

Carl Sargeant AM
Cabinet Secretary for Communities and Children

24 October 2017

Dear Carl,

Thank you for your response of 14 September to my letter following up on our general scrutiny session on 20 July. The Committee has considered your response, and has since taken **evidence from the Children's Commissioner for Wales on her Annual Report**. Members would be grateful for further information on the points listed below.

1. Children's rights

In your letter of 14 September you state that there is 'no evidence' that a general due regard duty to the UNCRC would have a positive impact in terms of improved outcomes. In reaching its recommendation for there to be a duty of due regard to the UNCRC on the face of the Additional Learning Needs and Education Tribunal (Wales) Bill ('ALNET Bill'), the Committee considered evidence on the impact of children's rights approaches to service delivery and a range of information submitted by key stakeholders. As an example, I attach a briefing by UNICEF, made available to the Committee during Stage One of the ALNET Bill, in support of their rights respecting schools programme, which draws on UK and international evidence on the impact of children's rights approaches to education.

The Committee would welcome further clarification on:

- whether your statement that there is 'no evidence' that a general due regard duty would have a positive impact on outcomes applies to the Welsh Government's own due regard duty under *the Rights of the Children and Young Persons (Wales) Measure 2011*.
 - the impact of the due regard duty within the *Social Services and Wellbeing (Wales) Act 2014*.
 - the basis for the Welsh Government's current policy position on the due regard duty.
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2. Child Rights Impact Assessments (CRIAs)

You state in your letter of 14 September that the purpose of a CRIA is to help Welsh Government officials (i) consider the impact of proposed laws, policy and budgetary decisions on children and their rights, and (ii) brief Ministers on impacts accordingly. The Welsh Government's Children's Rights Scheme explains how Ministers' fulfilment of their duty of due regard to the UNCRC will be met in part by their direct engagement with the CRIA process. During scrutiny of the Children's Commissioner's Annual Report on 18 October, she described the quality of CRIAs undertaken to date as "variable".

The Committee:

- would be grateful if you could outline your view on the influence that CRIA are having within the Welsh Government's current decision making and policy development.
- will take a continued and active interest in CRIA through this Assembly and will seek formal dialogue with you following the publication of the Compliance Report under the *Rights of the Children and Young Persons (Wales) Measure*, due in January 2018

3. Children's Commissioner for Wales

During the Committee's scrutiny of the Commissioner's Annual Report, the Commissioner re-iterated her desire to be accountable to the National Assembly, in accord with the Paris principles. She also noted her view that the legislation surrounding her role is outdated, complex and untidy.

The Committee would be grateful if you could clarify whether you remain satisfied that the governing legislation for the Children's Commissioner for Wales is compliant with the Paris principles.

4. The UK's withdrawal from the EU: children and young people

In your letter of 14 September you note that you have:

- agreed funding to procure the services of an external organisation(s) to deliver a series of workshops across Wales to enable children and young people to have a voice and have their views taken into account on the European Union, and to develop an online consultation to begin in this financial year.



- agreed to setting up an advisory group of young people who will ensure the views collected through the workshops and consultation, are passed on to the European Advisory Group and given serious consideration by Welsh Government.

You also refer to the work you have undertaken with children and young people on the Welsh Government's 'Securing Wales' Future' White Paper.

The Committee would welcome:

- confirmation of whether, as part of the 'Securing Wales' Future' White Paper, a CRIA (usually published alongside legislative proposals) has been undertaken to underpin Welsh Government's approach to the Brexit process (and more information on it if so)
- an update on the workshops and online consultation to capture the views of children and young people on EU withdrawal
- an update on progress with the establishment of the promised advisory group of young people.

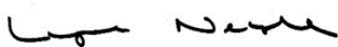
5. Advocacy

In its report on advocacy, the Committee recommended that the national approach to advocacy be implemented by June 2017. In your letter of 14 September you promise to provide an update on Advocacy "in due course".

The Committee would welcome confirmation of what role the Welsh Government is taking to monitor whether authorities have fully implemented the approach, which was targeted for June 2017 in the implementation plan to which you referred in evidence.

If possible the Committee would welcome a response before our draft budget scrutiny session with you on 8 November.

Yours sincerely,



Lynne Neagle AM
Chair

