

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE
15th January 2019

REPORT AUTHOR: **County Councillor Rachel Powell
Portfolio Holder for Young People & Culture**

SUBJECT: Adopting - A Children's Pledge for all Children & Young People in Powys – From Day One to when they're 25 years old.

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. This report provides members with the additional detail to support the adoption of the pledge that has been developed to further the council's commitment to its youngest residents.
- 1.2 One action within the Improvement Plan is to work with our partners to agree and implement a Children's Charter for Powys. This action will be a key milestone for the council to work towards 'The Right Way' guidance laid out by the Children's Commissioner for Wales and the National Participation Standards endorsed by Welsh Government. The first step of signing up to the Participation Standards has been completed with the council signing the Participation Charter back in June.
- 1.3 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 pledge. 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.
- 1.4 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 of Great Britain 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 3; '*In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*' (OHCHR, n.d.) and Article 12, that we '*shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*' (OHCHR, n.d.).
- 1.5 **Annexe B of the Wellbeing of future Generations Act 2015** sets out the duty on local authorities to '*promote and facilitate children and young people's participation within the broad context of the UNCRC as part of their policies, services and wider citizen engagements*' and to '*embed children and young people's participation into all aspects of planning, delivering and reviewing services*'. (Welsh Government, 2016). The guidance

also sets out a clear expectation that we are encouraged to ‘*work closely with each of their relevant partners*’, (Welsh Government, 2016) including our national partners. Finally, we must ‘*support a County Youth Forum/Council as a representative body of young people to act as a channel for young people’s views across their local authority and represent those views to local and national decision-making bodies*’; (Welsh Government, 2016)

- 1.6 The **National Rights Based Approach** - ‘The Right Way’ is a publication from the Children’s Commissioner for Wales’ 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)

- 1.7 The **National Participation Standards** were developed 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, anyone 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, 2016)
- Work is on-going with Young Wales staff to support Powys in getting set-up and prepared for the first of the inspections, to ensure standardisation with the rest of Wales currently participating in the scheme.

- 1.8 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.

- 1.9 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. Proposal

2.1 Powys County Council agree and implement the pledge for 'All Children & Young People in Powys', to meet the action A33 of the original Children's Services Improvement Plan 2018-19.

2.2 Implementation will mean services will have clear parameters of their duties when they plan, review and deliver services, to develop a deeper understanding on how proposals can impact on children and young people. Children & Young People can also understand how they will be treated and manage their expectations when accessing a service as services for children and young people will all be working within the same parameters.

2.3 The guidance, which can be found in the appendices, specially gives more details around the parameters within the Children's Pledge, that can be used to inform its implementation within services. Support will also be available from the Participation Team to support any service looking to engage with children and young people.

2.4 The Children's Pledge was offered out to public consultation, and in the interest of gathering a number of views, 41 letters were sent out to various stakeholders and young people's organisations asking for their help in gathering views on the pledge. In total there were over 140 responses from a wide number of young people and professionals from across the county. Overall the original colour scheme and design wasn't liked, but everyone agreed with the pledges that were made, however there was some concern from professionals that the language was too complex. From this the design of the Pledge has been altered to ensure it is more inclusive and appealing to the audience.

2.5 The majority agreed there should be some kind of monitoring process taking place every year against organisations who sign up to the Pledge and that we should possibly re-evaluate the Pledge in three years. If adopted, the team will look to develop a simple self-assessment so that the council and adopting organisations can understand how well it is doing.

2.6 A number of comments provided via the survey indicated that whilst people believe the Pledge is a good idea, there is scepticism that this will ultimately change nothing. A couple of professionals noted these are legal obligations placed upon the council under the current legislation. However, this is about embedding an ideology to promote best practice and continue to ensure we meet our duties and continue to raise the profile of children and young people across the breadth of the services the council delivers.

3. Options Considered / Available

3.1

Option	Advantages	Disadvantage
1 Do nothing – Pledge is acknowledged, without adoption with no further work undertaken by the council.	<ul style="list-style-type: none">• Status Quo is maintained.	<ul style="list-style-type: none">• Services' understanding of the legal duties on the council remains sporadic with regards to listening to children and young people.• The council becomes non-compliant with the action plan, unless action is agreed that it is no longer applicable.
2 Adopt the Pledge – Pledge is adopted as is, with work commencing immediately on communicating the message	<ul style="list-style-type: none">• Children & Young People have an expectation of the services they receive.• The Council makes a public	<ul style="list-style-type: none">• Some service areas may need to work on listening to children and young people, in a meaningful way.

	<p>and issuing the relevant guidance.</p>	<p>commitment to ensuring the voice of children and young people is listened to and respected.</p> <ul style="list-style-type: none"> • Staff have a simple understanding of our legal obligations. 	<ul style="list-style-type: none"> • Council may be challenged on future decisions based on this Pledge. • Children & Young People may feel more empowered to complain about the services they receive.
3	<p>Refer for further refinement – the Pledge is referred back to officers for refinement, without adoption. Specific feedback on areas for development to then be addressed and brought back to Cabinet.</p>	<ul style="list-style-type: none"> • The Pledge undertakes further consultation so it is in a position which the council feels is more acceptable. 	<ul style="list-style-type: none"> • This may alienate residents, staff and partners who have taken part in the process to get it to what is felt to be an acceptable position.

3.2 There will be little impact on efficiencies (positive or negative), as the Pledge aims to instil an ideology stemming from the ratification of the UNCRC in 1991, further refined twice by the Welsh Government in the Children & Families Measure 2010 and the Well-being of Future Generations Act 2016.

4. Preferred Choice and Reasons

4.1 The preferred choice is Option 2, Adopt the Pledge.

4.2 In order to achieve the action laid out in the Children's Service Improvement Plan, the Pledge needs to be 'adopted and implemented'. As such, without such a pledge in place, the council risks not being compliant with the current Children's Services' Improvement Plan.

4.3 To reiterate the reasons already specified in Section 3, adoption of the pledge will see greater transparency from within the council to young people and expectation of the services that young people receive placed upon the council, and parameters for understanding how we work with children and young people in a meaningful way placed upon officers and members. This is in line with the council's values to be open and progressive.

4.4 If adopted, the Pledge will form part of the Children's Rights training package currently being re-developed to commence from late quarter 4. The guidance attached to this paper will also be circulated and presentation made at the relevant meetings to help ensure everyone understand their obligations.

4.5 A communication plan will then be finalised to ensure the message of the Pledge is well communicated across the Council and all young people.

5. Impact Assessment

(Impact assessments are required whenever there is a policy change, change of objective or a budget saving)

5.1 Is an impact assessment required? Yes/No

5.2 If yes is it attached? Yes/No

6. Corporate Improvement Plan

6.1 Economy – Children and Young People will understand the type of county Powys is striving to be, and encourage them to return should they leave to raise a family and create jobs with potential business.

6.2 Health & Care – This Pledge is being adopted by Powys Teaching Health Board as well will see Powys being a place, which understands the expectations from children and young people and work hard to provide joined up care services and innovative environments in which young people receive the best possible services.

6.3 Learning & Skills – By setting the standards by which children and young people expect to receive services, it is important to note that the Pledge's guidance clearly states what good information looks like and places as much emphasis on informal and non-formal learning as it does on formal learning.

6.4 Resident & Communities – By listening to children and young people and providing the parameters for 'meaningful' we create an environment in which it is understood what can and cannot be done and promote everyone having their voice heard and taking part in the democratic process.

6.5 The biggest risk to the council will be the pledge used as a form of challenge when decisions are made. This may result in legal action if reasonable grounds are found that we have not done what we have pledged.

7. Local Member(s)

7.1 There will be no effects on members. However, the Pledge does outline an expectation of engagement and service delivery review.

8. Other Front Line Services

Does the recommendation impact on other services run by the Council or on behalf of the Council? No – not directly, the Pledge is about creating a culture, rather than changing practices and services.

If so please provide their comments

Whilst the pledge won't impact on services it will create a culture that means when services are being reviewed they need to ensure the meaningfully engage in any decisions which might affect the lives of children and young people.

9. Communications

Have Communications seen a copy of this report? Yes/No

Have they made a comment? If Yes insert here.

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

(Comments from Legal and Finance officers must be set out here along with comments from Corporate Property, HR and ICT if applicable)

10.1 Legal

10.2 Finance

10.3 Corporate Property (if appropriate)

10.4 HR (if appropriate)

10.5 ICT (if appropriate)

11. Scrutiny

To be completed by the report author

Has this report been scrutinised? Yes / No?

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

11.1

12. Statutory Officers

(The views of both the Strategic Director Resources (Section 151 Officer) and the Monitoring Officer **must** be set out below)

13. Members' Interests

(To be completed by the Monitoring Officer)

The Monitoring Officer advises that Members may have an interest in this item if
or

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.

14. Future Status of the Report

(This section must be completed if the report is a confidential/exempt report)

Members are invited to consider the future status of this report and whether it can be made available to the press and public either immediately following the meeting or at some specified point in the future.

The view of the Monitoring Officer is that:

Recommendation:	Reason for Recommendation:
Adopt the Children's Pledge	To instil an ideology and make a public whole council commitment to the Children & Young People of Powys and ensure continued compliance with the Children's & Family Measure 2010.

Relevant Policy (ies):	N/A
Within Policy:	Y

Relevant Local Member(s):	All
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Person(s) To Implement Decision:	
Date By When Decision To Be Implemented:	Immediately.

Contact Officer:	Daniel Harper, Children's Rights & Participation Officer
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Email:	Daniel.Harper@powys.gov.uk

Background Papers used to prepare Report:

Appendix 1 – Children & Young People’s Pledge – English & Welsh

Appendix 2 – Proposed Guidance to supplement the pledge.

References

Children's Commissioner For Wales. (2017). *The Right Way*. Swansea: Children's Commissioner For Wales.

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Welsh Government. (2016). *Shared Purpose: Shares Future: Statutory Guidance on the Well-being of Future Generations (Wales) Act 2015*.

Young Wales. (2016). *National Participation Standards*. Cardiff: Children In Wales.

A PLEDGE TO ALL CHILDREN & YOUNG PEOPLE IN POWYS

From day 1 to when you're 25 years old.



IT IS MY RIGHT TO ACCESS WHAT'S BEST FOR ME.

We pledge to think about, and wherever possible act on your unique views, and situation to ensure that you get the best possible services and help.

Articles: 3, 6, 12, 14, 18, 20, 21, 22, 23, 25, 27, 39.

IT IS MY RIGHT TO LEARN.

We pledge to provide the resources and support for you to do the best you can.

Articles: 28, 29, 30.

IT IS MY RIGHT TO BE INFORMED.

We pledge to provide access information that is easy to understand.

Articles: 4, 13, 17, 42.

IT IS MY RIGHT TO HAVE MY PRIVACY RESPECTED.

We pledge not to ask for information that isn't directly relevant. We will put policies in place to protect your information.

Articles 16.

IT IS MY RIGHT TO BE SAFE.

We pledge to do everything we can to make sure you feel safe and protected from harm.

Articles: 6, 19, 20, 22, 32, 33, 34, 35, 36, 38,

IT IS MY RIGHT TO BE HEARD.

We pledge to give you opportunities where your voice can be heard, and your views are taken seriously.

Article 12.

IT IS MY RIGHT TO LEISURE AND PLAY.

We pledge to provide safe and clean environments, so that children of all ages are healthy and able to play.

Articles: 15, 31

IT IS MY RIGHT TO EQUALITY OF OPPORTUNITY.

We pledge to treat you fairly, regardless of your situation.

Articles: 14, 25, 27,

IT IS MY RIGHT TO BE HAPPY AND HEALTHY.

We pledge to offer you the support for you to lead a physically and mentally healthy life.

Articles: 6, 19, 20, 23, 24, , 33, 34 , 39



ADDEWID I HOLL BLANT A PHOBL IFANC POWYS

O'r Ddwrnod cyntaf hyd nes byddwch yn 25 oed.



MAE GEN I HAWL I GAEL YR HYN SYDD ORAU I MI

Rydym yn addo meddwl am, a lle bo'n bosibl, gweithredu ynghylch eich barn a'ch sefyllfaedd unigryw mewn bywyd a sicrhau eich bod chi'n cael y cymorth a'r gwasanaethau gorau.

Articles: 3, 6, 12, 14, 18, 20, 21, 22, 23, 25, 27, 39.

MAE GEN I HAWL I DDYSGU

Rydym yn addo darparu'r adnoddau a'r gefnogaeth i chi wneud y gorau y gallwch chi.

Articles: 28, 29, 30.

MAE GEN I HAWL I GAEL GWYBOD AM BETHAU

Rydym yn addo darparu mynediad at wybodaeth sy'n hawdd ei deal.

Articles: 4, 13, 17, 42.

MAE GEN I HAWL I GAEL EIN PREIFATRwyDD WEDI'I BARCHU

Rydym yn addo peidio â gofyn am wybodaeth nad yw'n uniongyrchol berthnasol a byddwn yn rhoi polisiau ar waith i ddiogelu'ch gwybodaeth

Articles 16.

MAE GEN I HAWL I FOD YN DDIOGEL

Rydym yn addo gwneud popeth a allwn i wneud yn siŵr eich bod chi'n teimlo'n ddiogel ac yn cael eich diogelu rhag niwed.

Articles: 6, 19, 20, 22, 32, 33, 34, 35, 36, 38,

MAE GEN I HAWL I GAEL FY NGHLYWED

Rydym yn addo rhoi cyfleoedd i chi lle y gellir clywed eich llais a lle bydd eich barn yn cael ei chymryd o ddifrif

Article 12.

MAE GEN I HAWL I HAMDDEN A CHWARAE

Rydym yn addo darparu amgylcheddau diogel, glân, fel bod plant o bob oed yn iach ac yn gallu chwarae.

Articles: 15, 31

MAE GEN I HAWL I GYFLEOEDD CYFARTAL

Rydym yn addo eich trin yn deg waeth beth fo'ch sefyllfa

Articles: 14, 25, 27,

MAE GEN I HAWL I FOD YN HAPUS AC YN IACH

Rydym yn addo cynnig y gefnogaeth a'r cymorth i chi fyw bywyd iach yn gorfforol a meddyliol.

Articles: 6, 19, 20, 23, 24, , 33, 34 , 39



Cwestiynau neu bryderon? Cyswllt: youth.participation@powys.gov.uk

A Pledge for all Children & Young People in Powys

The Guidance

This guidance is intended to help staff think about the most important needs of children and young people when planning, reviewing and delivering services. These pledges are not new or obscure ideas, but an ideology to be ingrained in working practises.

In the development of Powys becoming a children's rights respecting authority, it is important to understand the most important needs to the children and young people of the county. Through consultation with children and young people and staff from across Powys County Council, Powys Teaching Health Board and the third sector, and information gathered through events such as the primary and secondary 'Have Your Say Days'. The pledge was developed, to help us understand what we must do to meet the most important needs for our youngest and some of the most vulnerable residents.

For Powys to retain its best children and young people and its brightest children and young people, it must first understand their most important needs.

IT IS MY RIGHT TO ACCESS WHAT'S BEST FOR ME

We pledge to think about, and wherever possible act on your unique views, and situation to ensure that you get the best possible services and help.

- This is the underpinning pledge, everything we do from planning, delivering and reviewing services which might affect children & Young People should involve their views, as laid down in the Children' & Families Measure (Wales) 2010.
- "In all actions concerning children, whether undertaken in public, private social welfare institutions, course of laws, administrative authorities or legislative authorities the best interests of the child shall be a primary consideration" (Office of the High Commissioner of Human Rights, n.d.)

IT IS MY RIGHT TO BE INFORMED

We pledge to provide access information that is easy to understand

- In the course of their transition to adulthood, young people have to make certain decisions that will have a significant impact on their lives. Therefore, having equal access to quality and free information is a prerequisite for them to make use of their rights, to make responsible decisions and to participate in society in its social, economic and political dimensions. (eryica, n.d.)
- When consulting children & Young People they should be given enough information to make an informed decision, the decision should be 'based on an understanding of the facts of the situation'. (Oxford University Press, n.d.)
- Information must be up-to-date, accurate, relevant, free, non-judgemental, reliable, unbiased, free from commercial, religious and political influence, giving an overview of the options and possibilities.

IT IS MY RIGHT TO HAVE MY PRIVACY RESPECTED

We pledge not to ask for information that isn't directly relevant. We will put policies in place to protect your information.

- Children & Young People have a right to privacy (article 16). They are protected from attacks against their way of life, their good name, their families and their homes.
- This means when children and young people provide sensitive information this should be kept protected and not shared with anyone, including family, unless the relevant and necessary information has to be for their protection or the protection of others.

IT IS MY RIGHT TO BE HEARD

We pledge to give you opportunities where your voice can be heard, and your views are taken seriously.

- Under the Children & Families Measure 2010, ‘A Local Authority must make such arrangements as it considers suitable to promote and Facilitate Participation by Children in decisions of the authority which might affect them’.
- This means when we plan, delivery and reviews services we should take into account the views of Children and Young People and how it will impact on them.
- To be done seriously engagement must be meaningful with output ‘given due weight in accordance with age and maturity of the child’ (Office of the High Commissioner of Human Rights, n.d.)

IT IS MY RIGHT TO LEISURE AND PLAY

We pledge to provide safe and clean environments, so that children of all ages are healthy and able to play.

- All Children and Young People have the right ‘to rest and leisure, to engage in play and recreational activities appropriate to the age of the child’ (Office of the High Commissioner of Human Rights, n.d.)
- Children & Young People should be able to access free play wherever they are in Powys, we should ensure that these areas are appropriate and safe by reporting concerns and do our bit to protect our environment.

IT IS MY RIGHT TO BE HAPPY AND HEALTHY

We pledge to offer you the support for you to lead a physically and mentally healthy life.

- All Children & Young People should have the ‘enjoyment of the highest attainable standard of Health and to facilities for the treatment of illness and rehabilitation of health’ (Office of the High Commissioner of Human Rights, n.d.).
- We should all ensure that what we do will not impact on child health, now or in the future and that we should provide children and young people with the tools at every opportunity to develop resilience to physical and mental ill-health.

IT IS MY RIGHT TO EQUALITY OF OPPORTUNITY

We pledge to treat you fairly, regardless of your situation.

- Everyone has a responsibility to stamp out discrimination of all-kinds to allow all children and young people to have the same opportunities in life as everyone else – no-one should be disadvantaged because of poverty, religion, ethnicity, beliefs, etc.

IT IS MY RIGHT TO BE SAFE

We pledge to do everything we can to make sure you feel safe and protected from harm.

- When planning, reviewing and delivering services we should make sure that these do not adversely affect young people in the short and long-term to ensure they can live a safe life free from harm from themselves and others.
- Everyone has a duty to report their concerns, from dangerous occurrences such as unsafe paths, to reporting safeguarding concerns.

IT IS MY RIGHT TO LEARN

We pledge to provide the resources and support for you to do the best you can.

- All Children & Young People have the right to education, that meets the required standard, which is free from harm and bullying – we should all ensure that this can be achieved.
- Everyone also have a responsibility to teach children and young people the skills they need to thrive in life, whatever our encounter we should use it to impart relevant and useful knowledge to the next generation.

For Further help and guidance please refer to Powys County Council's Children's Rights & Participation Team:

01597 82 6058

Youth.Participation@powys.gov.uk

The team are happy to organise any training on Children's Rights and Participation, from general awareness raising to specialist up-skilling sessions.

The team can also help organisations understand their obligation to children and young people and help organise appropriate consultation and engagement methodology.

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