

A. CHILDREN'S RIGHTS IMPACT ASSESSMENT

All completed Children's Rights Impact Assessments must be sent to the CRIA@gov.wales mailbox

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty on the Welsh Ministers to pay due regard to the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) and its [Optional Protocols](#) when exercising any of their functions.

Policy Aims and Intended Effects

Plastic, when well designed and necessary, can play an important role in our economy and daily lives. However, its use has become so widespread, people often place little or no value on it as a resource and so it is often disposed of after one use, is not recycled or is simply littered. This is particularly true of smaller items that cannot easily be picked up. These items then enter our rivers and seas, washing onto our beaches. In 2018, research undertaken by the [European Commission](#) found that 80 to 85% of marine litter, measured by beach litter surveys, is plastic, with single-use plastic items representing 50% of the total marine litter.

The research found most littered items on European beaches were those associated with "on-the-go" food and drink packaging. As plastic can break down over time into smaller pieces it can make it difficult to identify its origin. Studies in Wales suggest single-use plastic litter is also prevalent in our local environment. For example, the [Welsh Government's compositional analysis](#) of litter found plastic items in 40% (by item count) of the total sample analysed. [Welsh beach](#) and [street cleanliness](#) surveys have also confirmed the presence of many of the items found by the European Commission's research.

Tackling plastic pollution and the negative impact it has on our climate, environment, nature, health and well-being is a key priority for Welsh Ministers. We want Wales to become a nation where resource efficiency is part of our culture, where we recognise the value of our resources and reduce the quantity of waste that arises. Our vision is for a Wales free from litter, where we keep resources in use for as long as possible and avoid waste. Everyone has a role to play in tackling litter and the single use culture. There are many platforms and charities that aim to encourage young people's understanding of the environment and the need for sustainability.

Through the Single-use Plastics Bill, we propose to make it an offence to supply or offer to supply a number of specific single-use plastic products. We believe this will help shift behaviours amongst both retailers and consumers towards more eco-friendly materials or reusable products.

This impact assessment considers the impact on children and young people of our proposals to ban the supply, or offer to supply (including for free) the following single use-plastic (SUP) products to consumers:

- Plates
- Cutlery
- Drinks stirrers
- Drinking straws (including attached straws)
- Cups made of polystyrene
- Takeaway food containers made of polystyrene
- Cup and takeaway food container lids made of polystyrene
- Plastic-stemmed cotton buds
- Sticks for balloons
- Oxo-degradable products
- Plastic single-use carrier bags (SUCBs)

The introduction of market restrictions on the availability of these unnecessary problematic SUP products forms part of a package of wider measures being taken forward by the Welsh Government to reduce the negative impact littering, plastic pollution and climate change have on our environment and our health. We aim to spark a cultural change where unnecessary waste is prevented, and discarded materials are thought of as resources rather than waste. The introduction of these proposals is a first key step in our phased approach to shift away from our throwaway culture, by removing these SUP products from the supply chain we will prevent this pollution from occurring in the first place. It will encourage businesses to move towards making more reusable, more easily recyclable and less environmentally harmful alternatives, such as paper plates and straws, wooden cutlery etc but also to encourage the use of single-use alternatives such as metal or bamboo. The proposals will also help to increase consumer awareness of the harm SUP products have on the environment.

The Chief Medical Officer for Wales Annual Report, [Restoring our Health](#), published June 2022 highlights that climate change is a pressing public health issue which will increasingly dominate our lives as it adversely affects the most basic health requirements: clean air, safe water, sufficient food, and adequate shelter. It affects the environment around us – the places where we live, work, learn and play – can have a profound impact on our health and well-being.

The report examines the need to prepare, mitigate and adapt for climate change in Wales. The people of Wales are central in making these changes by choosing to use alternatives such as wooden cutlery and paper straws, cups and plates. Switching to these widely used alternative products, that offer little change for most in consumer experience, will lead to long term environmental benefits, although we acknowledge there may be short to medium term disruption for retailers and consumers, if suitable alternative products to those planned to be removed are not available at an affordable cost.

Gathering evidence and engaging with children and young People

Consultation on proposals

A full public 12-week consultation took place in July 2020 in relation to our proposals to ban single use plastic products. A further focused and targeted 6-week rapid evidence gathering engagement exercise was undertaken with stakeholders in 2022.

Reducing Single Use Plastics Consultation 2020

The Reducing Single-use Plastics public [consultation](#) contained proposals to ban SUP cutlery, plates, drinks stirrers, drinking straws, cotton buds, balloon sticks, expanded and extruded polystyrene cups, expanded and extruded polystyrene food containers and products made of oxo-degradable plastic. The consultation ran from 30 July 2020 to 22 October 2020.

As the consultation was undertaken during a period of national restrictions due to the COVID-19 pandemic, face-to-face engagement sessions were unable to be held. Instead, several online meetings were held with different groups, this included representatives of the Youth Parliament, members of the Welsh Retail consortium, a local constituency community group and an online workshop with academics and other experts hosted by Environment Platform Wales.

A total of 3,581 [responses](#) were received. There was overwhelming agreement (98% of those who answered the question) that the potential environmental and social benefits of our proposals outweighed the potential impacts on people in Wales. However, concerns were raised from a number of people, including those who share a protected characteristic, of the possible disproportionate impact of the proposed SUP bans and restrictions. These include:

- Some children and young people, and older and disabled people rely on flexible plastic straws to eat and drink safely or independently, in a variety of settings.
- Some types of alternative items, such as glass or metal, could cause injury for some individuals who have conditions that cause tremors and spasms.
- Single use alternative straws do not provide the same flexibility/functionality as plastic straws and therefore are unlikely to be a suitable alternative item for people who are bedbound, those that cannot reposition themselves to drink from cups or tilt their head back, those with dexterity problems or painful conditions.
- Purchasing straws made from other materials could impose additional costs to the user
- Items sold that are suitable for re-use would require them to be cleaned/sterilised between each use imposing inconvenience to the user.

Comments received providing further detail on the potential impact of a ban on SUP straws:

*'Banning these items and asking disabled people, who already have a large number of extra expenses placed upon their budget, to buy reusable ones is extremely unfair. I know the idea has been put forth to have reusable items and only offer them if they are asked for, but this too comes with a raft of problems. Having able bodied people gate keeping these items, and only allowing people who they view to be "truly in need" to have them opens up a whole raft of discriminatory possibilities. Many disabilities, mine included, are invisible to most people. Being denied items we need can be a traumatic experience, it would certainly impact my mental health and put me off going to similar places in the future. Accessibility is already a huge problem in our society, banning single use plastics would only exacerbate this problem. As I said at the start I do support the banning of single use plastics, mainly in packaging, but as more than 1 in 4 people in Wales live with some form of disability, I really hope you consider how this decision might impact us'. **(Disabled person)***

'The Youth Advisory Panel of the Children's Commissioner for Wales and myself, support the proposals put forward by Welsh Government to ban the single use plastics items identified for general widespread use, however, clear and robustly considered exemptions must be put in place to ensure certain groups of people are not adversely impacted by this decision. The impact of this ban on individuals with disabilities and certain health concerns was identified as a key concern by my Panel.

It must also be noted, that whilst many young people will welcome this proposal to ban some single use plastic items, many will be seeking further action from Welsh Government to act in collaboration with other Governments to be bold in its action to tackle climate change and the shared challenges of environmental degradation and environmentally damaging behaviours.

Welsh Government must view their actions as being accountable to children. With 16- and 17-year-olds now able to vote in Welsh elections and having seen such strength in feeling on this issue from young people, it is clear young people will hold governments to account on their actions and lack of action to address Wales' climate emergency.

The need for exemptions to the single use plastic ban was raised by the young people in my advisory panel, and they expressed concerns that some young people may be adversely impacted by the ban of single use plastics. One young person raised concerns about the impact on citizens with disabilities and would like Welsh Government to develop clear guidance on exemptions to the ban, so other settings, outside of hospital and care settings can still use items if needed. For example, sports clubs and youth clubs who support people with disabilities.

*One young person raised concerns that some people with severe food allergies may be impacted by the ban and hoped that guidance on the exemption would consider and mitigate any impacts on these groups. It is also important to help inform how the exemptions will be communicated to children'. **(Children's Commissioner for Wales)***

*'Whilst I agree for takeaway drinks, plastic straws should be banned they are not good substitute in all circumstances as they don't last very long. For small children and especially disabled/elderly people, plastic straws are important. However, I agree with trying to reduce their overall use'. **(Individual response)***

*'My concern on the straws is accessibility for disabled customers/children. Also expecting businesses to provide alternative, no doubt more expensive plate/straw options might put pressure on an already struggling industry immediately in the aftermath of lockdown'. **(Individual response)***

*'Think there should be able to be used for small children, elderly and disabled as paper straws are not very long lasting and not a good substitute if you need rather than want a straw'**(Individual response)***

In developing the Single-use Plastics Bill, we have taken account of the feedback provided in relation to supporting the need of protected characteristic groups. In addition, we have facilitated additional discussions with the health and social care sector, a range of protected characteristic groups, children and young people, including representative organisations, and a Climate Change Special Interest Group to ensure we have fully understood individual requirements and feedback to the consultation. There are a number of exemptions included in our proposals to ensure availability and accessibility of relevant products.

Targeted engagement in 2022

Following the closure of the full consultation in October 2020, the UK Government introduced the United Kingdom Internal Market Act 2020 (UKIMA). Our proposals to introduce these bans were put on hold at that time while we considered the impact UKIMA may have on our ability to deliver our Programme for Government commitment to legislate in this area.

During this period discussions with stakeholders continued on the products consulted on in 2020, and the additional products respondents to the consultation requested to be included in future proposals. This included further engagement with children and young people, including representative organisations, and the Youth Wales Climate Change Special Interest Group.

This targeted engagement provided us opportunity to further discuss our proposals with children and young, including impacts on them and on others, and what exemptions should be included to address this. Also, children and young people discussed the

suitability of alternative items, such as paper straws, and provided suggestions on other products that could be included in our proposals such as food packaging.

Additional items to be included in our proposals

During the 2020 consultation respondents identified a number of additional products they wanted action taken on. Feedback from the 2020 consultation and continued discussions with stakeholders during engagement in 2022, have assisted us in further forming our policy in this area to include single-use plastic cup and takeaway food container lids made from polystyrene and single-use carrier bags (SUCBs) to our proposals.

SUCBs

Whilst the usage of SUCBs has decreased significantly since the introduction of [The Single Use Carrier Bags Charge \(Wales\) Regulations 2010](#) (mainly as supermarkets no longer provide them at the checkout), they are still used extensively in the clothing retail sector and amongst small and medium-sized businesses (SMEs). Including SUCBs in our proposals is consistent with wider Welsh Government aims to phase out single use items and reduce the use of resources.

We propose to include SUCBs that are currently captured by the charge (those equal to or less than 49 microns in thickness and which meet the definitions of size in the current charging regulations) will be banned. This will not include thicker gauge plastic bags currently used by supermarkets as these are considered “bags for life”. It will also not include thinner gauge plastic bags such as nappy sacks, dog poo bags or bags typically used in for takeaway delivery.

The results of the rapid engagement on SUCBs suggested exemptions to the ban for public health or health and safety reasons would be needed. These would be similar to the existing exemptions for the SUCB charge.

Cup and takeaway food container lids and oxo-degradable products

Although included in our proposals, the bans on oxo-degradable plastic products and cup and takeaway food container lids made of polystyrene, will not come into force at the same time as all other items in our proposals.

We are proposing delaying the commencement date for these items to enable further engagement with the affected sectors, and to allow more time for those affected sectors to adapt. Impact assessments for these items will be completed at that time.

Exemptions to mitigate impacts

Drinking Straws

We recognise for some disabled children and young people or those with accessibility needs, flexible plastic drinking straws are a necessity so they can eat and drink safely and independently. Our proposals include exemptions to protect access to single-use plastic straws for those who need them. Once the ban is in force, single-use plastic straws will be available for purchase at pharmacies, given on request, for example at hospitality or catering premises or provided for medical reasons.

- **Pharmacies** (including on-line) - are able to buy single-use plastic straws from manufacturers or wholesalers so individuals who need them, or someone on their behalf, can purchase them for use at home or elsewhere.
- **Premises providing food or drink** - catering businesses, such as cafes, restaurants and pubs will still be able to buy single-use plastic straws from manufacturers or wholesalers to give to someone who require them to eat and drink independently, or someone requesting a straw on their behalf. It is important to note that customers do not need to provide proof of need when requesting straws.
- **Medical purposes** - Health professionals are able to supply single-use plastic straws where required, this includes for use in hospitals and other medical settings.

By taking an approach that is consistent with other parts of the UK, the exemption provides clarity for people on how to access single-use plastic straws wherever they are located. It also provides clarity and consistency for businesses.

Attached Straws

Straws attached to food or drink cartons or juice pouches are included in the ban for SUP straws, subject to the following exemption:

- for medical purposes (this means straws will remain for the purposes of preventative medicine, medical diagnosis, medical research and the provision of medical care and treatment by a health professional or under the direction of a health professional).

This is to ensure that nutritional diet supplements, that are sometimes provided to people who are not eating properly and are administered via a carton with an attached plastic straw, remain available. It also ensures that other drinks (e.g. fruit juices) which would come in cartons with attached plastic straws would still be captured by the ban.

Impacts on Children and Young People

We need children and young people to play a prominent role in driving the transition to a net zero Wales. Children and young people have profoundly altered the level of awareness of and concern about climate change across society, completely changing the terms of the debate. The most challenging test for our plans is to meet the expectations of children and young people who will bear a far greater burden of the costs and impact of climate change than anyone in a position of power today. The young people of Wales will face the ongoing and increasing impacts from climate change throughout their lives. This can bring stress, anxiety, and negative effects on mental well-being.

Initiatives across Wales support young people to take action to respond to the climate crisis, and the Office of the Future Generations is providing platforms to ensure young people are supported and their voices heard across Wales. The [Eco-Schools programme](#) is the main platform the Welsh Government has to engage directly with children and young people to develop sustainable behaviours and deliver climate change and natural resource priorities.

Positive impacts

Through engagement with children and young people it is clear they understand the positive impact their actions and decisions have on plastic pollution. They show enthusiasm at the ability to become more sustainable and ethical and they demonstrate an understanding of the impact their choices and values have on their environment and communities, by choosing to use readily available alternatives to plastics or non-single use items. Engaging on these issues is empowering for children and young people and helps them to also understand how these proposals will impact other groups such as young and older people or disabled people. As well as engaging with our proposals they have also provided several suggestions to take further action, such as food packaging and cigarette butts. Also suggesting constructive ways in which to engage further with them on this issue through social media etc.

Tackling our over-use of single-use plastics is an issue which has been championed by many young people. There are many children and young people led campaigns to fight plastic waste. They have organised several campaigns, including the [Welsh Youth Parliament's report](#) on littering and plastic waste. Our proposals aim to build on this. We want to change consumer behaviour towards using fewer single use items and enhance our global reputation as an exemplar in recycling.

[Natural Super Kids reports](#) tackling plastic pollution will also positively affect their health as children are much more vulnerable to adverse health effects caused by environmental toxins like plastic. They are still developing – their gut, immune system,

brain and reproductive systems are still under construction. This makes them more prone to the negative impacts of plastic exposure.

Also, these proposals will meet the requirement [in The United Nations Convention on the Rights of the Child](#), specifically Article 31 and Article 24, by reducing air pollution and providing cleaner green and natural spaces like beaches, forests, parks and the countryside for walking, learning, running, cycling, and playing.

Climate change has been identified as one of the biggest threats facing our future generations; implementing these proposals will have a direct positive impact on protecting our environment, health and well-being in the short term and for future generations.

Negative Impacts

Through direct engagement with children and young people, disabled people and their representatives, we have identified there will be a minor impact on children and young people regarding our proposal to ban SUP straws. For most children and young people, there are suitable alternative straws readily available on the market, although during consultation with children and young people they raised some concern regarding the functionality of paper straws, which may get soggy and become a choking hazard. This situation is expected to improve as manufacturers continue innovating to meet the growing demand for more sustainable straw solutions.

Discussions with groups representing disabled people of all ages confirm flexible plastic straws are essential for some individuals to enable them to eat and drink safely and independently, therefore removing them would cause an additional caring burden on young people who are carers. Information from [Carers Trust Wales](#), details there are around 30,000 young carers in Wales with Wales having the highest percentage per capita of young carers in comparison with the other UK nations. The exemptions we have included for SUP straws will mitigate this impact.

The ban on straws also includes straws attached to drink containers, such as juice cartons or pouches typically used by children. The intention of the ban is to encourage a switch to environmentally friendly alternatives or re-usable items. Retailers have responded to this and are making changes to produce plastic free products. Several major brands such as Ribena and Capri Sun have already replaced their attached plastic straws with paper straws. Therefore, there will only be a minor negative impact based mostly around the choice of drinks cartons/pouches currently available on the market.

Young children may be more likely to use balloon sticks and may be impacted by a ban on this item. However, retailers have responded to the proposals to ban plastic sticks

and affordable, recyclable, eco-friendly cardboard alternatives to plastic balloon sticks are now available on the market.

Our consultation did not identify any negative impacts for children and young people relating to other items in our proposals. It was considered that suitable alternative non plastic or non-single use items were readily available on the market for these items.

How does your proposal enhance or challenge children’s rights, as stipulated by the UNCRC articles and its Optional Protocols? Please refer to the [articles](#) to see which ones apply to your own policy.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
<p>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.</p>	x		<p>We engaged with children and young people in the development of our policy, in considering the possible impacts our proposals would have on children and young people, and the exemptions to be included to mitigate these impacts.</p>
<p>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.</p>	x		<p>Guidance will be issued to support the implementation of the proposals. The intention is to provide information which will ensure there is clarity for enforcing officers, suppliers, retailers and members of the public.</p> <p>It will be published and available to all in a range of formats to ensure it is accessible to all.</p>
<p>Article 23 Children who have any kind of disability should have special care and support so that they can lead full and independent lives.</p>	x		<p>Our proposals will include exemptions for SUP straws to ensure they remain available to support independent living, social inclusion and equal participation for children and young people who need them to eat or drink safely and independently, or if the straws</p>

			are required for medical purposes.
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.	x		Climate change is a pressing public health issue which will increasingly dominate our lives as it adversely affects the most basic health requirements: clean air, safe water, sufficient food, and adequate shelter. It affects the environment around us – the places where we live, work, learn and play – can have a profound impact on our health and well-being. Implementing these proposals will have a direct positive impact on protecting our environment, health and well-being in the short term and for future generations.

- Consider whether any EU Citizens Rights (as referenced in the Equality Impact Assessment) relate to young people up to the age of 18.

These proposals include exemptions to ensure our proposed bans do not impact upon any of the articles in the Human Rights Act.

Guidance will be issued to support the implementation of the proposals. The intention is to provide information which will ensure there is clarity for enforcing officers, suppliers, retailers and members of the public. It will be published and available to all citizens in a range of formats to ensure it is accessible to all.

We can foresee no potential impacts from the proposed legislation as the majority of products are already included in EU Legislation.

For further information on the [UNCRC](#) and its [Optional Protocols](#), please visit the [Children's Rights Intranet Page](#).

1. Ministerial advice and decision

Our CRIA findings and analysis have been integrated into our ministerial advice to inform their decision. This CRIA will be provided as an annex to that advice.

- *Once completed, your CRIA must be signed off by your Deputy Director.*
- *Your CRIA findings should be integrated into your ministerial advice to inform their decision.*

2. Publication of the CRIA

- *Following the ministerial decision, the CRIA should be published bilingually on the Welsh Government website.*
- *Send sections 1 and 8 of your IIA and the CRIA (Annex A) to your departmental web manager for publishing.*
- **All** completed CRIAs must also be sent to the CRIA@gov.wales mailbox.

3. Communicating with Children and Young People

We propose to brief the children and young people who engaged with us once the legislation is put forward to the Senedd and keep them informed of developments. Additionally, the Climate Change Special Interest Group recommended some additional items of single use plastics which we may wish to consider restricting in future regulations. We would seek to engage with them on those items. We are also intending to provide easy read copies of communications and the legislation.

Guidance will also be issued to support the implementation of the proposals. The intention is to provide information which will ensure there is clarity for enforcing officers, suppliers, retailers and members of the public. It will be published and available to all citizens in a range of formats to ensure it is accessible to all.

4. Monitoring and Review

Governance mechanisms have been established through the Single Use Bill Plastics Board to track the development and implementation of proposals within this legislation. If any information or evidence is received through this process which will affect children's rights, the document will be reviewed and amended if appropriate.

Review

Evidence gathered during the targeted engagement supports the information received in the full consultation. **Therefore, the proposed exemptions to be included in the Bill remain the same as set out above.**