

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and  
Education Committee

Blaenoriaethau ar gyfer y Pwyllgor Plant, Pobl Ifanc ac Addysg |  
Priorities for the Children, Young People and Education Committee

CYPE 49

Ymateb gan : Arsyllfa Cymru ar Hawliau Dynol Plant a Phobl Ifanc  
Response from : Wales Observatory on Human Rights of Children and  
Young People

**Question 1** – Within the remit set out above: what do you consider to be the priorities or issues that the Children, Young People and Education Committee should consider during the Fifth Assembly?

We think the Committee should be guided by two linked themes, which together will assist it to reach decisions both about its approach to work referred to it and about work it chooses to undertake. The two themes are:

1. The human rights values and requirements embedded in the legal framework for devolved law-making, Welsh legislation and policy – especially but not exclusively the human rights of children and young people;
2. The dynamic process and resource of the UNCRC.

We note the NAW Business Committee’s June 2016 publication on the fifth Assembly’s Committees, which states that the Committees’ respective remits are not prescriptive or exclusive, that more than one Committee may properly involve itself in an issue and that communication and coordination between Committee chairs is encouraged. We believe this is very important because the human rights of children and the requirements of the UNCRC are not limited to the ‘education, health and well-being of children and young people ... including their social care’, but encompass many matters falling within the remit of each and all of the other policy and legislation committees. So we hope the Committee will be able to work on issues impacting on implementation of all the requirements of the UNCRC,

working as applicable with other Assembly Committees.

The Committee should take every opportunity to consider how effectively Welsh Government and the public bodies in relation to which it exercises functions are absorbing children's rights in their work. The Welsh Government in exercise of all its functions and all persons exercising functions under the Social Services and Well-being (Wales) Act 2014 in relation to children are under a duty to have due regard to the requirements of the UNCRC whenever they exercise those functions. At the same time, some public bodies which are not under these duties are also adopting the UNCRC as a guiding or pervasive set of standards in relation to their impact on children. This is very much to be welcomed but also requires careful scrutiny and the Committee's role is of central importance in this, both in the work it undertakes and but also crucially as an exemplar for other persons or committees exercising internal and external scrutiny in relation to such bodies.

We note the recommendations made in the Legacy Report of the Committee's predecessor in the fourth Assembly (March 2016) and we think that this should inform the Committee when setting priorities in the current Assembly. However we think that these should be considered together with and in light of the wealth of information gathered in non-governmental reports to the UN Committee on the Rights of the Child during its examination of the UK State Party in 2015 - 16 and the Concluding Observations of the UN Committee which were published in July 2016. We hope that the Committee will take a proactive role in scrutinising the Welsh Government's responses to the Concluding Observations both in terms of overall strategy and organisation and also in terms of sectoral policy and law reform.

From the sources mentioned above and from the Observatory's work cumulatively, the following can be identified as priorities for the Committee's consideration as they all are significant issues in terms of children and young people's human rights:

1. The serious known problems with CAMHS in Wales and the need for effective programmes to promote children and young people's mental health and well-being. Welsh Government's efforts in its Together For Mental Health and Together4Children and Young People programmes should be robustly interrogated especially with regard to their practical impact on promoting children and young people's ability to exercise choice and their best interests as understood within the UNCRC.
2. Overall levels of child poverty and especially the disproportionate impact on children who are disabled or living with a disabled person and children from ethnic minority backgrounds.
3. The social determinants of inequalities in health, including but not limited to poverty.
4. Ensuring that play remains an area of improvement in terms of the strategic direction and legal framework in Wales, and that implementation of statutory duties concerning play is sufficiently resourced and embedded in practice at local levels.
5. Adoption of clear, evidenced, child rights sensitive budgeting processes.
6. Reform of the office of the Children's Commissioner for Wales including the transfer of oversight and accountability to the National Assembly for Wales.
7. Combatting ageism against children, the negative portrayal of children, especially adolescents, and discrimination against children seeking asylum, refugee children, Roma, Gypsy Traveller children and children from other minority groups.
8. Ensuring active and meaningful participation by children and young people in decisions affecting them, and specifically engage in developing the case for a statutory youth assembly working alongside the Assembly.
9. In the context of implementation of the Donaldson review, and other suitable contexts of investigation or scrutiny, press for
  - a. mandatory, age and developmentally sensitive human rights and citizenship education in schools curricula from an early age;
  - b. mandatory training for teachers and other school staff on

- human rights especially the requirements of the UNCRC;
- c. the adoption of pedagogical approaches which nurture conflict-resolution skills, tolerance and respect for human rights and diversity;
  - d. a prescribed, child-rights sensitive curriculum on sexual and reproductive health and relationships;
  - e. robust disaggregated data collection on school exclusions and 'managed moves', interrogating in particular disproportionate incidence and protraction of exclusion of children living with disabilities or who are vulnerable.
10. The amount and distribution of, and accountability for, targeted support for children from Roma and Gypsy Traveller communities and BME children to access education.
  11. Abolition of the defence of reasonable chastisement, a totemic reform the lack of which has become an international embarrassment in the context of Wales' reputation for progressive measures on children's rights, and undermines child protection.
  12. The experiences of and service responses to children seeking asylum, unaccompanied children and those who may have been trafficked: promotion of effective use of guardianship for all unaccompanied children.
  13. Monitoring implementation by Welsh Government of the Rights of Children and Young Persons (Wales) Measure 2011 with special attention to the quality and public accessibility of child rights impact assessments, the resource made available to support implementation of the due regard duty across the range of functions of the Welsh Government and the use in practice of section 6 of the Measure (remedial legislation).
  14. How public bodies are embedding children's rights in practice.
  15. Promotion of child rights compliance by private organisations and the business sector.

When the Committee deals with any and all these issues, we hope the Committee will itself hear and heed the voices of experience – the children and young people concerned and those who care for and

work with them – and will interrogate the extent to which Welsh Government and other relevant bodies have done so. We hope the Committee will build upon the approaches adopted by its predecessor in the fourth Assembly, which noted in its Legacy Report (March 2016) the importance of involving children, young people and carers in its work. The Committee can also be informed by evidence from other groups and organisations and we will be pleased to contribute in whatever ways we can from the information and expertise in the Observatory and its various projects.

**Question 2** – From the list of priorities or issues you have identified, what do you consider to be the key areas that should be considered during the next 12 months (please identify up to three areas or issues)? Please outline why these should be considered as key priorities.

The Committee should make the following early priorities:

1. A statutory youth assembly: because this is such an important structural issue in terms of youth engagement with the Assembly and Welsh polity.
2. Improvements in mental health and well-being services: because the systemic failings are so severe as to cause additional harm to many young people in need of support or treatment.
3. Ensuring proper implementation of the due regard duty across all functions of the Welsh Government, noting the recommendations on CRIA set out in Dr Simon Hoffman's recent evaluation carried out for the Welsh Government.