

CR 7

Legislation Committee No 5

Proposed Rights of Children and Young Persons (Wales) Measure

Response from Conwy County Borough Council

Consultation Questions

These are suggested questions, the Committee would welcome any views you have on the proposed Measure.

1. Is there a need for legislation (by means of an Assembly Measure) to impose a duty upon the Welsh Ministers and the First Minister to have due regard to the rights and obligations in the United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols, when making decisions of a strategic nature about how to exercise any functions which are exercisable by them? If not, what alternatives, if any do you propose?

There has been confusion about where the 7 core aims come from. It would seem appropriate that the UNCRC are incorporated into domestic legislation.

2. The Welsh Ministers must make a Children Scheme as required under section 2(1), which will set out criteria for determining which decisions are decisions of a strategic nature. What do you consider is meant by 'a decision of a strategic nature' as identified in section 1(2)? Is this sufficiently clear and or sufficiently wide?

We believe decisions of a strategic nature are those decisions regarding policies such as the child poverty strategy. As such we believe this is sufficiently clear and wide

3. Section 7 of the proposed Measure includes provision about consulting on the possible application of the proposed Measure to persons who have reached 18 years, but are not yet 25 years. Do you think this it is appropriate to apply a convention agreed for the benefit of children to adults between 18 and 25 years? What might be the issues to be addressed?

Young people are generally vulnerable. There are a number of young people at particular risk, for example: care leavers, young asylum seekers, young offenders, and young people with a disability. They

may be at increase risk as they do not necessarily have the normal support of networks and families if the application were extended to 25 it may be that this would offer these groups added protection. We are not sure this should be the case for all young people, Whether or not this could be done for specific groups is questionable

4. The proposed Measure includes a schedule, which is the Part I of the Convention and Optional Protocol 1-7 on the rights of children involved in armed conflict (except article 6(2)) and articles 1-10 on the rights of the child on the sale of children, child prostitution and child pornography.

Do you think that the text of these treaties needs to be included on the face of the Proposed Measure?

The Assembly does not have powers relating to armed conflict and has limited powers relevant to the second protocol. Do you think it is necessary for these protocols to be included in the Proposed Measure?

We believe it is sufficient for the text of the protocols to remain in the schedule as is the text of the Part 1

The Assembly may not have powers in relation to the first and second protocol but they need to be considered in context with the articles 1 to 41 in any strategic decision. Therefore, we conclude they need to be included in the proposed measure

5. Are the sections of the proposed Measure appropriate in terms of meeting the stated objectives as detailed on page 10 of the Explanatory Memorandum. If not, how does the proposed Measure need to change?

The sections of the proposed measure seem appropriate to the task.

6. How will the proposed Measure impact on improving and strengthening the rights of the child?

There seem to be good examples of this way of working being successful. The systems to be consulted on and put in place for monitoring and reporting will tell us if we are meeting the objective of providing a greater impact or strengthening of the rights of the child

7. What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?

Any policy decisions must define any responsibilities clearly, policy written without this tends to lead to “dumping” responsibilities.

8. Are there any other comments you wish to make about specific sections of the proposed Measure?

No

9. In responding to this consultation the Committee would be grateful if you could indicate how you have gathered views of children and young people in forming your response.

This is a professional response, therefore, does not include the views of children & young people

Financial provisions

10. What are the financial implications of the proposed Measure for your organisation, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.

The financial impact does not come from the proposed measure but the implementation of the subsequent strategies / policies

Subordinate Legislation

11. What are your views on powers in the proposed Measure for Welsh Ministers to make subordinate legislation? In particular do you consider it appropriate for Ministers to be able to amend the proposed Measure itself by subordinate legislation (by “Order” - sections 6 and 8)? Is it appropriate to use subordinate legislation to apply the Convention to adults between 18 and 25 years or should that be done by a further Assembly Measure (section 7)?

Further Assembly Measure

12. Section 8(5), allows Welsh Ministers to amend the Measure where there has been a change to the Convention or protocols or where an additional protocol has been signed or agreed (but not ratified) by the UK Government. Section 8(7) requires the Welsh Ministers to make similar amendments to the Measure where changes or

additions to the Convention and protocols have been ratified by the UK Government.

Although these powers are to be exercised by Statutory Instrument (SI), neither the affirmative or negative resolution procedure will apply, Ministers will simply be required to lay the SI before the Assembly. Do you have any views on whether this is a reasonable way for Ministers to update the Measure or should there be more Assembly control over the process?"

This is a reasonable way for Ministers to update the Measure