Children's Rights Impact Assessment

1. Policy objectives

- What is the proposal you are impact assessing?

To review National framework for commissioning care and support: code of practice | GOV.WALES (Referred to in this document as "The Code") When it was created, Minister's committed to a two-year review. We need to check that it was implemented in the right way and to respond to feedback from a range of stakeholders on the success of implementation and what can be improved.

As a baby, child or young person or young person in Wales, the revised Code aims to ensure that the care and support services available to **you** are planned and delivered in a way that promotes **your** well-being, rights, and personal outcomes. Services should be designed around what matters to **you**, taking account of **your** voice, wishes, and feelings.

The code encourages local authorities, health boards, and other partners to work together to provide high-quality, consistent, and person-centred support across Wales. This means that **you** should have access to services that help **you** achieve the best possible outcomes, regardless of where **you** live.

For **you as a baby, child or young person**, this means **you** should be supported to:

- Have a say in decisions that affect **your** life and future.
- Receive care and support that promotes **your** well-being, safety, and development.
- Access services that respect **your** rights, identity, culture, and language, including the Welsh language where appropriate.
- Benefit from services that are focused on quality and positive outcomes rather than simply cost.
- Experience coordinated support from organisations working together to meet **your** needs.

Overall, the code supports a rights-based, person-centred approach, helping to ensure that **you** receive care and support that enables **you** to achieve **your** personal outcomes and live well.

We believe the proposed revisions to the Code will continue to have a positive impact on babies, children and young people in Wales. Additional and more robust monitoring of the implementation of the code and also additional specific sections around commissioning in a Neuro inclusive way being the main areas of change that will impact children.

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Gathering evidence and engaging with babies, children or young people

- What existing research and data on baby, child or young persons and young people is available to inform your specific policy? Your policy objective may impact on other policy areas – discussions with other policy teams will be an important part of the impact assessment process ensuring you have gathered a range of information and evidence.

The Code places strong emphasis on voice and control, co-production, and understanding "what matters" to individuals. Commissioners are required to co-design, co-deliver and co-evaluate services with people who use services, including babies, children or young people and young people where appropriate, ensuring that their views, experiences and outcomes inform commissioning decisions.

The Code also requires statutory partners, when commissioning services for babies, children or young people, young people and families, to have regard to babies, children or young people's rights and baby, child or young person's rights-based approaches to participation and service design. This helps ensure that the lived experiences of baby, child or young person and young people are reflected in service planning, delivery and evaluation

A network of professionals and organisations working across baby, child or young person's services contributed relevant evidence, intelligence and expertise, including

- Baby, child or young person's Services Commissioning Teams
- Regulatory Teams including CIW and SCW
- Children's Commissioning Consortium Cymru (The 4C's) – with links to the Baby, Children's Commissioner and the young commissioners group
- Providers of baby, child or young person's services
- Policy teams for baby, child or young person's services.

For the purpose of this Code commissioning involves making decisions about what services are required to respond to the care and support needs of babies, children or young people, families.

Standard 10 of the Code focuses on equalities and human rights. There are clear links to meeting the Public Sector Equality Duties and regulation 18 of The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 as well as both 202402-Childrens-Commissioner-for-Wales-Right-Way-Social-Care-English.pdf and Corporate parenting charter | GOV.WALES are both regarded and adhered to.

Population Needs Assessments, Market Stability Reports and also data sources such as the following are all linked within the Code to support commissioners in having access to a range of data to support them to commission services for baby, child or young person effectively.

- Social services capacity and demand data, published by The Welsh Government
- 4C's data dashboards
- Social Care Wales Data dashboards
- Care Inspectorate Wales data tool

The Code also has a dedicated section on the NEST Framework. It encourages commissioners to use the framework when commissioning services for babies, children

or young people and young people. It encourages a “No wrong door” approach and reinforces co-production with , children or young people and families.

- Using this research, how do you anticipate your policy will affect different groups of babies, children or young persons and young people, both positively and negatively? Please remember policies focused on adults can impact baby, child or young persons and young people too.

The revised Code is expected to have a predominantly positive impact on babies, children or young people across Wales. The Code strengthens rights-based, person-centred and preventative approaches to commissioning, supports the wellbeing of babies, children or young people and families, promotes safeguarding and equality, and improves collaboration across services.

Particular benefits are anticipated for disabled babies' children or young people, and those with mental health needs,
looked after baby, child or young person (including those in foster care, kinship care and residential care), young carers and babies' children or young people facing additional barriers or inequalities. No significant adverse impacts have been identified, and implementation risks will be mitigated through national standards, co-production, monitoring and continuous improvement.

- What participatory work with babies' children or young people have you used to inform your policy? If you have not engaged with babies, children and young people, please explain why.

While direct engagement with babies' children or young people and young people was limited at the Code development stage, we sought views of babies' children or young people through baby, child or young person's perspectives have informed the policy through existing co-produced national codes and rights-based approaches. The Code embeds ongoing participation requirements to ensure babies children or young people's voices influence future commissioning decisions and service development. We have carried out extensive stakeholder engagement as part of the review of the code which included baby, child or young person's commissioners, providers and regulators as well as the 4C's

2. Analysing the evidence and assessing the impact

- Using the evidence you have gathered, what impact is your policy likely to have on babies' children or young people? What steps will you take to mitigate and/or reduce any negative effects?

Overall, the revised Code is expected to have a positive impact on babies' children or young people and young people by strengthening rights-based, preventative and person-centred commissioning across Wales. No significant adverse impacts have been identified. Any potential implementation risks will be mitigated through co-production, safeguarding requirements, equality and human rights duties, and the use of national commissioning standards and guidance. The strengthening of monitoring of the implementation of the revised Code will also help to mitigate these potential risks by highlighting areas that are not implemented and shaping support for commissioners to be compliant.

- How does your proposal enhance or challenge babies' children or young people’s rights, as stipulated by the UNCRC articles and its Optional Protocols? Please identify each relevant article which applies to your policy and provide an explanation of how

your proposal enhances or challenges that right. Where a potential negative impact has been identified, explain any mitigating actions that will be taken.

UNCRC Articles or Optional Protocol	**Enhances** **x**	**Challenges** **x**	**Explanation**
Article 2: Non-discrimination: All babies children or young people have these rights regardless of who they are, where they live, their ethnicity, language, religion, disability, gender, or any other status	Yes		The revised Code requires all commissioners to ensure that care and support services are equitable. There has been an increased focus within the draft revised code on better support for neurodivergent people which aims to give more consistency of approach. The code also has strong requirements around relationship building, co-production and ensuring equality for all of commissioning practice across Wales.
Article 3: Best interests of the baby, child or young person: In all actions concerning babies, children or young people, their best interests must be a primary consideration. Everyone working with babies' children or young people should do what is best for each baby, child or young person	Yes		The revised Code supports by requiring commissioners to place wellbeing, quality and outcomes at the centre of decision-making. Through person-centred commissioning, co-production, prevention, and a focus on achieving positive outcomes, the code helps ensure that the best interests of baby, child or young person and young people are a primary consideration in the planning, commissioning and delivery of care and support services.
Article 12: Respect for the views of the baby, child or young person Babies, children or young **people** have the right to express their views freely in matters affecting them, and for those views to be taken seriously according to their age and maturity	Yes		The revised Code supports by embedding co-production, participation and person-centred commissioning throughout its principles and standards. It requires commissioners to listen to and involve babies' children or young people and families in shaping services, understanding what matters to

			them and using their views and experiences to inform decision-making. This helps ensure that baby, child or young person's views are heard and taken seriously in matters that affect them.
Article 13: Freedom of expression and information: Babies children or young people have the right to seek, receive and share information and ideas in different ways	Yes		The revised Code supports by underpinning the core values of the Social Services and Wellbeing Wales Act including voice and control, prevention and early intervention, wellbeing and coproduction. Through its focus on accessibility, engagement and communication, the code helps babies' children or young people exercise their right to seek, receive and share information.
Article 15: Freedom of association: Babies children or young people have the right to meet with others, make friends, join groups, clubs and organisations	Yes		The revised Code supports by promoting inclusion, community participation and relationship-based support. Through its emphasis on co-production, wellbeing, equality and community-based services, the code helps create opportunities for babies' children or young people to make friends, join groups and participate in activities that support their development and wellbeing.
Article 16: Right to privacy: Babies children or young people have the right to privacy, family life, home, correspondence and protection from unlawful interference	Yes		The revised Code supports by embedding human rights, dignity and person-centred practice within commissioning processes. Through its focus on respecting individuals, protecting personal information and ensuring services are delivered in ways that uphold people's rights, the code helps safeguard babies' children or young people's privacy, family life and dignity.
Article 17: Access to appropriate information:	Yes		The revised Code supports by promoting access to clear, reliable and accessible

Babies children or young people have the right to access reliable information from a range of sources that supports their wellbeing and development			information that enables babies' children or young people to participate in decisions, access services and support their wellbeing. communication needs, co-production and person-centred commissioning.
Article 18: Parental responsibilities and support: Parents share responsibility for bringing up their babies' children or young people, and governments should support them in doing so	Yes		The revised Code supports by requiring commissioners to plan and deliver preventative, family-centred services that promote babies' children or young people's wellbeing, strengthen support for parents and carers, embed baby, child or young person's rights in service design.
Article 19: Protection from abuse and neglect: Babies children or young people have the right to be protected from all forms of violence, abuse, neglect and exploitation	Yes		The revised Code supports by requiring safeguarding to be embedded throughout the commissioning of care and support services, ensuring that babies children or young people are protected from abuse, neglect and exploitation. The Code promotes baby, child or young person's rights, mandates the use of national safeguarding procedures and standards, strengthens early intervention, and requires services to safeguard and promote the welfare of babies' children or young people in all aspects of service planning and delivery.
Article 20: Babies children or young people deprived of their family environment: Babies, children or young people unable to live with their family are entitled to special protection and alternative care	Yes		The revised Code supports by requiring commissioners to secure safe, high-quality and rights-based that support children living in foster care, kinship care, residential care and supported accommodation. This also highlights the role of effective commissioning in supporting stable, high-quality care close to children’s communities and maintaining important family, cultural and community

			connections where appropriate. It promotes baby, child or young person's wellbeing, safeguarding, corporate parenting responsibilities, care close to home.
Article 21: Adoption: Where adoption is permitted, the baby, child or young person's best interests must be the paramount consideration	Yes		The revised Code supports by requiring babies' children or young people's services to be commissioned in a way that prioritises baby, child or young person's rights, wellbeing, safety and long-term outcomes. Through its emphasis on the UNCRC, babies' children or young people's rights-based practice, corporate parenting responsibilities, safeguarding and high-quality care for looked after babies, children or young people, the Code helps ensure that decisions affecting babies' children or young people who cannot live with their birth families are guided by their best interests.
Article 22: Refugee babies' children or young people: Refugee and asylum-seeking babies, children or young pe**oples** have the same rights as all other babies' children or young people**==** and should receive appropriate protection and assistance	Yes		The revised Code supports by requiring care and support services to be commissioned in a way that promotes equality, human rights, wellbeing and safeguarding for all babies' children or young people. The code has a string link and commitment to the UNCRC, creating inclusive commissioning, protection from harm, and person-centred support.
Article 23: Babies children or young people with disabilities: Disabled babies, children or young people have the right to special care, support and opportunities to lead full and independent lives	Yes		The revised Code supports by requiring services for disabled babies' children or young people to be commissioned in accordance with the principles of wellbeing, inclusion, equality, accessibility and participation. Strong commitment to UNCRPD and UNCRC, person-centred

			support, early intervention, co-production and human rights-based commissioning, the Code helps ensure disabled babies' children or young people receive the care, support and opportunities needed to lead full, independent and fulfilling lives.
Article 25: Review of care arrangements: Babies children or young people placed in care or other arrangements have the right to regular reviews to ensure their wellbeing is protected	Yes		The revised Code supports by requiring care and support services to be regularly monitored, evaluated and reviewed to ensure they continue to meet babies' children or young people's needs and protect their wellbeing. There is a strong emphasis on outcomes, safeguarding, co-production, contract monitoring and continuous improvement, the Code helps ensure that baby, child or young person in care or other care arrangements receive ongoing oversight and protection. Links to the new Code of Practice Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026 also helps to support this.
Article 31: Leisure, play and culture: Babies children or young people have the right to rest, play, recreational activities and participation in cultural and artistic life	Yes		The revised Code supports by requiring services to promote babies' children or young people's wellbeing, inclusion, community participation and personal development. Strongly rooted in a focus on person-centred outcomes, community connections, equality, co-production and opportunities for babies, children or young people to flourish and thrive.

Article 33: Protection from drugs: Babies children or young people have the right to be protected from the use, production and trafficking of illegal drugs	Yes		The revised Code supports by requiring commissioners to safeguard babies' children or young people, promote their wellbeing, provide early intervention and prevention services, and commission care and support that protects babies' children or young people from harm and exploitation. Although the Code does not specifically focus on drug misuse or trafficking, its safeguarding, prevention and baby, child or young person protection requirements contribute to protecting babies' children or young people from drug-related risks. It does support working across services, incorporation of National Safeguarding procedures and promoting babies' children or young people's wellbeing and resilience.
Article 36: Protection from exploitation: Babies children or young people have the right to be protected from activities that could harm their welfare, development or wellbeing			The Framework states that commissioners must have regard to the UN Convention on the Rights of the Baby, child or young person (UNCRC) and, when commissioning services for babies' children or young people and young people, should follow The Right Way: A Baby, child or young person's Rights Approach for Social Care in Wales. This helps ensure babies children or young people's safety, dignity and best interests remain central to service delivery.
Article 39: Children who have been neglected or abused should receive special help to restore their self-respect			The code promotes commissioning practice that supports children receiving care and support services, including children in care, adopted children, and unaccompanied asylum-

			seeking children. These children may have experienced trauma, abuse, neglect, separation or loss. The Framework promotes trauma-informed, person-centred and preventative approaches to service design and delivery, helping to support recovery, resilience and positive long-term outcomes.

3. Ministerial advice and decision

- *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.*

4. Publication of the CRIA

- *Following the ministerial decision, the CRIA should be published on the Welsh Government website. Please send to your departmental web manager for publishing.*

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

*****Please remove sections 4 & 5 before publication*****

5. Communicating with Babies children or young people and Young People

- If you have sought babies' children and young people's views on your proposal, how will you inform them of the outcome?

Through the 4Cs being part of our external stakeholder group we have asked for babies' children or young people's view's to be considered. We also work closely with baby, child or young person's commissioning teams across Wales who have also been part of our external stakeholder work. We have fed back to all stakeholders the revised code and have asked for further feedback. The 4C's communicate these revisions and discussions to babies' children or young people through their Board and their young commissioners group.

6. Monitoring and Review

- Please outline what monitoring and review mechanism you will put in place to review this CRIA.
- Following this review, are there any revisions required to the policy or its implementation?

Through the consultation we will seek views on the potential impacts of the revised NCF on babies' children or young people and young people.

We anticipate that this policy will be revised, and any changes will be incorporated following stakeholder feedback.