

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

22nd May 2018

REPORT AUTHOR: County Councillor Rachel Powell
Cabinet Member and Portfolio Holder for Young People,
Leisure and Culture

SUBJECT: Moving Powys forward as a children's right's based
approach Council.

REPORT FOR: Decision

1. Summary

1.1 The Children's Services Improvement Plan, approved in February 2018 included key actions to support the development of a Children's Rights approach across the whole council and partner agencies. These actions are as follows;

| Ref | Action | Deadline |
|-----|---|----------------|
| A40 | Review arrangements for delivering our duties under Annexe B of the Wellbeing of future Generations Act and improve cross organisational understanding and commitment | September 2018 |
| A13 | Council to adopt the National Rights Based Approach – 'the Right Way,' formally adopt the UNCRC and work towards the National Participation Standards Kite Mark | March 2020 |
| A31 | Adopt the new National Participation Charter to demonstrate our commitment to the national standards. | April 2018 |
| A32 | Children's Services to achieve the National Kite Mark for meeting the Participation Standards | September 2019 |
| A33 | Work with our partners to agree and implement a Children's Charter for Powys | September 2019 |

1.2 This report provides cabinet with additional background information to support implementation of these actions and sets out the proposed key steps for approval and support from Cabinet.

1.3 It is important to note that costs relating to the proposals outlined within this report would be covered through existing resources and would not require additional funding at this stage.

2. Background

- 2.1 It is important for members, staff and partners to be aware of the key pieces of policy and legislation which directly support and underpin the above actions. However, in addition to our statutory obligations which are outlined here, engaging with our service users and residents, in particular children and young people, will help us all create a better understanding of the needs of our local residents and communities. It will help us gain valuable insight into the design and delivery of our services and provide critical information to help us continually improve our service offer.
- 2.2 The United National Convention on the rights of the Child (UNCRC)** is an international agreement that protects the human rights of the children under the age of 18. In 1991 the United Kingdom and Northern Ireland formally agreed to make sure that every child in the UK has all the rights listed in the convention, such as Article 12, which states that children should have a say in matters that affect them. (United Nations General Assembly, 1989)
- 2.3 Annexe B of the Wellbeing of future Generations Act 2015** (full information embedded at the end of this report) sets out the duty on Local Authorities and Public Services Boards (PSB) in relation to promoting, facilitating and embedding the participation of children and young people (within the broad context of the UNCRC) into all aspects of planning, delivering and reviewing of services and policies. This includes the requirement to maintain a county youth forum.
- 2.4 The National Rights Based Approach - 'The Right Way'** is a publication from the Children's Commissioner for Wales's Office. It provides a principled and practical framework for organisations to implement a children's rights approach which is grounded in the UN Convention on the Rights of the Child (UNCRC). This publication sets out key success criteria which include:
- Children's rights embedded in everyday work.
 - A county of equality and non-discrimination for all children and young people.
 - Children and young people are empowered to influence and hold accountable institutions that affect their life.
 - Children and young people are actively and meaningfully engaged.
 - Children and young people are able to question and challenge decision-makers.
- (Children's Commissioner for Wales, 2017)
- 2.5 The National Participation Standards and Kite Mark** (see Appendix A) were developed and originally launched in 2009, endorsed by Welsh Government. In 2016 Children in Wales' project 'Young Wales' was tasked by Welsh Government to refresh the National Participation Standards. Following this refresh, departments/organisations aiming to

achieve the National Participation Standards will be required to evidence that:

- Children and young people will have information that is good quality, clear and accessible. (Standard 1 – Information)
 - Children and young people will have enough time and support if they choice to be involved. (Standard 2 – It's Your Choice)
 - Children and young people have equal access to opportunities and will not face discrimination from anyone, especially because of their age. (Standard 3 – No Discrimination)
 - Young people will feel that their views, ideas and experience are treated seriously. (Standard 4 – Respect)
 - Young people can take part in activities that are safe, fun and enjoyable, so that they can reap the full benefits of being involved. (Standard 5 – Get something out of it)
 - Young people will know how their views have been used to influence change and what will happen next. (Standard 6 – Feedback)
 - Services will improve on the feedback they receive from young people and ensure that consultations and engagement are meaningful and purposeful. (Standard 7 – Working Better for you)
- (Young Wales - Children In Wales, 2017)

Organisations and/or individual departments can work towards the **National Kite Mark** to demonstrate their commitment to promoting the voice of the child and meeting the 7 standards. In order to achieve the Kite Mark organisations/departments will need to complete a self-assessment, develop and implement an action plan and undergo an inspection, led by trained 'young inspectors.' Once the Inspection process is satisfactorily completed a recommendation will be made to Children in Wales to award the Kite Mark, which will be formally signed by the lead Minister

2.6 As a key part of the review of the National Participation Standards, a '**Participation Charter**' was developed for organisations to sign up to in order help them demonstrate their commitment and intention towards achieving and abiding by all 7 Participation Standards (full information embedded at the end of this document). The Participation Charter is underpinned by the 3 themes of Children's rights:

- Participation - Organisations will promote and raise awareness of the standards as part of providing a quality experience for young people.
 - Protection - work will be undertaken in a safe and enjoyable way with young people in accordance with legislation and safe recruiting practises.
 - Provision - Organisations are committed to providing a quality service that is shaped by young people's views and reflects their needs.
- (Young Wales - Children In Wales, 2017)

As Powys is intending to be the first Council in Wales to sign up to the National Participation Charter, clearly setting out our commitment to

promoting and listening to the voice of the child, a full communications plan to support this positive step will be developed and implemented.

- 2.7 **The Social Services & Well-Being Act 2014** states that the individual and their needs should be put at the centre of their care ensuring that they control and have a voice in achieving the outcomes they want to. (Welsh Government, 2014) Co-production with service users is a key principle being developed within social care practice in Powys.
- 2.8 The **Children and Families (Wales) Measure 2010** introduced in 2010 states that 'A local authority must make such arrangements as it considers suitable to promote and facilitate participation by children in decisions of the local authority which might affect them.' (Welsh Government, 2010), this enshrines Article 12 of the United Nations Convention on the Rights of the Child in Welsh Law, which states that children and young people should have a say in matters that affect their lives. (United Nations General Assembly, 1989)

Current position

- 2.9 In some discrete service areas, Powys has had a strong track record in relation to promoting the voice of the child. However these areas of good practice have not been mainstreamed to ensure we have a consistent, whole system and whole organisation approach to promoting Children's Rights and voice. Examples of existing activity/good practice include;
- Powys Youth Forum – established for many years, engages in the work of the Council and its partners on a regular basis
 - Junior Safeguarding Children's Board – 'Eat carrots be safe from elephants' meets to support the work of the safeguarding boards and local operational group.
 - Young peoples engagement in the wellbeing assessment (Wellbeing of Future Generations Act) and population assessment (The Social Services and Wellbeing Act) which included a stand alone young peoples wellbeing report and a successful 'Have Your Say day,' which was attended by the Minister for Education.
 - School councils in all schools – while we recognise the need for driving up quality and impact of these forums, we have had a school council which previously achieved the national kitemark standard and a schools council conference was held to share best practice and promote the importance of learner voice.
 - Advocacy services for some of our most vulnerable children and young people – a long standing tripartite agreement between Children's Services, Education and Health. Powys is now the regional lead on the commissioning for this Dyfed Powys Service.
 - A recent Child Practice Review undertook research with young people to gather their views of their own journeys through care and key messages to support learning were shared within that report.

3. **Proposal**

3.1 The proposals being brought forward to Cabinet to help progress the actions set out in section 1 are as follows;

- i. **To formally adopt the UNCRC as a Council, and to require all members and staff to undertake basic UNCRC awareness training as part of their mandatory induction.**

An online training tool to support learning around the UNCRC is available, however awareness raising workshops can also be provided for both members and staff.

- ii. **To formally sign the ‘National Participation Standards Charter’ demonstrating the Council’s commitment to actively promoting the voice of the child.**

The signed charter will be officially recorded by Children in Wales and should be publically displayed to show our commitment to engaging with children and young people in a meaningful way.

Once the Charter has been formally signed, departments wishing to start the process of working towards the national kite mark will be supported by the Children’s Rights & Participation Team with guidance on what they can include on their self-assessment and advice on good participatory practice. The team will monitor progress and give appropriate guidance to help formulate and achieve an action plan, once ready they will organise an inspection day with the Young Inspectors Panel made up primarily of Powys Youth Forum members, who have received standardised training to ensure quality and consistency in applying the kite mark across Wales.

- iii. **To establish a task group to undertake a review of the current arrangements under Annexe B and develop a plan to support implementation of a children’s rights based approach across the Council, guided by ‘The Right Way’ framework.**

This should be a cross Council task group to ensure the children’s rights approach is embedded across the whole organisation and not just Children’s Services.

A workshop will be planned to take place before the autumn to discuss the development and implementation of the plan. Mechanisms for supporting the direct engagement of children and young people in this process will also need to be agreed and implemented.

A plan for implementing the children’s rights based approach across the whole Council will be brought back to Cabinet in the autumn with clear actions and timeframes for delivery. Each department will be

asked to identify participation leads to work with the existing participation group and develop this plan.

- 3.2 Cabinet should note that under action A32, Children's Services are already separately committed to achieving the National Participation Standards by September 2019 and as such Children's Services Senior Management Team are looking at starting to develop an action plan to ensure they are achieving all 7 standards by September 2019. This work will however be included in the whole Council implementation plan.
- 3.3 The recommendations set out in this paper should be met from within existing resources as the engagement of service users (including children and young people) must be part of our core activity. Implementation will require changes to policy and practice but are unlikely to require additional resourcing.

4. Options Considered / Available

- 4.1 In order to achieve the actions already agreed in the Children's Services Improvement Plan it is essential that the Council is able to demonstrate a clear commitment to developing a Children's Rights approach and promoting the voice of the child.
- 4.2 Cross Council leadership and co-ordination of this activity will be key to embedding a consistent Children's Rights based approach.
- 4.3 Failure to embed this approach will result in non-compliance with key policy and legislation as well as failure to meet our commitments under the Children's Services Improvement Plan. Whilst promoting the voice of the child is our statutory duty, effectively engaging service users in the development, design and delivery of our services will also result in us providing more effective and efficient responses to public need. Promoting the voice of the child is also a key responsibility of all Council staff and members in our roles as corporate parents for our most vulnerable children and young people.
- 4.4 By adopting a Children's Rights based approach we will be able to ensure that children and young people (our next generation) are well informed, empowered to make the right decisions, and supported to have good wellbeing and reach their full potential. It will also help the Council to ensure it is developing the most effective services for our service users.

5. Preferred Choice and Reasons

- 5.1 The proposals set out under section 3 have been developed as a response to the Children's Service Improvement Plan and its vision to put children and young people at the heart of the service they receive. However to ensure effective delivery it is vital that they are embedded

across the whole Council as a part of our core values and ethos and not just those services typically associated with children and young people.

- 5.3 Following this report a workshop will be scheduled to take place with the Cabinet and Senior Management Team before the Autumn to look at developing a plan for a Children's Rights based approach for Powys.

6. Impact Assessment

- 6.1 Is an impact assessment required? No
- 6.2 If yes is it attached? No

7. Corporate Improvement Plan

- 7.1 Health & Care- Departments will be able to focus on the needs of the individuals and the communities, through engaging with children and young people in a more meaningful way on what matters to them, including their wellbeing and how they develop as the workforce of the future.
- 7.2 Residents & Communities- Improving the way we work with and consider the views of children and young people will help ensure that we are providing the communities of the future with foundations that they can build on to improve their own community resilience.
- 7.3 The Economy – given our demographic of reducing work age population and outward migration of young people, engaging with children and young people (our potential future workforce and residents) will be critical to informing future workforce development and business planning.
- 7.4 Transforming Learning and Skills – engaging with learners is critical to ensure we are providing the correct environment and resources to support their learning and development and help them achieve their full potential.

8. Local Member(s)

- 8.1 Not Applicable

9. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? Yes

If so please provide their comments

This report requires a whole council approach developed over a number of years in order to be successful.

10. Communications

Have Communications seen a copy of this report? Yes

Have they made a comment? Proactive communications will be needed to support the roll out of the recommendations including support on the Communications Plan for the Participation Charter.

11. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

11.1 Legal - The recommendations can be supported from a legal point of view

11.2 Finance – The Finance Manager notes the content of the report. The proposals must utilise existing resources and remain within the current financial envelope.

11.3 Corporate Property (if appropriate)

11.4 HR (if appropriate)

11.5 ICT (if appropriate)

12. Scrutiny

Has this report been scrutinised?

No – will be offered to scrutiny committees as part of their future work plans

13. Statutory Officers

13.1 The Solicitor to the Council (Monitoring Officer) has commented as follows: “I note the legal comment and have nothing to add to the report”.

13.2 The Head of Financial Services and Deputy Section 151 Officer notes the comments of the Finance Manager.

14. Members’ Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

| Recommendation: | Reason for Recommendation: |
|---|---|
| <ol style="list-style-type: none"> 1. To formally adopt the United National Convention on the rights of the Child (UNCRC) as a Council, and to require all members and staff to undertake basic UNCRC awareness training as part of their mandatory induction. 2. To formally sign the 'National Participation Standards Charter' demonstrating the Council's commitment to actively promoting the voice of the child. 3. To establish a task group to undertake a review of the current arrangements under Annexe B and develop a plan to support implementation of a Children's Rights based approach across the Council, guided by 'The Right Way' framework. | <ol style="list-style-type: none"> 1. To comply with actions agreed with the Children's Services Improvement plan. 2. To comply with legislation and national policy requirements. 3. To demonstrate Council's commitment to ensuring children and young people in Powys are at the forefront of what we do. |

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|------------------------|---|----------------|---|
| Relevant Policy (ies): | | | |
| Within Policy: | Y | Within Budget: | Y |

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| Relevant Local Member(s): | All Members |
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| Person(s) To Implement Decision: | Shelley Davies |
| Date By When Decision To Be Implemented: | 31/07/2018 |

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| <p>Contact Officer: Shelley Davies (Senior Partnership Manager) Daniel Harper (Children's Rights & participation Officer)</p> <p>Tel: 01597 82 7592</p> <p>Email: Shelley.Davies@powys.gov.uk / Daniel.Harper@powys.gov.uk</p> |
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Background Papers used to prepare Report:

Participation Standards Process

Participation Standards Process Cymraeg

Participation Standards Poster

Participation Charter

Well-being of Future Generations Act

The Right Way Guidance: <https://www.childcomwales.org.uk/wp-content/uploads/2017/04/The-Right-Way.pdf>

References

- Children's Commissioner for Wales. (2017). *The Right Way - A Children's Rights Approach in Wales*. Swansea: Children's Commissioner for Wales.
- Powys County Council - Children's Services. (2017). *Children's Services Improvement Plan 2017 - 2020*. Llandrindod Wells: Powys County Council.
- United Nations General Assembly. (1989, November 20). *Convention on the Rights of the Child*. Retrieved from United Nations: <http://www.un.org/documents/ga/res/44/a44r025.htm>
- Welsh Government. (2010). *Children and Families (Wales) Measure*. Cardiff: Welsh Government.
- Welsh Government. (2014). *Social Services and Well-being (Wales) Act*. Cardiff: Welsh Government.
- Welsh Government. (2015). *Well-being of Future Generations (Wales) Act*. Cardiff: Welsh Government.
- Young Wales - Children In Wales. (2017). *Children and Young People's National Participation Standards for Wales*. Cardiff: Children in Wales.