Hawliau Plant Cymru

Children's Rights Wales

Llywodraeth Cymru
Welsh Government

Report on the compliance with the duty under section one of the Rights of Children and Young Persons (Wales) Measure 2011

February 2018 – September 2020

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Ministerial Foreword – Julie Morgan MS, Deputy Minister for Health and Social Services

I welcome the opportunity to publish this compliance report which covers the period February 2018 to September 2020. This report provides an opportunity to reflect on how Welsh Government has met the duty to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols. It covers a period of just over two and a half years since the last compliance report and since my appointment as Deputy Minister for Health and Social Services in December 2018.

This Government wants children from all backgrounds to have the best start in life and to fulfil their potential. Children's rights support that ambition, which is why the policies and programmes we have to support children, young people and their families have children's rights at their core.

There have been a number of significant legislative achievements during the reporting period. In March 2020, the Children Abolition of Defence of Reasonable Punishment (Wales) Act 2020 received Royal Assent. When section 1 of the Act comes into force on 21 March 2022 it will prohibit the physical punishment of children in Wales.

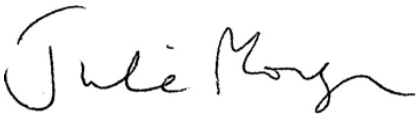
In January 2020, Senedd Cymru passed the Senedd and Elections (Wales) Act 2020. Lowering the voting age to 16 gives a valuable opportunity to start a young person on their democratic journey and empowers them to engage with the decisions that affect their lives.

I am very conscious we are publishing this report in the middle of the Covid-19 pandemic. 2020 and the beginning of 2021 have been difficult for many, particularly children, so I have taken the opportunity within this report to discuss how the Welsh Government has responded, so far, to the Covid-19 crisis. The timing of this report has been delayed from summer 2020 as resources were reprioritised to respond to the crisis.

Listening to and hearing from children and young people during the pandemic has been essential. The decisions taken by Government have had an impact on their lives – positively and negatively. Understanding how they were feeling was a critical aspect of the 'Coronavirus and me' survey[1], led by the Children's Commissioner for Wales, and conducted in partnership with the Welsh, Government, Children in Wales and the Welsh Youth Parliament.

The responses from the survey and virtual discussions with young people have informed our thinking and decision making. I am grateful to everyone who took part in the survey and to those young people who have met with Ministers and officials over recent months.

I remain fully committed as an advocate and champion of children's rights to seeing them embedded further in the work of government.



Julie Morgan

Deputy Minister for Health and Social Services

[1] This report covers the period February 2018 to September 2020. There was a second 'Coronavirus and Me' survey Jan/Feb 2021 the results of which fall outside of the scope of this report.

Section one: Introduction and context

The UNCRC

The UNCRC brings together children and young people's human rights, up to the age of 18, into one international Convention. The UNCRC has 54 articles that cover many aspects of a child's life and sets out the civil, political, economic, social and cultural rights which children are entitled to. These rights have come to be known as falling into three themes - of Protection, Provision and Participation rights.

Children and Young Persons (Wales) Measure 2011

Children's rights are enshrined in Welsh law through the Rights of Children and Young Persons (Wales) Measure 2011[2], hereafter referred to as **The Measure**. The Measure places a duty upon Welsh Ministers to have due regard to the United Nations Convention on the Rights of the Child[3] and its Optional Protocols[4] when exercising any of their functions. This compliance report shows how Welsh Ministers and officials within Welsh Government demonstrate that due regard duty in practice. The 2014 Children's Rights Scheme (CRS) sets out the arrangements the Welsh Ministers have in place to comply with the due regard duty.

Structure of this report

The structure of this report mirrors the five principles of a children's rights approach in the Children's Commissioner for Wales' (CCfW) *The Right Way: A Children's Rights Approach in Wales.*[5] The report includes sections on the following areas:

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[2] Rights of Children and Young Persons (Wales) Measure 2011

[3] Section 1 of the Measure states that from 1 May 2014:The Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of:

a) Part I of the UNCRC;
b) Articles 1 to 7 of the Optional Protocol to the UNCRC on the involvement of children in armed conflict, except article 6(2)
c) Articles 1 to 10 of the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography.

[4] Optional Protocol to the Convention on the Rights of the Child on the involvement and Optional Protocol to the Convention on the Rights of the Child on the sale of children

[5] https://www.childcomwales.org.uk/resources/childrens-rights-approach/right-way-childrens-rights-approach-wales/

- Introduction and context (Page 5 – 7)
- Approach to the Covid-19 pandemic (Pages 8 – 14)
- Key legislative children's rights policy achievements (Pages 15 – 17);
- Embedding children's rights (Pages 18 – 23);
- Equality and non-discrimination (Pages 24 – 26);
- Empowering children (Pages 27 – 30);
- Participation (Pages 31 – 36);
- Accountability (Pages 37 – 40); and
- Next steps (Pages 41 – 42).

Timing of this compliance report

As set out in the 2014 CRS the Welsh Government is committed to preparing a compliance report every 2.5 years.

This compliance report covers the period February 2018 to September 2020, a period of just over two and a half years. Its publication was delayed due to the unprecedented situation as a result of the pandemic, and the need to reprioritise resources.

The next compliance report will cover the period October 2020 to March 2023.

Children's Rights Scheme (CRS)

A CRS is a requirement of Section two of the Measure which states that Ministers must make such a scheme to set out the arrangements they have made, or propose to make, for the purpose of compliance with the duty to have due regard to the requirements of

a) Part I of the UNCRC;
b) Articles 1 to 7 of the Optional Protocol to the UNCRC on the involvement of children in armed conflict, except article 6(2);
c) Articles 1 to 10 of the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography.

The existing 2014 CRS sets out these arrangements. The CRS is part of a wider, comprehensive offer of tools the Welsh Government has to support understanding and encourage the discussion of children's rights.

The 2014 CRS is due for review and an updated CRS is currently out for public consultation[6] which will close at the end of March 2021. Following the consultation, the Welsh Government will reflect on the feedback, update the CRS and aim to publish the revised document in autumn 2021.

[6] Draft Children's Rights Scheme 2021 Consultation

Section two: Approach to the Covid-19 pandemic

Welsh Government response to Covid-19 pandemic

Covid-19 remains an unprecedented national health crisis, affecting the entire population including children and young people. The last part of the compliance reporting period (March 2020 to September 2020) covers the first few months of the Covid-19 pandemic.

In April 2020, The UN Committee on the Rights of the Child published a statement expressing concern about the situation of children globally, particularly those in situations of vulnerability, due to the effects of the Covid-19 pandemic.

In response to the Committee's concerns the Welsh Government has published its completed CRIAs related to the decisions taken to mitigate against the impact of the pandemic on children and young people.

The following case study highlights the work Welsh Government undertook at the start of the Covid-19 pandemic to listen to the views of children and young people to understand how they were experiencing the pandemic.

Case study 1: 'Coronavirus and me' survey

The Welsh Government worked in partnership with the CCfW, Children in Wales (CiW) and the Youth Parliament to conduct an online survey to ask children and young people about their experiences during the Covid-19 pandemic. The Welsh Government asked the CCfW to lead on the survey and responsibility for producing the headline data analysis from an independent viewpoint. The survey was launched for a two week period in May.

The survey questions were designed based on the Articles within the UNCRC and in consultation with children and young people. The survey was a UK first and recognised by UNICEF UK as an example to be followed by countries across the globe.

More than 23,700 children and young people responded and provided their views and the Welsh Government has used the survey results to ensure children's rights and opinions are reflected upon during ongoing decision making. Headline data was published in June 2020[7] with the majority of children saying they were worried about missing out on their education. The Welsh Government listened to and acted on this feedback, providing all pupils with the opportunity to 'Check in, Catch up and Prepare' on returning to school in the Summer.

The CCfW published three further reports relating to disabled children and young people[8], children from Black, Asian and minority ethnic groups[9] and young people aged 15 – 18[10].

On 23 September 2020, the Children's Commissioner for Wales held a briefing session for officials, the session was attended by 162 officials where key messages were shared.

Cabinet ministers and senior officials were also briefed on the findings and the survey data was used extensively as part of the Children's Rights Impact Assessments (CRIAs) across Welsh Government.

Case study 2 illustrates the central importance that Welsh Government placed on protecting vulnerable children during the pandemic.

Case study 2: Vulnerable children and young people work stream

In response to the Covid-19 pandemic and the ensuing restrictions, the cross-governmental vulnerable children, young people and safeguarding (VCYPS) work

[7] Coronavirus and me headline data
[8] Coronavirus and me: Understanding how disabled children and young people have experienced the pandemic in Wales
[9] Coronavirus and me: Experiences of children from Black, Asian and minority ethnic groups in Wales
[10] Coronavirus and me: Survey responses from young people aged 15 - 18

stream was established. Its primary aim was to ensure that vulnerable children and young people were **'safe, seen and heard'** during the crisis.

The VCYPS work stream included policy leads from education, children and families, housing, communities, and health and social services. Through mapping of departmental work and plans, and intensive communication and engagement, it facilitated consideration, prevention and mitigation of the impact of the Covid-19 pandemic and the ensuing restrictions on vulnerable children and young people.

In addition, an external advisory group was established, that included representatives from the Children's Commissioner's office, Inspectorates, third sector, Youth Board, National Safeguarding Board, Directors of Education, Directors of Social Services, the Police, Public Health Wales, the ACE Support Hub, and Child and Adolescent Psychology. The purpose of this group was to share intelligence and to identify any risks and gaps, and to feed its output into the VCYPS work stream.

By Summer 2020, it became clear that the Covid-19 pandemic necessitated not only a short term crisis response, but also a long term strategy for 'how to operate in a Covid-19 world' and impact mitigation.

It was recognised that the Covid-19 pandemic and the ensuing restrictions make *all* children and young people potentially vulnerable in a wide range of areas, including physical and mental health, emotional wellbeing, educational development, job security, (parental) income and housing stability, both in the short and the long term. The primary aim of the VCYPS work stream was therefore extended to ensuring that *all* children and young people are **'safe, seen, heard, nurtured and developing'**.

Case study 3 outlines how the mental health and wellbeing of children and young people has continued to be a priority throughout the pandemic.

Case study 3: Mental health support for children and young people

Supporting the emotional and mental wellbeing of children and young people is a priority for the Welsh Government. As part of our whole school approach to emotional and mental wellbeing, we have announced a range of support for learners. We are developing teacher training modules on child development, mental health and neurodiversity to ensure teachers are able to spot the early signs of problems in the classroom and know how and when to refer to specialist services if and when required.

We have also worked with Welsh Higher Education Intuitions over the course of 2020 to develop professional learning modules specifically in relation to the wellbeing impact of Covid-19. These include modules on blended learning and supporting learner wellbeing during the pandemic.

We have created an online resource which promotes a range of digital tools designed specifically to support young people with their own mental health and emotional wellbeing. The Young Person's Mental Health Toolkit[11] links young people, aged 11 to 25, to websites, apps, helplines, and more to build resilience and support them through the Coronavirus pandemic and beyond.

We continue to invest to improve specialist child and adolescent mental health services (CAMHS) for all those who need it and we are working to improve access for young people, including reducing waiting times and establishing neurodevelopment teams in each health board.

[11] Young person's mental health toolkit

Co-ordinated approach to policies affecting children arising from the Covid-19 pandemic

The list below highlights just some of the new policy initiatives put in place to support children through this crisis.

- £3m to support learners who are unable to access electronic devices or the internet;
- Up to £52million additional funding has been allocated to ensure that pupils who rely on free school meals are still able to receive them whilst they are not attending school (this has been extended for 2020/21 to cover the Easter, spring half-term and summer holidays);
- £420,000 for access to free school meals for learners shielding or self-isolating;
- £29m to Recruit, Recover and Raise Standards. Throughout the next school year 900 extra teaching staff will be recruited, targeting extra support at Years 11, 12 and 13, as well as disadvantaged and vulnerable learners of all ages;
- A Resilience Plan for post-16 learning;
- An online safety zone has been created on Hwb so children can access support if they are feeling unhappy or unsafe;
- A dedicated page was set up about safeguarding to remind people they should call 101, or contact their local authority, if they have any concerns about a child or an adult being harmed;
- The NSPCC campaign commissioned by the Department for Education, UK Government which encourages the public to contact the NSPCC adult helpline if they have any concerns about children in their community has been promoted;
- *An updated School and Community-Based Counselling Operating Toolki*t (2020) which enables counselling providers in schools and, increasingly in the wider community, to deliver services that are of high quality, safe, easily accessible and available at the point of need;
- An additional £1.25m to extend counselling provision in schools;

- An additional £3.75 million of funding for mental health in schools that will include new support for children under the age of 11;
- An additional £33,000 to enable the MEIC, the national information, advice and advocacy helpline service for children, to respond to the increase in calls to the helpline and to produce Covid-19 specific resources;
- Launch of the Young Person's Mental Health Toolkit; and
- £3.5m for the Child Development Fund for under 5s to provide additional support for speech, language and communication, fine and gross motor skills and social and emotional development.

Communicating with children and young people during Covid-19

The Welsh Government was mindful of how we communicated with children and young people during the pandemic about the changes that would directly affect them and also how we listened to their views about those changes.

The Welsh Government's ability to talk to children and young people face to face was inevitably affected by the pandemic, however we were keen to use real time virtual communication mechanisms. The list below highlights some of the ways we have communicated and talked directly with children and young people:

- Deputy Minister for Health and Social Services message to children and young reassuring them about the Covid-19 pandemic 25 March 2020;
- First Minister meeting with Youth Parliament 30 April 2020;
- Minister for Education press conference with children and young people on 24 June 2020;
- #AskKirsty direct questions from children and young people via social media;
- Deputy Minister for Health and Social Services meeting with representatives from Young Wales on 17 September 2020;

- Development of child friendly versions of some Welsh Government advice[12].

Engagement with children and young people continues, but falls outside the scope of this compliance report.

[12] Help us change the way we help children and young people with their mental health and emotional wellbeing

Section three: Key legislative children's rights policy achievements

During the reporting period, the Welsh Government has passed the following legislation:

- Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 which removes the defence of reasonable punishment; and
- Senedd and Elections (Wales) Act 2020 to enable 16 and 17 year olds to vote in Senedd and local elections, as part of our proposals to reform electoral arrangements in local government.

These areas are explored further in case studies 4 and 5 below.

Case study 4: Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020

On 20 March 2020 the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 received Royal Assent. When section one of the Act comes into force on 21 March 2022 it will prohibit the physical punishment of children in Wales by abolishing the defence of reasonable punishment, which is a defence in law against a charge of assault and battery. This does not create a new offence.

The legislation will help protect children's rights by prohibiting the physical punishment of children by parents and others acting with parental responsibility. The UNCRC recognises that any physical punishment of children, however minor, is incompatible with the human rights of children under Article 19, and has called for it to be abolished.

The Welsh Government's intention is that the combined effect of the Act, a high profile awareness raising campaign and support for parents, will bring about a further reduction in the use and tolerance of the physical punishment of children in Wales.

An awareness-raising campaign including television, radio and digital advertising will commence in 2021. An expert stakeholder group has been established to oversee the communications work and will advise on raising awareness amongst children and young people; this work will be embedded in the wider context of children's rights.

The views of children and young people have been considered throughout the development of the legislation, and the scrutiny process. During the consultation on the legislative proposal external engagement events were held with children and young people. The majority of the responses provided views in favour of the legislative proposal and agreed it would support the aim of protecting children's rights. UNICEF UK also worked with young people in schools across Wales to gather the views of 1,157 children and young people, on whether or not the law should change or stay the same.

More information on ending physical punishment in Wales can be found at: Ending Physical Punishment in Wales

Case study 5: The Senedd and Elections (Wales) Act 2020

In January 2020, Senedd Cymru passed the Senedd and Elections (Wales) Act 2020 which made a number of reforms to Senedd Cymru, including the extension of the Senedd franchise to 16 and 17 year olds, among other changes.

Although this was not a Government Bill, the Welsh Government fully supported the intention to lower the voting age for 16 and 17 year olds in Senedd Elections and sought to implement the same change to the Local Government franchise via the Local Government Elections (Wales) Act.

In the Welsh Government's national strategy, 'Prosperity For All'[13], we committed to back votes for those aged 16 and over. Lowering the voting age to 16 gives a valuable opportunity to start a young person on their democratic journey with the

[13] Prosperity For All: The National Strategy

right tools to become a regular voter rather than an occasional one, and empowers them to engage with the decisions that affect their lives.

In assessing the potential impact of the change, Welsh Government considered the evidence gathered through consultation and also the UNCRC and in particular those Articles dealing with the right to freedom of expression, to be heard, treated with respect and have access to good quality education and information from a wide range of sources. The conclusion was that the extension of the franchise would positively impact on the rights outlined in the Articles.

The Welsh Government commissioned qualitative research which involved interviews and focus group sessions with young people to understand their perceptions of politics and to identify any potential barriers to them participating.[14]

The Senedd and Elections (Wales) Act 2020 became law in Wales on 15 January 2020, making the elections to the Senedd in May 2021 the first Senedd poll for which 16 and 17 years olds will be enfranchised.

Significant work has also taken place on the following pieces of legislation which impact children's rights. This includes the:

- Curriculum and Assessment (Wales) Bill (case study 8 outlines the design; and development process for the new curriculum)
- Local Government and Elections (Wales) Act; and
- The Additional learning needs transformation programme.

[14] https://www.understandingsociety.ac.uk/blog/2019/06/05/social-action-as-a-route-to-the-ballot-box

Section four: Embedding children's rights

The Children's branch

The Children's branch is embedded in the Children and Families Division and has a role to offer expert advice and guidance across the Welsh Government on all areas of children's rights.

The branch has a role in leading on the following activities:

- Helping officials to understand the UNCRC and its Optional Protocols and their role in ensuring the due regard duty is met.
- Leading the Welsh Government response to UNCRC reports and UN Concluding Observations recommendations;
- Preparing and updating the CRS;
- Reporting compliance against the duty under section one of the Measure;
- Providing support for officials to engage effectively with children and young people and the preparation of child friendly documents; and
- Advice and support on CRIA.

The branch has the grant management role for CiW. Welsh Government funds CiW to facilitate engagement with children and young people and to provide support to professionals working in the children's sector.

The Children's branch is the sponsor body for the Children's Commissioner for Wales (CCfW) and her office. The CCfW office is an independent human rights institution funded by the Welsh Government,

Expertise in children's rights – Children's Rights Advisory Group (CRAG)

The Children's branch is also responsible for accessing external expertise in Children Rights to support the policy making process. The CRAG, which meets on a quarterly basis, acts as a critical friend to provide advice on children rights – including draft CRIAs and Integrated Impact Assessments (IIAs). The group includes representatives from:

- the CCfW office,
- CiW,
- UNICEF UK, and;
- The Wales Observatory on Human Rights of Children and Young People.

CRAG provides a forum for:

- exchange of information;
- input of advice and expertise;
- introduction of new ideas for action; and
- discussion on priorities and emerging policy and legislation.

In addition CRAG individuals (or collectively) have offered their support during the Covid-19 pandemic for short workshop style discussions to talk through the potential implications for children of any new policy/decision – including CRIAs. These discussions are an important way to improve the policy making process by testing thinking with experts and seeking valuable insight about how proposals will work in practice for different groups of children.

It is the intention of the Welsh Government to maintain the CRAG for the foreseeable future, including using the CRAG to support the Welsh Government's in delivering the 'next steps' listed in section eight.

Examples of CRAG facilitated discussions in this reporting period include:

- Discussions around re-opening schools after the first lockdown;
- Banning commercial third-party selling of puppies and kittens up to six months old;
- Guidance on the proposed temporary modifications to statutory duties relating to Special Educational Needs, around any potential impact on children's rights brought by these temporary modifications;
- Approach to the Welsh Government budget and the consideration of children's rights;
- Planning the UNCRC 30th anniversary event and related awareness raising and communications activities;

- Consideration of the CRIA for Elective Home Education;
- Consideration of the CRIA for the Removal of the Defence of Reasonable Punishment; and
- Discussion on Brexit and children and young people.

Children's rights training for Welsh Government officials

Our goal is to support officials to see children's rights and the due regard duty within the context of improving outcomes for children and young people and helping children and young people in Wales to realise their rights.

The Welsh Government offers its officials' children's rights training in a variety of forms which includes:

- Face to face advice by the Children's branch;
- Information and resources
- Masterclass briefing sessions for example with the CCfW and UNICEF UK;
- Advice and discussion with CRAG on specific policy proposals;
- The availability of an evidence base on children and young people and different groups of children;
- Regular staff bulletins;
- Children's rights campaigns.

The Welsh Government recognises the need for officials to have access to a strong body of knowledge about children's rights to enable them to provide comprehensive advice to Welsh Ministers. As outlined in the draft CRS[15], a new multi-layered training approach will be developed to bring together the different training tools, resources and information sharing opportunities for Welsh Government officials.

The following case study illustrates one training opportunity with the Children's Commissioner for Wales.

[15] Draft Children's Rights Scheme 2021 Consultation

Case study 6: CCfW briefing session 23rd September 2020

The Children's branch arranged for the CCfW to address staff in a live online session. The Commissioner spoke about: the role of the Children's Commissioner; why children's rights are important; the importance of impact assessments; and the 'Coronavirus and me' survey findings.

162 individuals attended the event which generated awareness of and interest in the survey, increasing its effectiveness in informing policy.

This awareness raising session supported officials' understanding of children's rights and its links to policy development. It also enabled officials to consider the evidence arising from the survey and how this could inform Welsh Government policy development.

This case study highlights how the Welsh Government invites external organisations to provide challenge on our progress in children's rights.

Case study 7: Report Card-16 Briefing session to the Welsh Government

In August 2020, The Welsh Government facilitated a briefing by UNICEF UK to update officials on their Innocenti Report card-16[16]: Understanding what shapes child well-being in rich countries.

The Report Card 16 looked at multi-dimensional child well-being in 41 OECD/EU countries. The report starts with a league table of child well-being outcomes for 38 countries.

The briefing session enabled more than 50 officials to be briefed on the report card and the UK rankings and consider the findings for their areas of work.

[16] Innocenti Report Card 16

Embedding children's rights into policy

Case study 8 shows how the Welsh Government is embedding children's rights into the new curriculum for Wales.

Case study 8: Curriculum for Wales development

Welsh Government officials have worked closely with the CCfW throughout the process of curriculum development to ensure children rights are at the core of the process. During initial development there was in depth research and evidence to map the four purposes of the new curriculum and each of the six Areas of Learning and Experience against the articles of the UNCRC. This was critical in supporting pioneer schools' understanding of cross-cutting nature and importance of children's rights.

Key achievements include:

- Rights form part of the mandatory statements of What Matters. Human Rights are included as part of the Humanities Area of Learning and Experience with a clear progression framework for the development and understanding of rights;
- Guidance has been published to signal and emphasise the importance and place of human rights across a school's curriculum. This was co-drafted with representatives from CCfW's office, Welsh Government and pioneer schools.

The evidence provided by the CCfW has been critical in ensuring children's rights and human rights education forms an important cross-cutting theme in the Curriculum for Wales guidance. Welsh Government officials have also worked widely with other parties across the third sector in developing the Curriculum for Wales guidance.

Case study 9 highlights the approach of the Welsh Government to embedding the second Optional Protocol on the sale of children and the Welsh Government's anti-slavery work.

Case study 9: Anti-slavery work to embed the second Optional Protocol of the UNCRC

In January 2013, the Welsh Government established the Wales Anti-Slavery Leadership Group which provides strategic leadership for tackling slavery in Wales. The Leadership Group is in a unique position to add value by co-ordinating collaboration across partners to plan and support delivery in Wales, thereby maximising the opportunities for multi-agency solutions to tackle modern slavery.

The Leadership Group brings together the relevant multi-agency partners in Wales from the Public, Private and the Third Sectors. These include the Welsh Government, Home Office, National Crime Agency, Police, Gangmasters and Labour Abuse Authority, Crown Prosecution Service, Safeguarding, Office of the Children's Commissioner for Wales, Bawso, New Pathways, Barnardos Cymru, Academia and UNICEF UK.

Wales operates the Home Office funded Independent Child Trafficking Guardian Service, which is operated by Barnardos Cymru, and ensures consistent support is provided to children who have been exploited in any form of modern slavery. Since January 2017, over 600 children from 10 months up to 18 years of age have been entered into the National Referral Mechanism by the Guardian Service and are being safeguarded.

The multi-agency partnership work of the Leadership Group has been recognised by UNICEF UK and in March 2020, a delegation was invited to present their work and share good practice at a seminar in Brussels attended by Members of the European Parliament, Government Officials, Law Enforcement Agencies, Academics and Non-Government Agencies. The presentation included the work of the Guardian Service and activities to prevent children being exploited by any form of modern slavery.

Section five: Equality and non-discrimination

The principle of equality and non-discrimination builds on our commitment that every child should have the best start in life and an equal opportunity to make the most of their lives and talents, and that no child has to endure poor life chances because of discrimination.

Children's Rights Impact Assessment process

Wales is one of the few developed countries that has a mechanism in place to assess the impact of our policy proposals on children's rights.

In the Welsh Government, a CRIA is undertaken as part of the IIA process. CRIAs may be undertaken as a stand-alone impact assessment when the need is identified (for example stand-alone CRIAs have been produced for some of the Covid-19 restrictions). The IIA frames the rights of children and young people within the language of policy making and evaluation. The CRIA supports officials in considering the impact (positive and negative) of any proposed law, policy or budgetary decision on children and their rights.

A CRIA is designed to to support Ministers to comply with the due regard duty under Section one of the Measure; it helps to embed the UNCRC in decision making.

Not all decisions and actions taken by Welsh Ministers will be relevant to children and young people and require a CRIA. However, when a decision is taken not to complete the CRIA template, officials are instructed to record and retain their reasons leading to this decision.

	2018 (Feb – Dec)	**2019**	**2020 (Jan – Sept)**
CRIAs completed	31	20	23

A total of 74 CRIAs were completed in this reporting period, an increase on the last reporting period where 66 CRIAs were completed.

Publishing CRIAs

In order to make impact assessment decisions more transparent and available to the public, all CRIAs completed by the Welsh Government (23) from 1 January 2020, have been published on the Welsh Government website[17].

Case study 10 shows how the Welsh Government takes an integrated approach to equality in the preventing youth homelessness.

Case study 10: Preventing youth homelessness

For young people, insecure housing can mean a future which is bleak, unjust and lacking in opportunity. In 2019-20 Welsh Government set up the Innovation Fund aimed at supporting projects to deliver new and innovative housing approaches for young people. These projects are specific to vulnerable young people aged 16-25 at risk of becoming homeless or currently homeless. The £4m fund aims to increase the housing and support options available to vulnerable young people, including but not limited to, care leavers, disabled young people and those who have previously been in the youth justice system. The Welsh Government has 26 projects up and running across Wales.

The range of projects include; supported accommodation, tenancy support, Housing First for Youth, training flats and intensive one-on-one support. There are specific projects for care leavers, those with complex needs, those leaving Parc Prison YOI and an LGBTQ+ supported accommodation project.

Case study 11 explores the work the Welsh Government has been doing to address inequality between different groups of children, in this case work on the Pupil Development Grant Access to support families eligible for free school meals.

Case study 11: Pupil Development Grant Access (PDG Access)

[17] https://gov.wales/publications You can search all the publications by type by using the filter impact assessment of children's rights impact assessment

The cost of the school day is a really important issue for many families in Wales. We want young people to show up at school ready to learn and able to reach their best outcomes.

The Welsh Government introduced PDG Access in 2018, providing funding for families to help pay for some of the costs of the school day, specifically school uniform and other kit and equipment. Families whose children are **eligible for free school meals** can apply for this grant if they are:

- entering reception class or year 3 in primary school
- entering year 7 or year 10 in secondary school
- aged 4, 7, 11 or 14 in special schools, special needs resource bases or pupil referral units

Between February 2018 and September 2020 Welsh Government provided over £10million direct to families via the PDG Access grant. During this period over 70,000 learners have benefitted from the funding.

Funding is also available for looked after children in every school year. For year 7 learners the grant is £200, for other years the grant is £125, recognising the increased costs associated with starting secondary school.

Whether it’s help buying school clothing or getting the kit or equipment for young people to take part in their favourite sport or activity, PDG Access will support those opportunities.

Section six: Empowering children

This principle is about empowering children and young people to take full advantage of their rights and the support to challenge when they are not receiving their rights. This includes holding the Welsh Government to account if we are not doing what we are supposed to in upholding their rights.

Awareness raising strategy

Section five of the Measure places a duty on Welsh Ministers to take such steps as are appropriate to promote knowledge and understanding amongst the public, including children and young people, of the Convention and its protocols.

The Welsh Government utilised the 30th anniversary of the UNCRC during 2019/20 to undertake and promote a children's rights awareness raising campaign. The campaign focussed on empowering children and young people to know about their rights and to know how to realise their rights.

Case study 12 explores the awareness raising campaign as part of the 30th anniversary of the UNCRC in greater detail.

Case study 12: World Children's Day - 30th anniversary of the UNCRC and awareness raising campaign

A coordinated awareness raising campaign was delivered by the Welsh Government and its key partners from the CRAG to celebrate the 30th anniversary of the UNCRC. A celebratory conference, developed in conjunction with children and young people, was held on the 20th November 2019 to mark Universal Children's Day.

The campaign consisted of school engagement workshops, Ministerial visits to schools, interviews (with prominent public figures), celebratory events, social media engagement and campaign channels. Opportunities were provided to encourage engagement and participation in our campaign activity and the

celebration themselves, and a wealth of children's rights materials and resources were hosted on Hwb.

On World Children's Day 425 children and young people attended a celebration event with the First Minister and the Deputy Minister for Health and Social Services. During the event the First Minister made the following pledge:

> "I pledge to do all that I can to champion and support participation within the Welsh Government by encouraging everyone to work jointly with young people when developing new policies."

The Welsh Government engaged with 30 high profile organisations and people to enable young people to takeover leadership roles in Wales. Organisations included The Lord Mayor of Cardiff, Superwomen Network, Iceland food stores, South Wales Police, North Wales Fire Service, S4C, Velodrome, Wales Millennium Centre, Global Radio and Principality. With the hashtag #ChildrenTakeoverWales these takeovers were filmed, photographed and promoted on social media.

Significant successes from the campaign included the collaboration of key partners working together, the participation of influential leaders in Wales, and exceeding the social media reach and engagement targets.

Children's rights resources

As part of the 30th anniversary celebrations, the Welsh Government took the opportunity to develop new awareness raising materials.

The resources have multiple purposes, they can be used by:

- Children and young people to raise awareness of the UNCRC and its Optional Protocols and children's rights more generally;
- Schools to engage learners in rights conversations;
- Parents to help them understand the UNCRC and its Optional Protocols and to talk to their children about it;

- Professionals to help children and young people understand the UNCRC and its Optional Protocols and to talk to children in their care about it; and
- Welsh Government officials to help them understand the UNCRC and its Optional Protocols and for them to use with the public and children in engagement activities.

During the period of this compliance report 28,655 UNCRC resources were accessed by individuals or organisations, for example from schools, local authorities and third sector partners.

Promoting knowledge and understanding of the UNCRC

The University of Wales Trinity Saint David (UWTSD), were awarded a three year contract (October 2015 – October 2018) to "…produce and deliver sector specific training on the UNCRC", to the following sectors: education, social care, child care, the police, youth justice, local authorities, health and sport.
The contract was extended for a further year to focus on sectors with gaps in children's rights training.

In total 2,536 participants engaged in the training over the contract period. Additional training was also delivered to Health Boards, Police, Sports Wales, Education students (such as PGCE students, BA Qualifying Teacher Training Programmes, Youth and Community students and Early Years Students) and Local Authorities.

The feedback from participants illustrated that 95% found the training to be of an ***excellent* and *very good*** standard. As a result of the training, understanding and awareness of the UNCRC has increased with participants expressing the desire to implement the knowledge into their practice; share it with their colleagues, organisations and the children and young people they work with.

External Training (E-Learning package on children's rights website)

An external e-learning training package was developed by *Youth Friendly* in 2015 and was available on the children's rights website until November 2019.

Between February 2018 and November 2019, 272 external stakeholders from a variety of sectors completed the training.

Section seven: Participation

The Welsh Government is committed to encouraging children and young people to participate in discussions about proposals that affect them

Article 12 of the UNCRC recognises the rights of children and young people to express their views, feelings and wishes in all matters effecting them, and to have their views considered and taken seriously.

Children in Wales (CiW) and Young Wales

The Welsh Government provides grant funding to CiW in order to support Ministers and policy teams in engaging with children and young people directly in the policy making process. This activity has two benefits to meeting the due regard duty. The first is by seeking the views of children and young people on specific policy areas to refine policy positions. The second is by facilitating conversations directly between children and young people and Welsh Ministers.

CiW facilitate direct engagement with children and young people through their Young Wales Project Board and youth forums. These groups represent the voices of children and young people across Wales and allow Welsh Government officials and Welsh Ministers to take into account the views, experiences and perspectives of children and young people when exercising their functions.

CiW have undertaken engagement activities with children and young people to support a range of policy discussions such as:

- The Transport Strategy for Wales;
- Ministerial Play Review;
- Additional Learning Needs Code of Practice;
- Carers' National Plan for Wales – Engagement regarding Young Carers Matters;
- Regular discussion with Welsh Government Ministers.
- The impact of Brexit and future European relations on children and young people; and

- Minimum unit pricing of alcohol.

National Children and Young People's Participation Standards

Under Section 12 of the Children and Families (Wales) Measure 2010, the Welsh Government issued statutory guidance to local authorities to promote and facilitate participation by children and young people in decisions that might affect them. In 2015 this statutory guidance was updated to take account of the Well-being of Future Generations (Wales) Act 2015[18]. The Act puts the effective involvement of people and communities at the heart of improving well-being, in addition to being one of the five ways of working set out in the Act.

CiW works closely with its member organisations, local authorities and other statutory organisations to promote the Children and Young People's National Participation Standards. The Standards identify the key issues workers should be aware of when working with children and young people in Wales.

The National Participation Kitemark, established in 2007, is awarded by CiW to services that have demonstrated they are achieving against the seven National Participation Standards. The kitemark is endorsed by Welsh Government. CiW works with partners to recruit and train Young Inspectors who play a key role in the National Participation Kitemark accreditation process. The Young Inspectors review submissions from organisations applying for the kitemark and make recommendations for the award based on the evidence submitted.

Over the last year (2020) the following organisations have been awarded kitemark status:

- NPT Think Families partnership
- Aneurin Bevan University Health Board
- NPT Youth Service
- Charter Housing
- Torfaen Education & Learning Service
- Caerphilly LA (x 7 services)

[18] Statutory guidance on children and young people's participation Pg. 46

- Cardiff LA Youth Service
- Ceredigion Youth Service

Connections to the 22 local authority youth forums

The Young Wales team at CiW have worked closely with local authority youth forums/councils since 2015. This has involved meeting with the local authority participation workers and attending the forums. The forums involve around 20-30 members aged from 11 to 25 and they aim for a broad membership which includes children and young people with protected characteristics. CiW also manage the All Wales Participation Workers Network which meets twice a year to discuss good practice and provides peer to peer learning opportunities.

Case study 13 gives an example of making information available and accessible to children and young people.

Case study 13: UNCRC DVD for young people leaving secure accommodation

A need was identified for a resource for young people from Wales in custody to make them aware of their rights under the UNCRC. The resource could help them to access education information and careers advice in the context of Welsh provision.

Work was undertaken by Youth Justice Board (YJB) Cymru with a focus group at Hillside Secure Children`s Home (SCH) about children`s rights and Education Training and Employment (ETE) information. Feedback was given that the most effective way to present information would be via a short film because a number of the young people have attention and literacy issues. It was suggested it would be more audience friendly if young people who offend were involved with developing, producing and taking part in the film.

The Welsh Government commissioned a short film "INSIDE OUT / TU FEWN TU FAS"[19] for use primarily during the induction process of young people (aged 10 – 18) from Wales on entry to custodial establishments in Wales and England. The film provides young people with relevant information about their rights under the UNCRC, and how to access education, training and careers advice during and after custody.

The project enabled 12 young people, the opportunity to each gain a qualification in BTEC Level 1 Creative Media Production whilst working on the film. The qualification provided a gateway to progress to a level 2 at Cardiff and Vale College if they wished. The young people scripted, presented the film and produced the animation and original music.

Feedback from custodial establishments is positive, and the film is used during the induction process, during educational activities and before release into community.

Case study 14 illustrates how the Welsh Government engages children and young people in the budget process.

Case study 14: Participation in the annual Budget process

The Welsh Government has sought opportunities to improve engagement with children and young people through the annual budget process. This is to both raise awareness of the Welsh Government's budget, in the context of Wales' devolved powers, and to hear the experiences of staff and service users of publicly funded settings, including children, young people and their families. To support this activity we also published an accessible Budget leaflet aimed at children and young people in 2019 and 2020, building on the accessible budget leaflet published in previous years. Examples of engagement during the period **February 2018 to September 2020** include:

[19] This is a Welsh Government DVD which was distributed to every Young Offenders Institute, Secure Training Centre and Secure Children`s Home in England and Wales and to Youth Offending Teams in each local authority of Wales to be used with young people during their community sentences.

Summer 2018 - Ongoing activities to raise awareness of Budget included a presentation at the National Eisteddfod.

Spring 2019 – The Finance Minister announced the introduction of Welsh rates of income tax with a visit to a South Wales secondary school and a discussion with Year 6 pupils about how the Welsh Government raises its money and where it is spent. Officials also visited a primary school in Cardiff to present key Budget messages and get their feedback. This helped inform the development of our published Budget Leaflet for children and young people.

Summer 2019 – The Finance Minister visited a range of publicly funded settings across the whole of Wales that provide services in each of the eight cross-cutting priority areas of the 2020-21 Budget. The purpose was to both convey key messages for preparations for the 2020-21 budget and to hear the common challenges and opportunities these settings faced in their day to day work.

These visits included a primary school in Penarth that was running a pilot of the 'Holiday Hunger Playscheme'; a YMCA Hub in South Wales that provides a range of support functions for the whole community; charity centres in Cardiff and Anglesey which provide a range of support to families in the local community including youth-led services; and a Careers Wales centre in Mid-Wales.

Case study 15 illustrates how the Welsh Government involved young people in the coercive control campaign.

Case study 15: Coercive control in teenage relationships

The 'This is Not Love. This is Control' campaign is part of the Welsh Government's long-standing commitment to raising awareness of and challenging attitudes to Violence against Women, Domestic Abuse and Sexual Violence in Wales.

In September 2019, the Welsh Government rolled out the 'This is Not ok #ThisIsControl' the first phase of the campaign specifically targeting the messaging to the experiences of young people aged 16–21. Campaign activities were directed mainly at university students to coincide with Freshers' Week across Wales.

The 2nd phase of the young person's campaign launched in October 2019 and was aimed specifically at 16 to 18-year-olds and those close to them.

Engagement and direction from young people was crucial to the development of the campaign, with the support of a group of young people from Coleg y Cymoedd A short clip was developed to launch the campaign with young people speaking about their experiences and encouraging people to seek support.

Targeting media platforms mostly used by young people, adverts were shown on Facebook, Instagram and Spotify. The campaign generated over 2.4 million impressions through Facebook advertising and 19,960 website page views during the campaign period.

This is Not ok #ThisIsControl also targets parents and those close to young people about coercive control – this includes how to spot the signs and how to get advice from the Live Fear Free helpline, via web live chat. Education networks across Wales were engaged and we encouraged schools and colleges to participate in the campaign and share materials with students.
To find out more and download campaign materials visit: https://gov.wales/this-is-not-ok

Section eight: Accountability

Challenging the Welsh Government

Welsh Ministers and the Welsh Government are accountable to children and young people for promoting the Convention and the due regard duty under section five of the Measure.

Children and Young People can challenge the Welsh Government if they feel the due regard duty is not being met or have concerns around children's rights. This challenge includes their right to make a complaint against Welsh Ministers or the Welsh Government.

The 2014 CRS instructs Welsh Government officials to recognise that children and young people may need support to make a formal complaint. Officials must, if they are not already involved, advise them about the organisations that are able to help children and young people to take their complaint forward. This support includes helping children and young people to understand the complaints process and explaining the process in appropriate child friendly language.

There have been no complaints during this reporting period. However, in the next reporting period the Welsh Government will develop a child friendly version of the complaints process.

Children, Young People and Education Committee

The role of the Children, Young People and Education Committee (CYPE) is to hold the Welsh Government to account. The Committee examines legislation and scrutinises the Welsh Government's budget, policy and delivery. The CYPE Committee considers policy relating to education, health and social care policy and the well-being of children and young people in Wales.

The CYPE published its in-depth inquiry into Children's Rights in Wales[20] in August 2020.

[20] Children's Rights in Wales

The Welsh Government responded in September 2020[21]. The Committee recommendations have been considered in the next steps section of the compliance report.

The Children's Commissioner for Wales (CCfW)

The CCfW was established pursuant to the Care Standards Act 2000. The Children's Commissioner for Wales Act 2001 ("the 2001 Act") amended the Care Standards Act 2000 ("the 2000 Act") by extending the application of the Commissioner's functions and creating new functions for the Commissioner.

The Commissioner and her office are funded by the Welsh Government, although the Children's Commissioner has corporate sole status and is an independent human rights institution. The Commissioner operates independently of Welsh Ministers in order for her to exercise her statutory functions, including her powers to review the activities of the Welsh Government.

One of the main ways the Children's Commissioner holds the Welsh Government to account is through the publication of her annual report, in which she publishes a series of recommendations for the Welsh Government each year. The Welsh Government responds to the recommendations every year[22].

The Children's Commissioner and her office also has a role in raising awareness of the UNCRC and children's rights for children and young people.

Senedd scrutiny

This compliance report will be laid before the Senedd in accordance with section four of the Measure.

[21] Welsh Government response to Children's Rights in Wales report
[22] Welsh Government response to the Children's Commissioner for Wales Annual Report-2019-2020

Youth Parliament/Senedd Ieuenctid

In November 2018, 60 young people were elected as Welsh Youth Parliament members. The Welsh Youth Parliament Members highlight and debate issues raised by children and young people at a national level working directly with the Senedd and regularly meeting with Welsh Ministers to raise the voices of children and young people.

Equality and Human Rights Commission (EHRC)

The role of the EHRC in Wales is to champion equality and human rights. The Commission is the regulatory body responsible for enforcing the Equality Act 2010.

In 2018, the EHRC[23] commissioned research on the impact of the Measure. The research aimed to assess the impact of the Measure and how (if at all) it has made a difference to children's rights in Wales.

UNICEF

UNICEF works in over 190 countries and territories to save children's lives, to defend their rights, and to help them fulfil their potential, from early childhood through adolescence. UNICEF combines its experience, research and analysis to provide research and reports working with Government's to drive change. UNICEF UK is a member of the CRAG which advises the Welsh Government.

Concluding observations of the UNCRC

On 12 July 2016, the UN Committee on the Rights of the Child published its Concluding Observations report on the United Kingdom's progress in implementing children's rights since 2008[24]. This report made a number of recommendations to the UK Government as the state party.

The Welsh Government provided an annual progress update on progress, via a Ministerial statement in 2017 and 2018 and 2020. It is the intention of the Welsh

[23] The impact of Legal Integration of the UN Convention on the Rights of the Child in Wales
[24] Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland

Government to provide a comprehensive update on progress against the 2016 Concluding Observation recommendations in spring 2021.

Section nine: Next steps

Next steps from the June 2015 – January 2018 compliance report

The last compliance report included five next steps, progress against which is shown below.

Next steps	Progress
Consider and consult on revisions to the CRS, and propose a revised Scheme for the Assembly's approval.	A draft 2021 Scheme is currently available for public consultation until 26 March 2021[25]. This consultation was delayed at the request of the Children, Young People and Education Committee, until after the Children's Rights in Wales Committee report was published in August 2020.[26] This allowed the updated CRS to take the recommendations from this report into consideration.
Take forward work to incorporate the CRIA in an integrated impact assessment, giving full consideration to the recommendations from the 2015 evaluation of CRIAs and the 2017 UNICEF briefing as part of this process.	The CRIA has been incorporated into the IIA. The Welsh Government will consider the forthcoming findings of the research on strengthening and advancing human rights research from Swansea University together with the outcomes of the revised CRS consultation.
Consider whether there is a need to provide further funding for sector specific training on children's rights, when the current contract to develop and deliver this training comes to an end.	The contract to provide training for external organisation has been completed. The Welsh Government is considering the role of external, or sector specific training, within its updated raising awareness strategy.
Awareness of children's rights: consider the findings	The Welsh Government considered the results from the Beaufort Children's Omnibus Survey to feed into activity around children's rights when the data was first

[25] Draft Children's Rights Scheme2021
[26] Children's Rights in Wales Children Young People and Education Committee report

from the Beaufort Children's Omnibus Survey, and what this tells us about our future strategy for raising awareness of children's rights; how we can work with others to increase awareness; and whether further research is required to understand the relationship between awareness of children's rights and improving outcomes for children and young people.	available. Results of the survey showed that in 2017, 58% of children aged 7 to 18 confirmed while they knew that children had specific rights, 78% responded that they had not heard of the UNCRC before. A new awareness raising strategy is being developed with a focus on how raising awareness of the UNCRC amongst children and young people can link to improved outcomes.
Participation: review our strategy to support and highlight the importance of participation by children and young people in decisions which affect them.	Welsh Government provides grant funding to CiW to promote, advocate and help facilitate children and young people's participation within the context of the UNCRC. This includes their right to participate, for their opinion to be heard, and to be involved in decision-making about policies and services which affect their lives. CiW represent the voice of the children's sector on a wide range of working groups and Boards working with the Welsh Government. A revised participation strategy will be developed by Welsh Government this year.

Next steps - 2021 onwards

1. Implement the Children, Young People and Education Committee's report[27] recommendations. The Welsh Government response to the report can be found here Welsh Government response to the Children's Rights in Wales report.
2. Publish a new Children Rights Scheme[28] following public consultation, and all the arrangements listed in the CRS, by Autumn 2021.

[27] Children's Rights in Wales Children Young People and Education Committee report
[28] Draft Children's Rights Scheme 2021 Consultation

Glossary of terms

Term	Definition
CCfW	Children's Commissioner for Wales
CRAG	Children's Rights Advisory Group
CRIA	Children's Rights Impact Assessments
CiW	Children in Wales
CRS	Children's Rights Scheme
CYPE Committee	Children, Young People and Education Committee
ETE	Education, Training and Employment
IIA	Integrated Impact Assessment
Optional Protocols	There are three Optional Protocols to the UNCRC • Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography • Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict • Optional Protocol to the Convention on the Rights of the Child on a communications procedure
PDG Access	Pupil Development Grant Access
SCH	Secure Children's Home
The Measure	The Rights of Children and Young Persons (Wales) Measure 2011
UNCRC	The United Nations Convention on the Rights of the Child
VCYPS	The vulnerable children, young people and safeguarding work stream
YJB	Youth Justice Board
YOI	Youth Offenders Institution