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# Comisiynydd Plant Cymru Children's Commissioner for Wales

Keith Towler

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22 May 2013

## Additional Paper on 'Getting it Right Update': Children's Commissioner for Wales

During the Children and Young People's Committee on 5 May 2013, Members invited me to list my concerns in relation to the 'Let's Get it Right' document published by Welsh Government:

<http://wales.gov.uk/topics/childrenyoungpeople/publications/scheme/?lang=en>

As discussed in Committee and in my written submission, my main concern is whether or not the 'Getting it Right Update' is fit for purpose.

The update document needs to be more coherent and should offer clarity on how Welsh Government intends to uphold the UNCRC across portfolio areas, whilst enabling scrutiny of both implementation and impact of those actions. As currently drafted, it is questionable as to whether the document enables this, which could result in a missed opportunity to communicate the relevance of the UNCRC to those working across public services in Wales.

The identification of future actions is particularly weak and, in many areas, does not reflect the positive work being undertaken by Welsh Government.

In terms of the consultation process for the update, Welsh Government shared drafts on the update document with the Getting it Right monitoring group. However, timescales for publication were not made clear and it is also unclear whether or not the feedback provided at that time has led to substantive changes. My officials made my position known that I did not believe the document was of sufficient quality to be published as drafted.

I very much welcome the commitment made by the Minister for Communities and Tackling Poverty in the Committee to revisit the action plan in light of the evidence session on 9 May and I am also committed to offering constructive comment as part of that process. The Minister's vision for the Getting it Right Update document, outlined by him in committee is consistent with mine. His words also echoed the General comment number 5 on the general measures of implementation of the Convention on the Rights of the Child. This offers a clear guide as to what is expected from a national strategy:

*"The strategy must not be simply a list of good intentions; it must include a description of a sustainable process for realizing the rights of children throughout the State; it must go beyond statements of policy and principle, to set real and achievable targets in relation to the full range of economic, social and cultural and civil and political rights for all children. The comprehensive national strategy may be elaborated in sectoral national plans of action – for example for education and health - setting out specific goals, targeted implementation measures and allocation of financial and human resources."*

The UN Committee's General comment on general measures of implementation, as well as UN guidance on developing national strategies regarding human rights offer useful resources which could be utilised by Welsh Government.

Rather than offer a list of my particular concerns on the Getting it Right Update, I have selected 3 examples of priority areas within the document with some analysis on each area. The examples are indicative of the nature of my assessments throughout the document. I have also included the relevant excerpt from my written submission for ease (annex 1).

**Examples of concern:**

**Priority 1: Poverty**

Actions / future actions – I do not believe the actions are reflective of the strategic direction of WG on child poverty. In addition, more relevant references are omitted.

- Some indicators are different for data comparisons pre and post 2008
- Data from wellbeing monitor not utilised
- No reference to child poverty duty under the Children and Families Measure 2010.
- No relationship between analysis and data included or information on what has been introduced: for example NEETS indicator is included in the analysis but no reference to data on NEETS is pre or post 2008 columns, or to a relevant strategy under the 'what has been introduced' column.

## **Priority 2: Positive outcomes for the most vulnerable children**

### **1. Data comparison Pre 2008 - Post 2008**

- While the Programme of Government statement selected refers to domestic abuse, it is not clear why the data presented related only to domestic abuse issues. While these children should be here as vulnerable children the group of children included as vulnerable children should be much wider than this.
- The Child in Need Census data should be used here.
- Looked After Children Data not included here although the corporate parent guide is included in the 'What has been introduced column.'

### **2. What we have introduced**

- No reference to the Social Services Improvement Framework

### **3. Analysis**

- Reference to planned ALN Framework included but does not relate back to information included in other columns in anyway- no context for inclusion.
- No reference to Social Services and Wellbeing Bill

### **4. Current/Future Actions**

- No reference to Social Services and Wellbeing Bill

- No reference to National Outcomes Frameworks
- No reference to new safeguarding arrangements.

**Priority 4: Reducing the gap between policy and outcomes for children and young people**

Lack of match between priority statement and Programme of Government statement.

**1. Data comparison Pre 2008 - Post 2008**

- No relevant data – only comparisons on investment in different programmes.

**2. What we have introduced**

- Comfort Grant pre-dates period
- No statement on Nets here - though included in 'analysis' and 'current/future actions'.

**3. Analysis**

- Analysis statements bear no relation to information in other columns.
- No analysis on decision to move away from Comfort and introduce outcome-focussed programmes.

**4. Current/Future Actions**

- Data on Nets young people cannot constitute a future action.
- Child Practice reviews- no explanation of why this should fit under this priority
- No reference to outcomes frameworks across other areas and programmes e.g. mental health.

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## Annex 1

My written submission noted the following:

### 11 Update of the *Getting it Right* action plan

**11.1** As well as legislative frameworks relating to the UNCRC, an important element of the general measures of implementation of the convention in Wales is the national action plan. There is a clear link in this regard between the Children's Rights Scheme, the due regard obligations, and this national action plan.

**11.2** The Ministerial Statement made on 31 January, 2013 referred to the Welsh Government update on its progress in relation to the recommendations made by the UN Committee on the Rights of the Child in their concluding observations of 2008. The statement refers to the publishing of '*our progress in relation to the recommendations made by the UN Committee on the Rights of the Child in their concluding observations*'. I believe it is questionable whether or not the document does in fact reflect the content of the statement and also whether the UNCRC action plan can be considered fit for purpose in offering a road map for Welsh Government in driving positive change for children and young people in Wales within a rights context.

**11.3** I would be willing to share the specific concerns I have in committee but on a general level, there are issues regarding the coherence of the revised document and how it complies with UN guidance<sup>1</sup> on national strategies and also, how it effectively reflects Welsh Government activity in a number of policy areas.

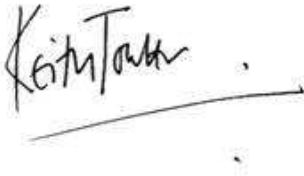
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<sup>1</sup> <http://daccess-ddsny.un.org/doc/UNDOC/GEN/G03/455/14/PDF/G0345514.pdf?OpenElement> & <http://www.ohchr.org/Documents/Publications/training10en.pdf>

**11.4** There has been a fundamental change to the format of the action plan, therefore it would have been appropriate to consult widely with the child rights community in Wales and various policy forums to formally request feedback. I do however, understand that Welsh Government is clear that the action plan is a 'fluid' document and we would wish to further engage with Welsh Government as well as encouraging others with an interest in this important work, to strengthen the document.

**ENDS**

**Submitted by:**

A handwritten signature in black ink that reads "Keith Towler". The signature is written in a cursive style and is positioned above a horizontal line that serves as a signature line.

**Keith Towler**

**Children's Commissioner for Wales**