



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.ⁱ

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.ⁱⁱ

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.ⁱⁱⁱ
- *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).

