

Manual purpose:

To support high quality policy making to improve the lives of children and young people.

To provide meaningful opportunities for children and young people to exercise their right to be heard in decisions that affect them.

Manual content

1. A children's rights approach

2. Children's Rights Impact Assessment (CRIA)

3. Further support and training



Children's rights in Wales

The United Nations Convention on the Rights of the Child (UNCRC) is an international agreement that protects the human rights of children under the age of 18.

Welsh Government Ministers have a duty:

- To pay due regard to the UNCRC and its Optional Protocols when they make new laws and policies, or want to change them;
- To raise awareness of the UNCRC and its Optional Protocols.

What does 'due regard' mean?

To give balanced consideration of issues, including children's rights, when making decisions.



What legislation do we have in place?

<u>The Rights of Children and Young Persons (Wales) Measure 2011</u> places a duty on Welsh Ministers to pay due regard to the UNCRC.

Children's Rights Scheme

The <u>Children's Rights Scheme</u> shows how the Welsh Government gives due regard to the UNCRC.

The UNCRC contains 54 articles:

42 outline children's rights

12 are about how governments can ensure children enjoy these rights

All children and young people up to the age of 18 are entitled to these rights

The Right Way: A Children's Rights Approach for the Welsh Government

The Right Way: A Children's Rights

Approach in Wales, developed by the
Children's Commissioner for Wales, provides
a strategic framework to integrate children's
rights into decision-making, policy and
practice. It is underpinned by five key
principles.

These five principles are the framework of our Children Rights Scheme and help to ensure children's rights are embedded in every aspect of decision-making across Welsh Government.

1. Embedding children's rights – putting children's rights at the core of planning and delivery.

2. Equality and non-discrimination – ensuring that every child has an equal opportunity to be the best they can be and is not discriminated against.

3. Empowering children -

enhancing children and young peoples' capabilities as individuals so they're better able to take advantage of rights.

4. Participation –

listening to children and young people and taking their views meaningfully into account.

5. Accountability –

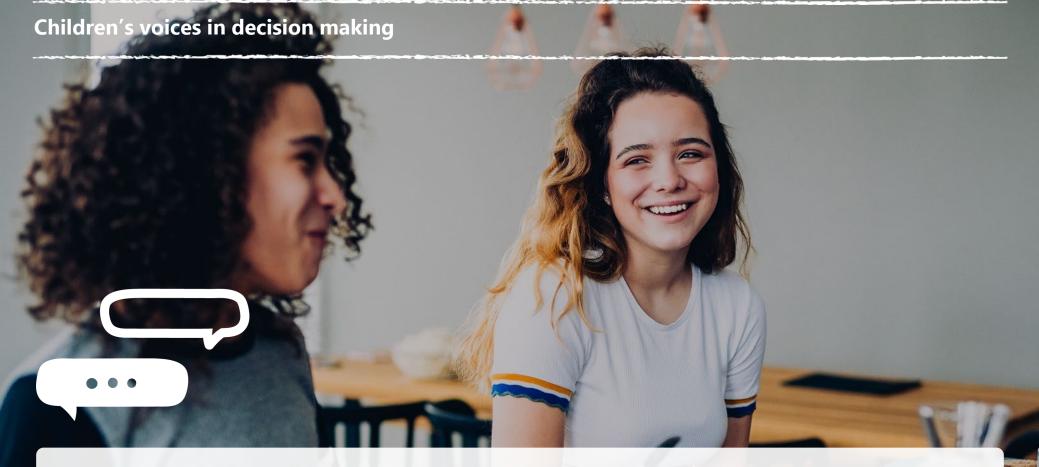
authorities should be accountable to children and young people for decisions and actions that affect their lives.

Children's voices in decision making

Article 12 of the UNCRC states that 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.

Welsh Government officials are expected to proactively identify opportunities for children and young people to have their voices heard as part of the policy, legislation and decision-making process.

Please remember: children and young people are the experts in their own lives — they can tell you how proposals are likely to impact on them.



There are many benefits of children and young people's participation, including:

- improvement in policies, laws and service provision for children and young people;
- mitigation of potentially harmful impacts which may not have been considered;
- enhanced validity and legitimacy of decisions, since they are collaboratively arrived at;
- the realisation of children's right to express their views on decisions which affect them;
- increased empowerment of children and young people to participate in all spheres of life.



What is a CRIA?

The CRIA forms a key part of the Integrated Impact Assessment (IIA). The full CRIA template is available in Annex B of this manual.

It is a framework for officials to systemically consider and record whether policy proposals support children and young people's rights.

It is the agreed mechanism officials should use to support Ministers to give due regard to the UNCRC and balanced consideration to children's rights in their decision-making.

A CRIA should be used to inform ministerial advice and must be completed prior to a ministerial decision being made.

Why is a CRIA important?

- It helps to make children central to the decision making process.
- It helps to protect and realise children's rights.
- It helps to recognise the needs of different groups of children.
- It makes your policy better by testing your assumptions with the people likely to be affected.
- It helps mitigate against potential negative impacts on children and young people.
- It provides more transparency to government decisions.

Do I need a CRIA?

Section 2.2 of the IIA requires you to articulate whether or not a CRIA is needed. You should carefully consider whether the proposal is likely to have an impact on children and young people in Wales and their rights.

A CRIA is required:

A CRIA should be completed if there will be any impact (positive or negative) on children and young people and their rights.

- Most policy areas will have some direct or indirect impact on children. Please remember policies focused on adults can impact children and young people too.
- You may need to consider impacts on children and young people at multiple points in the policy making cycle.
- CRIAs may also be undertaken as a stand-alone impact assessment when the need is identified.

A CRIA is not required:

Not all decisions and actions taken by Ministers will be relevant to children and young people and require a CRIA.

- If a CRIA is not required, you need to set out how you reached your conclusion that the policy will have no impact on children and young people and why at section 2.2 of the IIA.
- Your decision to not complete a CRIA should also be explained within your ministerial advice.
- You can be challenged by members of the public (including children) if they believe you have incorrectly reached a decision that a CRIA is not required.

The CRIA process



1.
Policy
objectives

2.
Gathering
evidence
& engaging
with children
and young
people

3.
Analysing the evidence and assessing the impact

4. Ministerial advice and decision 5. Publication of the CRIA

6.
Communicating with children and young people

7.
Monitoring
the policy and
reviewing
the impact

Pre-ministerial decision

Post-ministerial decision

1. Clarify policy objectives

You should outline clearly at the start of your CRIA what decision you are impact assessing.

CRIAs are published on the Welsh Government website, so it is important you provide members of the public with the wider context and narrative of your analysis.

Please remember...

To contact the Children's Branch for initial advice. The branch can facilitate external expert advice on CRIAs through their Children's Rights Advisory Group.

This group includes: the Children's Commissioner for Wales' office, Children in Wales, the Wales Observatory on Human Rights of Children and UNICEF.

2(i) Gathering evidence

Your impact assessment should use robust evidence and data to:

- understand the potential impact of your proposal on children and young people;
- demonstrate how children with different needs will fare in relation to your proposal and how it impacts their rights;
- help identify which groups of children and young people you may need to speak to.

Sources of evidence may include:

- Knowledge and Analytical Services (KAS)
- Official statistics / Welsh Government data
- Local Authorities
- Education and health boards
- International comparative data e.g. UNICEF
- Children's Commissioner for Wales
- Children in Wales
- The Children's Branch has a list of resources.

Your policy may impact on other policy areas. Discussions with other policy teams are also an important part of the impact assessment process.

Please remember...

Children experience life in different ways depending on their age, socioeconomic background, race, disability, and other lived experiences.

2(ii) Engaging with children and young people

- Children and young people have a right to be involved in decisions that affect them (Article 12).
- Asking children what they think about your proposal means that you can better adapt your policy to suit their needs.
- You should understand how your proposal affects different groups of children and actively seek to engage with these groups.
- Children are the experts in their own lives they can provide valuable insight into lived experiences, and how policy proposals will affect their rights.
- <u>The Children and Young People's National Participation Standards</u> outline the key issues you should be aware of when working with children and young people in Wales.

Please remember.... the Children's Branch can support you in your engagement with children and young people. They can provide advice about effective participatory methods and put you in touch with partner organisations who have an established relationship with children and young people.

2(ii) Diversity and inclusivity

You should begin by identifying which groups of children and young people are most likely to be affected by your policy.

It is important to consider how policies will affect different children in different ways. You may, for instance, consider how your policy would affect the following groups of children and young people differently:

- early years, primary, secondary, young adults;
- disabled children;
- children living in poverty;
- Black, Asian and minority ethnic children;
- Gypsies, Roma and Travellers;
- migrants;
- asylum seekers;
- refugees;

- Welsh-language speakers
- care experienced children;
- LGBTQ+ children.

Please note that this is a non-exhaustive list and within these cohorts there will not be one homogenous experience.

In other instances, it may be beneficial to speak with a targeted group of children. The Children's Branch can help put you in contact with specific organisations who represent groups of children and young people.

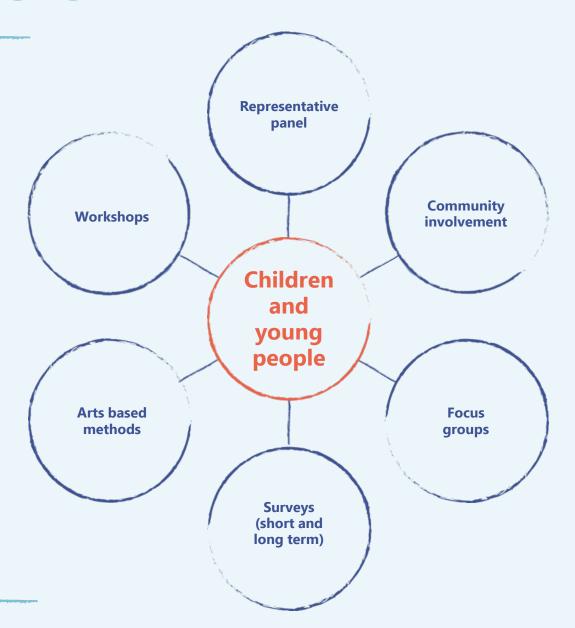
2(ii) Methods of engagement

Here are some approaches you may use to engage with children and young people. These are intended as examples and not an exhaustive list.

The methodology chosen needs to match the aims of the policy proposal, respect limitations of time and resources, be sensitive and ethical, and take into account the particular characteristics and needs of the children and young people.

If possible, work on a **long-term basis** with children and young people throughout the development of your policy for increased depth of participation and quality of insight.

Tokenistic approaches must be avoided (i.e. where children and young people's views are sought, but not adequately taken into account).



3. Analysing the evidence and assessing the impact

Using the evidence you have gathered, you should consider what impact your policy is likely to have on children and young people, both positive and negative.

More broadly, you should use this evidence to consider how your proposal enhances or challenges children's rights, as stipulated by the <u>United Nations Convention on the</u>

<u>Rights of the Child (UNCRC) and its Optional Protocols</u>. Please provide tangible examples from your proposal linked to the UNCRC articles.

Please remember...

Where negative impacts are identified, you should consider as part of the impact assessment process the opportunities to mitigate those impacts.

These mitigations should be presented to the Minister as part of the policy proposal.

4. Ministerial advice and decision – roles and responsibilities

Deputy Director sign-off

Deputy Directors have a specific role in signing off the CRIA as they are the accountable officers. They should constructively challenge and support officials in their duty to give due regard to the UNCRC and provide robust advice to Ministers. A CRIA is considered complete when signed off by a Deputy Director.

Ministerial advice

Your CRIA findings and analysis should then be integrated into your ministerial advice to inform their decision. You should either annex the impact assessment in your advice, or summarise the main impacts that arose and options to mitigate these. This process demonstrates that Ministers have paid due regard to the UNCRC.

Ministerial decision

Your CRIA <u>must</u> be completed before a ministerial decision is made.

5. Publication of the CRIA

Once a ministerial decision has been reached, your CRIA should be published on the Welsh Government website to demonstrate transparency and accountability.

You should publish Sections 1 and 8 of your IIA, alongside the CRIA (Annex A), bilingually on the Welsh Government website.

The CRIA and IIA will need to be submitted to your departmental web manager (cc CRIA Mailbox), where this will be uploaded.

CRIAs completed since 1 January 2020 have been published. They can be found here **Published CRIAs**

All completed CRIAs must also be sent to the **CRIA@gov.wales** mailbox.

6. Communicating with children and young people

Child friendly versions

Welsh Government officials are encouraged to produce child friendly versions of guidance, consultations and policy documents where they have determined that policy proposals / legislation will affect children and young people.

For advice on how to produce child friendly documents see Easy Read, or visit the children's rights intranet page.

Please remember...

If you have sought the views of children and young people on your proposal, you should consider how you will inform them of the outcome.

7. Monitoring and review

- You should outline what monitoring mechanism you will put in place to review your policy / decision after it has been implemented.
- It is essential to revisit your CRIA after an agreed period of time to identify whether the impacts you originally identified came to fruition, and whether there were any unintended consequences.
- Where you are taking forward secondary legislation, it is not sufficient to rely on the primary legislation CRIA. You should update your CRIA to consider how the details the proposal in the regulations or guidance may affect children and young people.
- The reviewed impact assessment should be presented to Ministers with any proposals to amend the policy, practice or guidance. This updated IIA / CRIA should also be published.

Please remember...

If you need further advice and guidance on your CRIA, you can contact the dedicated CRIA@gov.wales mailbox.



Expert advice

Internal - the Children's Branch

The Children's Branch offers expert advice and guidance across the Welsh Government on all areas of children's rights. The branch can:

- Help officials to understand the UNCRC and its Optional Protocols;
- Facilitate contact between officials and the Children's Commissioner for Wales' office, Children in Wales and Children's Rights Advisory Group;
- Provide support for officials to engage effectively with children and young people;
- Provide support for officials to prepare child friendly documents; and
- Give advice and support on Children's Rights Impact Assessments.

If you need further information or additional support please contact the Children's Branch at childrensrights@gov.wales

External – Children's Rights Advisory Group

The Children's Rights Advisory Group (CRAG) includes representatives from:

- The Children's Commissioner for Wales' office;
- Children in Wales;
- UNICEF UK; and
- The Wales Observatory on Human Rights of Children and Young People.

If you want to bring a policy proposal or Children's Rights Impact Assessment to CRAG, please contact the Children's Branch at childrensrights@gov.wales.

Training and resources

E-learning modules

The Welsh Government offers its staff children's rights training through the following Learning Lab modules:

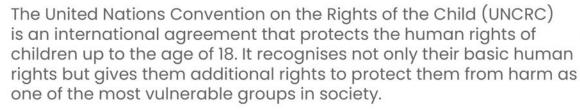
- 'Supporting Children's Rights in Wales'
- 'Children's Rights Impact Assessments'
- 'Safeguarding Children and Adults'

Further resources links

- Children's Rights Scheme 2021
- <u>Introduction to Children's Rights booklet</u>
- Children and Young People's National Standards
- The Right Way: A Children's Rights
 Approach in Wales
- Children's Rights Raising Awareness Plan
- UNICEF resources
- UN Committee on the Rights of the Child

A Summary of The United Nations Convention

on the Rights of the Child



In 2011 the Welsh Government made the UNCRC law in Wales, with the Rights of Children and Young Persons (Wales) Measure 2011. The Measure places a duty on Welsh Ministers to have a due regard to the UNCRC and its Optional Protocols when making their decisions.

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.

To read the full text of the UN Convention go to: https://www.unicef.org/child-rights-convention/convention-text



For further information on the United Nations Convention on the Rights of the Child please visit:

The Welsh Government's UNCRC website gov.wales/childrens-rights

The Welsh Government's UNCRC e-mail childrensrights@gov.wales

Young Wales www.youngwales.wales

Children's Commissioner for Wales www.childcomwales.org.uk

The Rights of Children and Young Persons (Wales) Measure' 2011 documents can be found at: http://www.legislation.gov.uk/mwa/2011/2/ contents







@C_R_Wales @ChildrensRightsWales

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 of 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 2

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, their own and other cultures and the environment.

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 4

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.

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Annex B Children Rights Impact Assessment form

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