asp

Further information

For further information on any aspect of Children and young peoples policy, please contact Kathryn Potter, Members' Research Service (Kathryn.potter@wales.gsi.gov.uk), 029 2089 8038

Welsh Assembly Government, Children and Young People: Rights to Action, 2004, http://www.wales.gov.uk/assemblydata/N000000000000000000000000016990.pdf

Welsh Assembly Government, Extending Entitlement, 2002,

http://new.wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/extending_entitlement/?lang=en

Welsh Assembly Government, Children First, http://new.wales.gov.uk/topics/childrenyoungpeople/childrenfirst/?lang=en

Welsh Assembly Government ,May 2005, Designed for Life, http://www.wales.nhs.uk/documents/designed-for-life-e.pdf

¹ Croke, R. and Crowley, A. (May 2006) Righting the Wrongs: The Reality of Children's Rights on Wales, Cardiff: Save the Children. This report is an interim analysis of how far children's rights have been realised in Wales as part of the ongoing reporting process to the UN Committee on the Rights of the Child http://www.wales.gov.uk/subichildren/toc-e.htm " Ibid

Welsh Assembly Government, Rights in Action: Implementing Children and Young People's Rights in Wales, March 2007 http://new.wales.gov.uk/docrepos/40382/403823/403829/4038291/1104233/rightsinaction-e.pdf?lang=en

ii National Service Framework for Children, Young People and Maternity Services (2005) http://www.wales.nhs.uk/sites/documents/441/ACFD1F6%2Epdf

wiii Welsh Assembly Government, Child and Adolescent Mental Health Services, Everybody's Business, Strategy Document, September 2001, http://www.wales.nhs.uk/publications/men-health-e.pdf

^{*} Welsh Assembly Government, A Fair Future for our Children, Child Poverty Strategy, February 2005, and Implementation Plan

http://new.wales.gov.uk/topics/childrenyoungpeople/childpoverty/?lang=en