

Local Government and Elections (Wales) Bill

Children's Rights Impact Assessment

1. Describe and explain the impact of the proposal on children and young people.

- 1.1 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 representation 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 either as elected members or through other forms of engagement and participation.
- 1.2 The Bill will, therefore, put mechanisms in place for principal councils to extend the franchise to 16 and 17 year olds, as well as improving governance, openness, transparency and engagement with the public and communities. The Bill will also provide a framework for consistent regional collaboration by principal councils, through corporate joint committees, to support delivery of sustainable and effective public services.
- 1.3 The Welsh Government consulted on its proposals for local government electoral reform between 17 July and 10 October 2017. The consultation included a version for young people. When asked "Do you agree that the qualifying age for voting in Welsh local government elections should be lowered to 16?" more than two-thirds of respondents supported the proposal. 72% of the 182 responses submitted in response to the youth-friendly version agreed. A summary of consultation responses is published on the Welsh Government's website.
<https://beta.gov.wales/electoral-reform-local-government-wales>
- 1.4 16 and 17 year olds will be able to vote in local government elections from 2022. Young people of this age will have access to activities and information in schools and more widely to support them to vote for the first time. At 18, first-time voters can often be in unfamiliar surroundings such as university or a new job and the support around them is less familiar. At 16 many young people will still have familiar support structures available to them and it is hoped this will encourage more young people to use their votes and continue to do so. We will build on this, working with schools and colleges to set in place a programme of education and information encompassing registering to vote, voting and participation in political life. Not all young people at 16 are in the school setting and efforts will be made to reach as many young people outside of the school environment as possible through awareness raising campaigns.
- 1.5 The success of the Welsh Government's proposals to extend the local government franchise will be measured in terms of the number of newly enfranchised individuals registering and then exercising their right to vote. Officials are also working with the Wales Institute of Social and Economic Research (WISERD), the interdisciplinary social science research centre and the Welsh Government's Knowledge and

Analytic Services to determine the right combination of evaluation factors going forward.

- 1.6 There is evidence to support the assumption that individuals with some protected characteristics are less likely to be registered to vote and less likely to exercise their right to vote. In August 2017, the House of Commons Library produced a briefing paper which indicated that young people were less likely than other age groups to be on the electoral register and less likely to vote. (*Political disengagement in the UK: who is disengaged?* House of Commons Library: BRIEFING PAPER Number CBP7501: 3 August 2017)
- 1.7 In its publication *Is Wales Fairer?: The state of equality and human rights 2015* (<https://www.equalityhumanrights.com/en/publication-download/wales-fairer-2015>) the Equality and Human Rights Commission cites UK evidence which suggests that young people, people from some ethnic minorities and people from lower socioeconomic groups were less likely to register to vote than others. Also evidenced by (*Electoral Commission (2011) Great Britain's electoral registers*. Available at: <http://www.electoralcommission.org.uk/Britains-electoral-registers-2011.pdf>)
- 1.8 A potential negative impact which must be considered is the inclusion of information regarding young people under the age of 18 that will be on the electoral register (and, following the annual canvass of voters each July, the inclusion of details of those who will reach age 16 within the next twelve months). Steps will be taken to protect information about those under the age of 16 and also to ensure that 16 and 17 year olds are not included on the version of the electoral register made publically available.
- 1.9 In terms of principal council services for children and young people, it will remain the responsibility of the principal councils – in some cases working collaboratively through corporate joint committees established for specific functions - to determine how to deliver their services and structure their workforces. 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. No changes to services are proposed directly by the Bill, although it is considered that creating an environment in which all principal councils can more easily seek out and pursue opportunities for collaboration and to undertake a robust self-assessment process, supported by regular panel reviews will reinforce a culture of openness, transparency and engagement in service delivery. The proposals will include a requirement to consult with local people on these matters and the intention is that principal councils will be required to consult with a wide range of people in their communities including people with protected characteristics and children and young people.
- 1.10 Children and young people have been encouraged to respond to all our policy proposals through the five consultations that have been published over the past four years. A specific version of the consultations targeted towards children and young people focused on the issues likely to be of greatest interest to them. During the consultation on the White Paper *Reforming Local Government: Power to Local People*, a number of events were held to specifically target children and young people. 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. During our latest consultation, *Strengthening Local Government: Delivering for People*, the focus was on local government reform. Following the responses to that consultation, a different policy option has been adopted and, in addition to the power to establish corporate joint committees for specific functions, the Bill will now provide principal councils with the opportunity to consider voluntary mergers as a means of potentially addressing these challenges. This is an option to be considered by councils themselves and there is no expectation or requirement for them to volunteer to merge.

- 1.11 Of those who responded to the consultation, just over 20 per cent of those provided a response to the Children Rights Impact Assessment. The majority of those who did respond thought that there would be no impact with a few thinking it would be positive. Where concerns were raised, these centred on the risks of creating larger organisations with some respondents feeling that larger organisations could be more disconnected from the communities they serve and that it could be easier for them to ignore marginalised, disempowered people including young people. They also believed that if there were fewer councillors this may reduce opportunities for engagement with the democratic process and accessibility may be effected if services were concentrated in fewer locations.
- 1.12 There was a general concern to ensure that there was no service disruption during any change process and that budgets were not adversely affected. It was felt that children and young people, particularly those who were vulnerable, disabled, had learning difficulties or were from ethnic minority groups could be impacted by any disruption to services. Some stressed the need to protect social services standards. Other issues raised included:
- Public services need to redistribute the opportunities to our most disadvantaged communities and individuals.
 - Setting up of youth and young people forums with access to cabinets, scrutiny committees and PSB's would allow young people to influence the decision making process.
 - Use of well-being assessment and views of young people to inform further planning work at local level.
 - Children and young people should be required to discuss / debate the implications of changes and their views should be taken seriously.
 - Local councillors should be given compulsory training in the field of safeguarding.
 - Education authorities should be aligned with principal councils to ensure all principal council areas have the same education authority, health board and PSB.
- 1.13 The proposal relating to an all-Wales programme of compulsory mergers is now not being pursued and many of the above suggestions do not require primary legislation to give them effect. However, the enabling power in the Bill for the Welsh Ministers to establish corporate joint committees provides the opportunity to deliver a coherent, consistent, simplified and straightforward vehicle for democratically accountable regional working. The Welsh Government's intention is to focus on those areas where regional arrangements (statutory or voluntary) or where

provisional to establish regional arrangements already exists, such as planning, transport, education improvement and economic development. Other provisions in the Bill such as the duty to encourage participation in decision making in local government will provide children and young people with the opportunity to put their views forward. Guidance to be issued in conjunction with this duty will make it clear that principal councils will be expected to have clear strategies and ways of engaging with children and young people and incorporating their views in to their decision making processes.

2. Explain how the proposal is likely to impact on children's rights

- 2.1 Due to the range of services provided by principal councils – 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 stronger local democracy which actively encourages local people (including children and young people) to participate in, and influence, the decisions of their council.

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

- 2.2 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 principal council leadership and governance are consistently effective, and are subject to robust scrutiny of their decisions and services. These reforms would support principal councils 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.
- 2.3 Greater principal council resilience would directly improve decision-making and service delivery, supporting principal councils to respect and fulfil children's rights and interests. Principal councils will be able to consider opportunities for collaboration through more streamlined and consistent arrangements which will enable them to look beyond the narrow interests of their own authority and will facilitate the pooling of knowledge, expertise and scarce resources.
- 2.4 Principal councils 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.
- 2.5 The proposed measures to strengthen internal and external scrutiny would also contribute to the effectiveness of principal councils, 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 principal councils 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

- 2.6 Principal councils would be encouraged (through statutory guidance on the development of participation strategies) to facilitate public participation in decision-making. 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 principal councils 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.
- 2.7 Most 16 and 17-year-olds are still in school, making them far more exposed to political education of some sort than was the case in previous generations. Use of social media and electronic media sites is high amongst this age group and discussion of major political events is common.
- 2.8 Citizenship and civic awareness are important parts of the current and future curriculum. Learners currently have the opportunity to study politics and current affairs through Personal and Social Education, Education for Sustainable Development and Global Citizenship (ESDGC) and the Welsh Baccalaureate. In the new curriculum to be rolled out to schools in September 2020, the Humanities Area of Learning and Experience (AoLE) will be statutory, and includes learning in Politics, History and Social Studies. The Humanities AoLE will draw on relevant political concepts and content.
- 2.9 The ‘Active citizenship’ theme in the existing Personal and Social Education (PSE) framework, the key document which schools and colleges should use to review and develop existing PSE provision for 7 to 19-year-olds, allows learners to develop their knowledge on politics and their rights in a democratic society which reflects the United Nations Convention on the Rights of the Child. This should mean a more politically aware section of the population.
- 2.10 In the new curriculum, resources will be designed to support teachers and pupils, while ensuring that they support the four purposes of the curriculum. Resources will particularly support young people to develop as ethical, informed citizens of Wales and the world, who are able to engage with contemporary issues based upon their knowledge, and to understand their democratic responsibilities and rights.
- 2.11 Turnout of 16 and 17 year-olds at the 2014 Scottish independence referendum was estimated at 75%, compared with 54% of 18-24 year olds and 72% of 25-34 year olds, though it was lower than for the electorate as a whole (85%). This supports an argument in favour of extending the franchise, as an early experience of voting could well lead to a maintained engagement, which would hopefully lead on to a greater interest in democratic politics more generally, including standing as a candidate. The lowering of the voting age would require a concerted drive for maximum rates of registration. This might be easier for this age group than for

those a couple of years older because most of them are still at home and, as stated earlier, attending school.

- 2.12 The Welsh Government will set in place a programme of education and information about registering to vote, voting and participation in political life for those whom the Bill proposes to enfranchise. For young people who are in education, schools and colleges will be vital delivery partners. However, the programme will also encompass those who are not in education or training.
- 2.13 How the Bill supports and promotes children's rights will continue to be assessed and monitored.

Article 14 – Parties shall respect the right of the child to freedom of thought, conscience and religion

- 2.14 Efforts to enfranchise groups currently unable to vote, make it easier to register and vote and improve the fairness and transparency of the current local government electoral system are seen as in keeping with the principles of UNCRC.

September 2019