



## Children's Rights Impact Assessment (CRIA) Template

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| <b>Title / Piece of work:</b>            | Guidance for the commissioning of Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) Services in Wales |
| <b>Related MA number (if applicable)</b> | MA-P-JJ-0712-18  |
| <b>Name of Official:</b>                 | Zoe Holland  |
| <b>Department:</b>                       | EPS - Violence Against Women and Domestic Abuse Team   |
| <b>Date:</b>                             | February 2019  |
| <b>Signature:</b>                        | ZH   |

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NAFW.

Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

You may wish to cross-reference with other Impact Assessments undertaken.

**NB.** All CRIAs undertaken on legislation must be published. All non-legislative CRIAs will be listed on the WG website and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

# Six Steps to Due Regard



## **Step 1. What's the piece of work and its objective(s)?**

Section 15 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 ("the Act") gives the Welsh Ministers a power to issue statutory guidance to relevant authorities (as defined in the Act) on how the authorities should exercise their functions with a view to contributing to the pursuit of the purpose of the Act.

The Welsh Ministers intend to use this power to issue guidance to local authorities, Local Health Boards, fire and rescue authorities and NHS Trusts in Wales to promote high quality collaborative commissioning that delivers more consistent and effective services to prevent Violence against Women, Domestic Abuse and Sexual Violence (VAWDASV) and protect and support victims across Wales.

The guidance will provide a framework for the commissioning of VAWDASV services to meet needs effectively and fairly across Wales by enabling the creation of regional collaborative VAWDASV partnerships. This will help to ensure consistency of provision across the whole country and contribute to the achievement of Objective 6 (Provide victims with equal access to appropriately resourced, high quality, needs led, strength based, gender responsive services across Wales) in the Welsh Government's National Strategy on VAWDASV: 2016- 2021.

The Welsh Ministers are required by the Act to publish annual reports of the progress made towards achieving both the objectives in the National Strategy and achievement towards the purpose of the Act, as well as to publish national indicators that can be used to measure collective national progress in achieving the purpose of the Act. The first progress report under the Act was published in January 2018.

The Act provides definitions for violence against women, domestic abuse and sexual violence. These definitions are not age restrictive; they will apply to children and young people directly affected by any form of violence against women, domestic abuse and sexual violence. VAWDASV has a wide ranging impact on children and young people as direct victims, as witnesses and often as both.

The following evidence outlines this impact in more detail:

A 2011 YouGov poll, weighted to be representative of 16 to 18 year olds in the UK, found

the following: nearly a third of girls have experienced unwanted sexual touching at school; almost three quarters said that they have heard sexual name-calling such as “slut” or “slag” towards girls at school daily, or a few times per week; nearly a quarter had not been told by their teachers that unwanted sexual touching, sharing of sexual pictures or sexual name calling are unacceptable; and four out of ten said that they didn't receive lessons or information on sexual consent, or didn't know whether they did.

In 2009, the National Society for the Prevention of Cruelty to Children (NSPCC) conducted research in a small selection of schools with young people aged 13-17 in mainstream education which examined their experiences of physical, emotional and sexual forms of violence in their partner relationships. The research found that:

- 25% of girls and 18% of boys experienced some form of physical abuse at least once in their lifetime;
- 75% of girls and 50% of boys reported experiencing some sort of emotional abuse at least once in their lifetime; and
- 31% of girls and 16% of boys reported experiencing some form of sexual violence at least once in their lifetime.

An estimated 130,000 children in the UK live in households with high-risk domestic abuse; that is where there is significant risk of harm or death. One in five child abuse cases dealt with by the NSPCC involves domestic abuse and one in three child protection cases have a history of the mother suffering domestic violence. According to research by Safelives almost two-thirds (62%) of children exposed to domestic abuse were also directly harmed. Amongst other impacts, over half (52%) had behavioural problems, over a third (39%) had difficulties adjusting in school, and three-fifths (60%) felt responsible for negative events. A quarter of children living with high risk domestic abuse are under three years old.

There is emerging evidence that abuse within young people's relationships at least mirrors levels of prevalence seen in adult relationships and concerning data which outlines significant levels of high risk abuse (where serious harm or death are potential outcomes for a victim).

Forced marriage is disproportionately experienced by young people; 35% of cases reported to the Forced Marriage Unit in 2013 were for those under 17 years old. The majority of cases involve young women although young men are also at risk.

The majority of those subjected to Female Genital Mutilation (FGM) are aged between 5 and 8 years old although those up to aged 16 are also at risk.

## **Step 2. Analysing the impact**

It is widely recognised that exposure to violence and abuse in early life can cause physical, psychological and social health problems – with an increased risk that without intervention these children may become victims or perpetrators later in life.

Serious Case Reviews into child deaths have highlighted the risks to children associated with domestic abuse. In particular the toxic trio of parental mental health, substance use and domestic abuse is highlighted as being particularly damaging to the caregiving environment. As outlined above it is also clear that the experience of domestic abuse

increases the risk of direct harm to any children in a household.

Evidence shows a strong association between children's exposure to domestic abuse with emotional and behavioural problems, as well as poor peer relationships, low academic attainment and engagement in risky health behaviours. There is also a strong association between witnessing violence in the home and the changes of living with violence in later life (about half of young people who become prolific offenders had witnessed violence in a family context).

The issuing of national commissioning guidance for the first time should ensure consistency and best practice in the way in which VAWDASV services are prioritised and provided across Wales, focussing on preventive, protective and supportive mechanisms, which will improve outcomes for children experiencing violence and abuse and those at risk of doing so, with the aim of providing the safe environment and opportunities in life that every child and young person deserves.

### **Step 3. How does your piece of work support and promote children's rights?**

Some of the articles in the UNCRC are not necessarily engaged given the policy intent. However, the commissioning guidance does engage, and has the potential to positively support, a number of UNCRC articles, notably:

- Article 6 (right to life and to develop healthily)
- Article 19 (protection from violence, abuse and neglect)
- Article 34 (protection from sexual abuse)

### **Step 4. Advising the Minister and Ministerial decision**

A copy of this Children's Rights Impact Assessment will be included as part of the advice to the Leader of the House asking her to agree to issue the draft commissioning guidance for public consultation.

### **Step 5. Recording and communicating the outcome**

**Final version to be retained on i-share**

This Children's Rights Impact Assessment is stored on the Welsh Government's record management system (iShare), and will be published on the Welsh Government website as part of the consultation on the draft guidance.

## Step 6. Revisiting the piece of work as and when needed

This Impact Assessment will be reviewed following the consultation on the draft guidance.

### Budgets

**As a result of completing the CRIA, has there been any impact on budgets?**

It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.

**No**

**Please give any details:**

N/a


### Monitoring & Review

**Do we need to monitor / review the proposal?**

**Yes**

**If applicable: set the review date**

**Summer 2018**



**See next page for a  
Summary List of the  
UNCRC articles**

# THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

[www.unrcletsgetitright.co.uk](http://www.unrcletsgetitright.co.uk)

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

## Article 1

Everyone under 18 years of age has all the rights in this Convention.

## Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

## Article 3

All organisations concerned with children should work towards what is best for each child.

## Article 4

Governments should make these rights available to children.

## Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

## Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

## Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

## Article 8

Governments should respect children's right to a name, a nationality and family ties.

## Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

## Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

## Article 11

Governments should take steps to stop children being taken out of their own country illegally.

## Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

## Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

## Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

## Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

## Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

## Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

## Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

## Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

## Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

## Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

## Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

## Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

## Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

## Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

## Article 26

The Government should provide extra money for the children of families in need.

## Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

## Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

## Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

## Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

## Article 31

All children have a right to relax and play, and to join in a wide range of activities.

## Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

## Article 33

The Government should provide ways of protecting children from dangerous drugs.

## Article 34

The Government should protect children from sexual abuse.

## Article 35

The Government should make sure that children are not abducted or sold.

## Article 36

Children should be protected from any activities that could harm their development.

## Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

## Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

## Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

## Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

## Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

## Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: [www.unrcletsgetitright.co.uk/](http://www.unrcletsgetitright.co.uk/)

Cic - The National Information and Advice Service for Young People [www.cikonline.co.uk/news/](http://www.cikonline.co.uk/news/)

