



Children’s Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Strengthening Local Government: Delivering for People – Green Paper
Related SF / LF number (if applicable)	
Name of Official:	Laura Hughes
Department:	Local Government Democracy
Date:	March 2018
Signature:	

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.

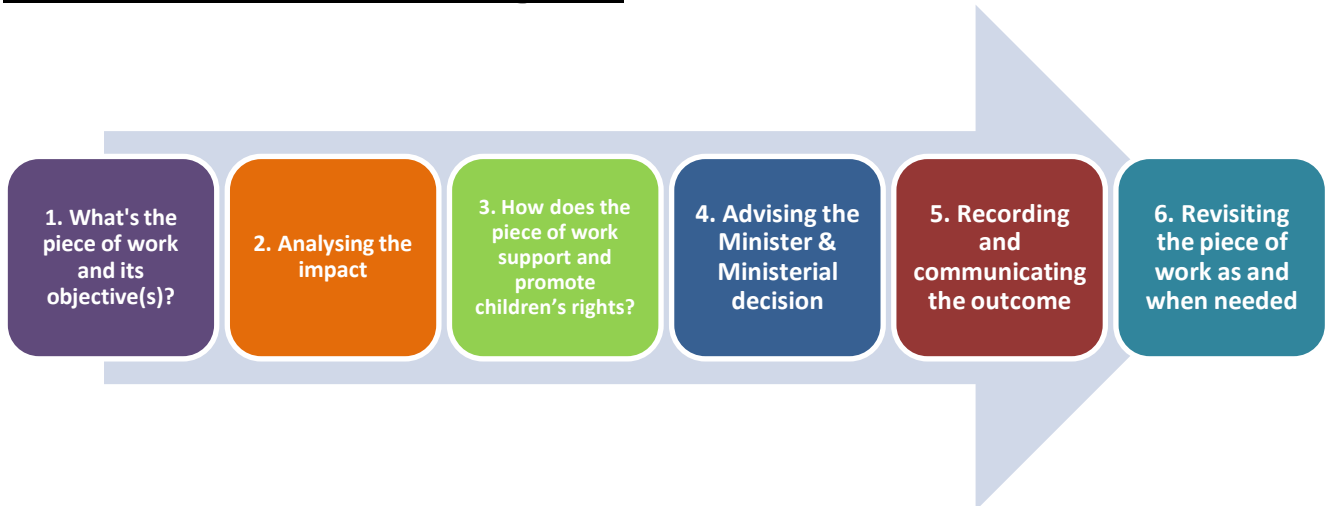
Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox CRIA@wales.gsi.gov.uk

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

You may wish to cross-reference with other impact assessments undertaken.

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

Six Steps to Due Regard



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

This Impact Assessment builds upon previous impact assessments and consultations regarding Local Government Reform, responses to which, have informed the current Green Paper.

This Children Rights Impact Assessment is therefore being prepared to consider any further impacts relating to proposals for the reform of local government in Wales as set out in Strengthening Local Government: Delivering for People (“the Green Paper”).

The rationale for change is simple and urgent. Wales needs stronger local government which is equipped to address the challenges we face. Councils with the powers, capability and capacity to deliver the public services our citizens need. Local authorities who support communities by using public money efficiently and effectively. The Commission on Public Service Governance and Delivery (the Williams Commission) in its report published in January 2014, made the case for structural reform of local authorities in order to ensure the continued delivery of high quality and sustainable public services.

The Williams Commission identified that smaller council areas were significantly challenged in delivering consistently, securing the resilience, expertise and leadership capable of transforming their organisations and supporting their communities in a complex and changing world. The Commission also believed that smaller local authorities were further limited by proportionally greater administrative overheads.

The Welsh Government have been in an ongoing dialogue with our stakeholders over a number of years to address these issues. In fact it is the outcomes of these conversations, starting from the Williams report, which underpin the proposals for fewer, larger local authorities which we are putting forward here.

In considering the approach to creating fewer larger local authorities, the Green Paper presents a number of options for discussion. In each of these options the Green Paper outlines the need for a clear future footprint for local government and proposes an indicative footprint for discussion. The impacts outlined within this Impact Assessment will

also vary dependant on each of the options within the Green Paper.

- Option 1 - Voluntary mergers
- Option 2 - A phased approach with early adopters merging first followed by other authorities
- Option 3 - A single comprehensive merger programme

This Impact Assessment considers the impacts in the round of the reform programme, not only the proposals to create stronger, empowered local authorities. We are inviting further responses to the possible impacts on children's rights within this Green Paper and will specifically engage further with the Children's Commissioner for Wales on the proposals as part of the consultation process. It is intended that a Bill will be introduced into the National Assembly for Wales later this year and a further Children's Rights Impact Assessment will be published at that point.

Following these reforms, a review of the local government funding system is being considered which would lead to further separate legislation. Local government finance is, therefore, not included in this Impact Assessment.

There are measures included in the Electoral Reform proposals, which would directly affect 16-17 year olds voting rights. These proposals have been recently consulted upon and are therefore not covered within this impact assessment. A separate consultation and statement on the way forward was published on 30 January and the proposals will be reflected in an updated IA on introduction of the Bill.

A summary of the wider elements of the Local Government (Wales) Bill proposals not included in the Green Paper is set out below.

Creating Stronger Local Authorities

- A range of constitutional reforms would improve governance, openness, transparency and engagement with the public and communities, including the development of public participation strategies.
- Merging local authorities would be provided with a general power of competence, to allow them to become more innovative in their service delivery.
- Measures would be put in place to improve the diversity of elected members, so they mirror more closely the communities they serve and ensure that they are able to effectively undertake their role as representatives of both the electorate and the local authority.
- New arrangements would be put in place to make council meetings more accessible and open.
- A range of measures would be put in place to strengthen public participation and the openness of local authorities.

Governance and Performance

- Local authorities would be required to undertake a robust self assessment process, supported by regular peer reviews.
- The role of newly-styled Corporate Governance and Audit Committees would be strengthened.
- The process by which the Welsh Ministers can provide support and / or intervention to local authorities would be simplified and strengthened.
- Technical changes to finance will be introduced.

Community and Town Councils

- Some community councils that satisfy eligibility criteria would be able to exercise the general power of competence.
- Requirements relating to the preparation of training plans would be introduced.
- Community councils would also need to make their council meetings more accessible and open.

Step 2. Analysing the impact

The Green Paper has been informed by previous extensive engagement and consultation with a range of stakeholders and the public since July 2014. During that period, four consultations have been conducted, one of which explored the option of systematic and mandatory regional working as an alternative to the previous Welsh Government's merger proposals.

Responses to previous consultations have informed the proposals in the current Green Paper, aimed at strengthening and empowering local government to meet the challenges of the future. The Green Paper presents three potential options for mergers. The impact assessment looks at the impact arising as a result of mergers. Any positive or negative impacts arising as a result of mergers specifically may not be accrued by non merging authorities or deferred under option 2 for authorities that are not early adopters.

A children and young people's version of previous consultations were published, focusing on the issues likely to be of greatest interest to children and young people, with shorter and simpler survey questions. More than 700 individual members of the public, including various youth-specific organisations contributed to the consultation, with both free-form and online responses. These organisations included Brithdir Youth Club, Caerphilly Youth Forum, CSSIW, Estyn, Pembrokeshire Youth Assembly, Penarth Youth Action, Merthyr Tydfil Borough Wide Youth Forum, Vale Youth Forum. The Welsh Ministers also engaged in a dialogue with the Children and Young People's Commissioner for Wales.

The online consultations on previous White Papers have asked a series of questions on the potential effects of the proposals on children and young people. While relatively few public respondents answered these questions – perhaps due to the fact that few provisions relate explicitly to children and young people – most responses to the questions were supportive. The strongest emerging theme was that the measures to ensure greater transparency and democracy would ensure local authorities better represent children and young people. There was also some agreement that the reforms in general would lead to better services for children and young people. However, some of the less supportive responses expressed doubt that local authorities would be able to deliver adequate services for children and young people, or that the previous White Papers did not explicitly consider children and young people. Further questions relating to the potential effects of the proposals on children and young people will be sought in this Green Paper.

It is important that local government closely represents the communities it serves, and preparation work undertaken in connection with the development of the Bill has found that there is a diversity deficit in local government which includes representations from young people. The body of elected members does not always reflect the communities they represent, particularly in relation to age, gender and ethnicity. Moreover, the culture and working practices within local authorities are not always conducive to encouraging young people to actively take part.

It would be appropriate for any new local authorities to determine themselves how to deliver their services and structure their workforces. As such, no changes to services are proposed directly by the Green Paper, although it is considered that creating larger authorities would increase the range of opportunities available to them in terms of service delivery. As part of the preparation for the new authorities, transition committees and shadow authorities will be expected to plan service delivery and identify best practice across the existing local authorities being brought together. Any impacts on children and young people with regards to future decisions – including through service level changes – would be appraised at a local level as decisions are taken.

There is potential for negative impact if service delivery at a local level does not take sufficient account of children's rights / participation, this applies equally to merging or non merging authorities. However, the potential introduction of constitutional reforms to improve governance, openness, transparency and engagement with the public and communities generally, will enable authorities to target specific groups such as young people. This should mean they take account of children's and young people's concerns which could result in improvements in service planning and delivery. The Welsh Ministers would use their powers under the Bill to give statutory guidance to local authorities on how they should make provision for engagement with young people in their engagement / participation strategies.

Potential negative effects could also arise during the merger process whilst the new local authorities are forming. The Welsh Government would continue to work closely with local authorities during the transition period as well as other key stakeholders to ensure that children's rights are given due consideration when developing services for the new authorities. It is also important that good practice is shared between the authorities and those services to children and young people are not at a loss due to the mergers. This would be mitigated by careful monitoring and support of the transition committees.

How would the legislation deliver the key objectives of the Child Poverty Strategy for Wales?

The aspects of the Bill outlined above should generally support the Welsh Government's approach to tackling child poverty. Strengthening the capability, capacity, and diversity of local government in Wales, will enable them to better prioritise, govern, and fulfil commitments to eradicating child poverty.

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

Due to the range of services provided by local authorities – including education, social

care, housing, environmental services, and safeguarding vulnerable adults and children – most of the rights of the United Nations Convention on the Rights of the Child are relevant to the Bill. These rights would benefit through a local government with greater capacity and capability to make decisions and deliver services, and which actively encourages local people (including children and young people) to participate in, and influence, the decisions of their authority.

Article 3 - In all actions concerning children, the best interests of children must be the primary concern.

Article 4 - Children's rights must be respected, protected and fulfilled.

The Bill aims to ensure that the interests of children are prioritised, and that children's rights are fully respected. It addresses these issues through measures to ensure that local authority leadership and governance are consistently effective, and are subject to robust scrutiny of their decisions and services. These reforms would support local authorities to ensure consideration is given to children's rights throughout their decision-making process and service delivery, including through engagement with children and young people as set out in local authorities' participation and engagement strategies.

The creation of new, stronger and empowered local authorities would have positive impacts across all of their outputs. Greater capability and resilience would directly improve decision-making and service delivery, supporting local authorities to respect and fulfil children's rights and interests.

Specific areas of the Bill, such as allowing merging local authorities and community councils to use a general power of competence to deliver services in more innovative and ambitious ways, may enable local government to improve how it can meet the interests of children.

Alongside potential structural reforms, strengthening local authorities' corporate governance would also contribute to their ability to respect children's rights through the decisions they make. Local authorities would benefit from a range of measures to strengthen their performance improvement processes, which could support them to identify opportunities to improve how they fulfil children's rights and interests.

The proposed measures to strengthen internal and external scrutiny would also contribute to the capacity and effectiveness of local authorities, enabling them to fulfil and respect children's rights and interests through the quality of the services they deliver, and ensuring that opportunities for improvement are identified and acted upon. Proposals to strengthen the support which the Welsh Ministers can provide to authorities will ensure that any significant problems relating to children's rights and interests can be robustly resolved.

Article 12 - When adults are making decisions that affect children, children have the right to say what they think should happen, and to have their opinions taken into account.

Article 13 – Right of children to seek and receive information on decisions which will affect them

Local authorities would be encouraged (through statutory guidance on the development of

participation strategies) to facilitate public participation in governance decision-making. This would cover not just decisions taken by the authority, but also decisions involving connected authorities, including local fire and rescue authorities, community councils, and national park authorities. Promoting awareness and encouraging involvement would benefit children and young people: as with all members of communities, children and young people would be better informed on decisions local authorities are taking, and would be more likely to have their views taken into account when those decisions are taken. “Local people” will include all who live, work or study in the area, which therefore specifically captures young people and children.

How the Local Government (Wales) Bill supports and promotes children’s rights will continue to be assessed and monitored.

Step 4. Advising the Minister and Ministerial decision

This Impact Assessment builds upon previous impact assessments and consultations regarding Local Government Reform, responses to which, have informed the current Green Paper.

During previous consultations, the strongest emerging theme was that the measures to ensure greater transparency and democracy would ensure local authorities better represent children and young people. There was also some agreement that the reforms in general would lead to better services for children and young people. However, some of the less supportive responses expressed doubt that local authorities would be able to deliver adequate services for children and young people, or that the previous White Papers did not explicitly consider children and young people.

The Welsh Ministers will now consult further on the practical application of the provisions identified in this Green Paper.

The responses to this consultation will inform the development of the Local Government (Wales) Bill which will be introduced into the National Assembly for Wales later this year. The potential impacts of the proposals on children’s rights will continue to be assessed and monitored as the programme progresses. The results of the consultation on the Green Paper will inform the development of the proposed Bill.

The potential impact of the Bill, when enacted, on children and young people will also continue to be assessed and monitored.

Step 5. Recording and communicating the outcome

Final version to be retained on i-share

This CRIA, and any future CRIAs, will form part of the evidence that the Welsh Minister will consider when developing the Local Government (Wales) Bill, which will be introduced to the National Assembly later this year.

This CRIA, and any future CRIAs, will be published on the Welsh Government’s website.

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

The potential impacts on children and young people will continue to be assessed and monitored as the reform of local government progresses.

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?

No

Please give any details:

Monitoring & Review


Do we need to monitor / review the proposal?

Yes / No

If applicable: set the review date

Month / Year

Please forward a copy of this CRIA to CRIA@wales.gsi.gov.uk for monitoring purposes



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

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

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

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/

Cic - The National Information and Advice Service for Young People www.ciconline.co.uk/news/

