



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

<b>Title / Piece of work:</b>	National Standards and Outcomes Framework for Children and Young People
<b>Related SF / LF number (if applicable)</b>	MA-P/CS/)598/17
<b>Name of Official:</b>	Ruth Akers
<b>Department:</b>	Safeguarding and Advocacy Branch, Social Services and Integration Directorate
<b>Date:</b>	15 May 2018
<b>Signature:</b>	<i>Ruth Akers</i>

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 CRIs undertaken on legislation must be published alongside the relevant piece of work on the WG website. All other CRIs must be listed in the WG CRIA newsletter and must be made available upon request. Ministers are however, encouraged to publish all completed CRIs.**

## Six Steps to Due Regard



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

The Social Services and Well-being (Wales) Act 2014 ('the 2014 Act') came into force on 6 April 2016. Part 10 of the Act includes duties relating to advocacy. The dedicated code of practice on advocacy under Part 10 sets out how advocacy could support the determination and delivery of an individual's personal outcomes, together with the circumstances when a local authority must arrange an independent professional advocate. Chapter 3 of Part 10 of the Act relates to advocacy for children and adults.

Section 174 of the 2014 Act also requires local authorities to provide advocacy in respect of representation or complaints by a child in relation to services received either as a looked after child or a child in need of care and support. A "looked after child" is a child who is either in the care of a local authority or is provided with accommodation under a local authority's functions under part 6 of the 2014 Act.

Commissioners of independent professional advocacy services under Section 174 need a consistent framework to measure the quality as well as the quantity of their work and be assured they are making a positive difference to children and young people's lives. As a result Ministers invited local government in Wales to bring forward a model for securing a national approach to statutory independent professional advocacy for looked after children, children in need of care and support and other specified individuals.

During the Summer of 2014, Ministers met and strategically reviewed the evidence provided through a number of reports alongside the evaluation of MEIC <sup>1</sup>(a helpline which provides information, advice to children and young people) and the early messages coming from CIW's inspection of care planning and safeguarding arrangements across all local authorities in Wales.

A Senior Leadership Group, which included the Children's Commissioner, was convened to oversee the development of the National Approach.

A Task and Finish Group was established, chaired by ADSS Cymru and included representatives from the Children's Commissioner for Wales, Welsh Government and other identified partners. It was tasked with developing the key components to a National Approach which should be aligned to a Standards and Outcomes Framework and

<sup>1</sup> A leading pan Wales resource to provide a helpline for children and young people (CYP) in Wales between the ages of 0-25 years functioning 7 days a week 8am till 12 midnight

exploring the recommendation of the 'active offer' from the Children's Commissioners' report 'Missing Voices: Right to be Heard'.

The national approach model was to be delivered through lead authorities within the then Social Services Regional Improvement Collaboratives. The Welsh Government provided the resource of a seconded post, to undertake the role of the project manager.

The group identified and developed the following key components:

- Framework including an approach to the 'active offer' of advocacy identified in 'Missing Voices' and a mapping of the Framework to the Well-being Statement that underpins the Act.
- National Approach – Regional Service Specification (Providing consistent specifications for commissioning of services)
- National Approach- Regional Performance Reporting Template delivering the evidence and statistics identified within the Framework for service quality and performance monitoring purposes.
- A Range and Level Assessment mechanism (Service Capacity) which when applied to the eligible population locally and regionally assists with gauging service capacity requirements and associated costs.

ADSS Cymru and WLGA produced an implementation plan to progress the national approach which was agreed by all local authorities in Wales.

The National Standards and Outcomes Framework for Children and Young People (The Framework) identifies the outcomes children and young people can expect in relation to children and young people's advocacy. It sets out a framework by which advocacy service providers and those commissioning them can be sure those standards are being achieved, enabling them to evidence they are making a positive difference to children and young people's lives.

This document also provides children and young people with care and support needs who access advocacy services, with information regarding what they are entitled to, and how they can be involved with developing and evaluating the services. A young person friendly version of the Framework has been produced for consultation.

Reference documents which support the Framework are:-

[Social Services and Well-being \(Wales\) Act 2014 Part 10 Code of Practice \(Advocacy\)](#)  
[Part 6 of the Social Services and Well-being \(Wales\) Act 2014](#)  
[United Nations Convention on the Rights of the Child \(UNCRC\)](#)  
[Rights of Children and Young Person's \(Wales\) Measure 2011](#)  
[Regulation and Inspection of Social Care Act 2016](#)

A formal 12 week consultation took place between 31 March – 23 June 2017 seeking views on the Framework. As part of this consultation a workshop was held with Voices from Care. During this workshop, discussions took place about the impact of the proposed changes on children and young people. Overall the young people felt that the standards are really good but need to see how it pans out, and they wish to be updated on the process as its happening so that they can have their input.

A total of 35 responses were received as part of the consultation, including responses from Children in Wales and the Children's Commissioners Office. All responses have

been considered equally in terms of comments received. A summary of consultation responses report can be found at: <https://beta.gov.wales/national-standards-and-outcomes-framework-children-and-young-people>

## Step 2. Analysing the impact

The Welsh Government is committed to taking forward its commitments within the implementation plan relating to the Framework. However, this needs to be done in alignment with the work being done on the development of regulated advocacy services under the Regulation and Inspection of Social Care (Wales) Act 2016, both in updating the Part 10 Code of Practice (Advocacy) under the Act; and in regulations to be made under the Regulation and Inspection of Social Care (Wales) 2016.

A Technical Group was set up and has completed its work on the development of the standards for Independent Professional Advocacy providers, required within regulations under the Regulation and Inspection of Social Care (Wales) 2016 (to be developed within phase 3 of implementation).

Officials intend to incorporate relevant parts of the Framework into the Part 10 Code of Practice on Advocacy under the Social Services and Well-being (Wales) Act 2014. As a point of process the revised Code will need to be laid before the Assembly for a period of 40 days before it can be issued.

Much of the policy informing those regulations (and accompanying statutory guidance) will derive from the elements of the Framework that relate to providers of advocacy services. Initial policy instructions for regulations under the 2016 Act were submitted to the Minister in January 2018.

Welsh Government intends to complete this work and to update the Code on Part 10 as soon as practicable, alongside the development of draft regulations under the 2016 Act (which are due to be consulted on from May 2018).

A young person friendly version of the Framework was produced for consultation.

We avoid any negative impact on the use of Welsh by publishing materials bilingually; by engaging with the public, local authorities and throughout the Welsh Government through the medium of Welsh. Promotional materials are produced bilingually.

The previous Cabinet Secretary for Communities and Children was engaged throughout the development of the Framework.

No conflict with UNCRC articles but it was identified during the consultation process that consistency should also be secured in line with Article 30 of the UNCRC.

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

Dependant upon the impact of your piece of work, use balanced judgement to assess:

- Which UNCRC articles are **most** relevant to the piece of work? Consider the articles which your piece of work impacts upon. <http://childrensrights.wales/images/PDF/UNCRCRights.pdf>
- Explain why these articles are relevant and how the piece of work promotes them.
- How are you improving the way children and young people access their rights?
- What aspects of children's lives will be affected by the proposal?
- What are the main issues that the CRIA should focus on?
- Does the piece of work help to maximise the outcomes within the articles of the UNCRC?
- If no, have any alternatives to the current piece of work been considered?
- Include any evidence from consultation(s), if applicable, here.

### United Nations Convention on the Rights of the Child (UNCRC)

This work gives due regards to duties under the *United Nations Convention on the Rights of the Child (UNCRC)* predominantly

**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 6** - All children have the right of life. Governments should ensure that children survive and develop healthily.

**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 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 25** – Children who are looked after by their local authority and who have a care and support plan rather than their parents should have their situation reviewed regularly.

**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 39** - Children who have been neglected or abused should receive special help.

The Social Services and Well-being (Wales) Act 2014 promotes people's independence to give them a stronger voice and control in the way social services are delivered. Advocacy should be considered as an inherent element of the Act, as it helps people to express their wishes and feelings and to make decisions about their well-being.

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

The Minister for Children and Social Care agreed (MA-P/HID/4325/17) to the publication of the Summary of Responses in March 2018. The advice to the Minister for Children and Social Care confirms that this CRIA has been completed.

No conflict with UNCRC articles has been identified.

A 12 week consultation on the Framework ran between 31 March -23 June 2017. In addition a workshop, in line with the formal consultation was held. As a result of comments received from the formal consultation and the workshop amendments are to be incorporated into the Framework.

A full report of the consultation and the analysis of responses can be accessed on the Welsh Government website: <https://beta.gov.wales/national-standards-and-outcomes-framework-children-and-young-people>

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

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

A summary of the outcome of the consultation including the Welsh Government's response can be found here <https://beta.gov.wales/national-standards-and-outcomes-framework-children-and-young-people>

A formal MAP will be sent to the Minister for Children and Social for agreement, once the revisions to the Framework have been done.

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

The Framework allows for Local Authorities Regional Leads to monitor the functions of National Approach to advocacy which includes the active offer to children and young people. Ministers may require these bodies to report on their duties in implementing the National Approach.

- A Task & Finish Group (T&FG) has been set up to monitor and drive implementation, and review the effectiveness of the National Approach to Advocacy for Children and Young People. Members will contribute to ministerial advice to the Minister for Children and Social Care through the MAG on progress of the National Approach, and will identify what works well in implementation of the National Approach and the barriers that exist. Their work will also contribute to on-going development of the National Approach.
- The CRIA will be updated after consideration has been given to the feedback received in relation to children on the public consultations on the code of practice in relation to Part 2 (General Functions) and the code of practice in relation to measuring social services performance.

### **Budgets**

**Does the piece of work have any associated allocation of budget?**

**Can you identify how much of this budget will be used for children and young people?**

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

**Has any additional spend been identified to ensure children and young people have been given an opportunity to contribute to the piece of work and have their opinions heard? If so, how much?**

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**Please give any details:**

There is an allocation of up to £550k to support the National Approach

The previous Cabinet Secretary for Communities and Children and the previous Minister for Social Services and Public Health approved the joint funding allocation of up to £550k

to support the national approach for 2017-18, comprising:

- The Cabinet Secretary for Communities and Children agreed to commit up to £350k of the funding allocation from C&C MEG – Advocacy Board BEL 5333 for 2017-18 only;
- The Minister for Social Services and Public Health and the Cabinet Secretary for Health Well-being and Sport, agreed the funding of up to £200k from the HSS Advocacy budget for 2017-18 only;

It was also agreed by the previous Cabinet Secretary for Communities and Children that the funding of up to £550k would be transferred into the Revenue Support Grant (RSG) in 2018/19 or 2019/20 dependent on progress with implementation. It has now been agreed that as of April 2019 the Advocacy Active Offer is going into the EPS Super Grant.

### **Monitoring & Review**

<b>Do we need to monitor / review the proposal?</b>	<b>Yes / No</b>
<b>If applicable: set the review date</b>	<b>Month / Year</b>

Please forward a copy of this CRIA to [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk) for monitoring purposes



# THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

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

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

