



## Children's Rights Impact Assessment (CRIA) Template

<b>Title / Piece of work:</b>	Draft Local Government (Wales) Bill
<b>Related SF / LF number (if applicable)</b>	
<b>Name of Official:</b>	
<b>Department:</b>	EPS
<b>Date:</b>	
<b>Signature:</b>	

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NafW.

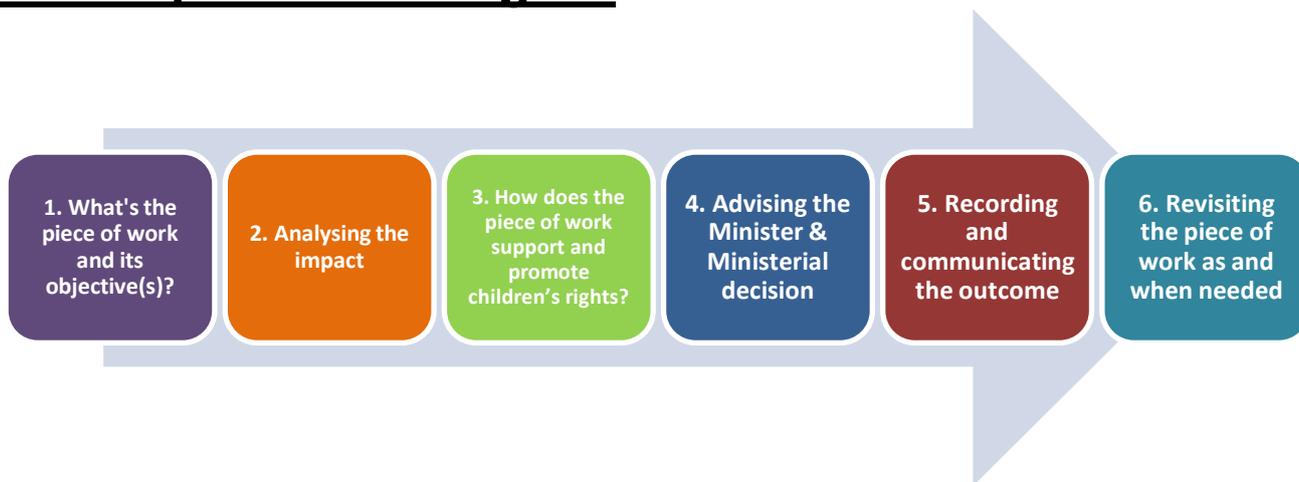
Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox [CRIA@wales.gsi.gov.uk](mailto:CRIA@wales.gsi.gov.uk)

You may wish to cross-reference with other Impact Assessments undertaken.

**NB.** All CRIAs undertaken on legislation must be published. All non-legislative CRIAs will be listed on the WG website and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

## Six Steps to Due Regard



### **Step 1. What's the piece of work and its objective(s)?**

This Children's Rights Impact Assessment relates to the provisions of the Draft Local Government (Wales) Bill ("the Draft Bill"), published in November 2015 alongside a public consultation document.

The Draft Bill proposes a wide range of fundamental reforms to Local Government to ensure strong performance, robust democracy, good governance and effective delivery for communities. These reforms would be delivered in partnership with Local Government and the people of Wales, and include:

- A programme of Local Authority mergers, establishing new Counties and Councils.
- Measures to provide greater transparency in County Council governance and procedures, including supporting public participation, introducing corporate planning, compulsory annual reporting by Elected Members, clarifying roles of elected members and officials, and compulsory broadcasting of council meetings
- Measures to strengthen the diversity of leadership and governance
- Introducing measures to manage performance among senior officials and County Council members, with a strengthened role for Standards Committees in relation to member performance
- Reforming and strengthening Community Councils, including holding a review of Community Council arrangements, and introducing a system to recognise "Community Councils with competence.
- Setting up Community Area Committees led by Elected Members to engage effectively with communities and improve local decision-making
- Providing Local Authorities and 'competent' Community Councils with a General Power of Competence, allowing them to become more innovative and to explore alternative models of service delivery
- Redesigning the approach to County Council performance management and improvement through self assessment and peer review
- Strengthening the role of local democratic scrutiny and strengthening links between audit and inspection and regulation bodies.

- Establishing a statutory Public Services Staff Commission.

The Draft Bill has been developed through three White Papers.

The first White Paper, *Reforming Local Government* outlined the Welsh Government's response to the findings of the Commission on Public Service Governance and Delivery in relation to Local Government. It proposed major reform to Local Government through two pieces of primary legislation. The first piece will put in place preparations for a programme of Local Government mergers and reform, such as the setting up of Transition Committees and the early engagement of the Local Democracy and Boundary Commission for Wales. The second White Paper, *Public Services Staff Commission*, was launched in October 2014. It proposed the establishment of a Staff Commission to develop and disseminate good practice in workforce arrangements across public services. The Staff Commission was established on a non-statutory basis in autumn 2015.

The third White Paper, *Reforming Local Government: Power to Local People*, was published in February 2015. It focused on the internal redesign of Local Authorities to complement and support the structural reform set out in the first White Paper, *Reforming Local Government*. It proposed a range of fundamental reforms to ensure strong performance, robust democracy, good governance and effective delivery for communities. These proposals form the basis of the Draft Bill issued for consultation.

It is intended that a Bill based upon the Draft Bill and the accompanying consultation document be introduced into the National Assembly following the 2016 Assembly elections. It is anticipated that a further CRIA will be published at this point.

## **Step 2. Analysing the impact**

This CRIA relates to the proposals in the Draft Bill and the accompanying consultation paper, published in autumn 2015. No negative impacts on children and young people have been identified in connection with those proposals.

None of the elements of the Draft Bill relate only to children, young people, or adults. However, it is considered that the proposals covered by the Draft Bill will be likely to result in the delivery of better outcomes to all citizens in Wales, including children and young people. Those aspects of the proposals which could benefit children and young people are identified below.

### **1. Structural reforms to Local Authorities**

The Draft Bill proposes the merger of existing twenty two Principal Local Authority areas and the creation of eight or nine new Counties and County Councils. Whilst the proposed provisions relating to these mergers do not directly affect children and young people, the mergers seek to improve the capability and capacity of Local Authorities thereby enabling them to face future demographic and financial challenges. This will likely result in positive outcomes for everyone in Wales, including children and young people. Larger County Councils will be better placed to deliver robust and effective decisions and services affecting children and young people in, for example, the fields of education, housing and safeguarding children.

It is appropriate the new County Councils determine themselves how to deliver their services and structure their workforces. As such, no changes to services are proposed directly by this Draft Bill, although it is considered that creating larger County Councils will increase the range of opportunities available to them in terms of service delivery. As part of the merger process, Transition Committees and Shadow Authorities will be expected to plan service delivery and identify best practice across merging Local Authorities. Any impacts on children and young people of future decisions – including through service level changes – would be appraised at a local level as decisions are taken.

## **2. Constitutional reforms – governance, openness, transparency, engagement**

The Draft Bill proposes a range of measures to ensure that all County Councils have consistently robust leadership and governance, which is open, transparent, and engages local communities, including children and young people.

The Draft Legislation proposes that County Councils will be required to produce and publish a Corporate Plan, which should improve County Council decision-making and service delivery overall. County Councils will also be required to produce an Annual Report reflecting on their performance against their priorities over the preceding year.

This Draft Bill also proposes to clearly set out in law the roles of Elected Members, including Cabinet members, and senior officials. This will encourage robust performance (and performance management) of the roles. This will benefit all communities, including children and young people.

The White Paper *Reforming Local Government: Power to Local People* proposed to require the Chief Executive of a Local Authority to establish a Youth Council. This would enable Local Authorities to better hear the views of children and young people in their areas. However, further consideration has been given to this proposal, and the Welsh Ministers feel it is too constrained and does not reflect the many ways in which Local Authorities, or the best of them, already seek to engage with children and young people, including through digital and social media. It may also not be durable in a fast changing technological world.

Instead, the consultation document published alongside the Draft Bill proposes to place County Councils under a duty to enable those who live, work or study in their area to participate in their decision-making processes. The guidance to accompany the provision will include detail as to how this duty should be interpreted and directed towards young persons.

The Draft Bill provides County Councils and Community Councils with competence with a General Power of Competence. This will enable County Councils to become more innovative, and to more actively explore alternative models of service-delivery, including partnerships and mutuals. This proposal is likely to strengthen County Councils' overall capacity to deliver services, which could be beneficial in innovatively delivering services to children and young people.

Moreover, the Draft Bill would take measures to ensure that council meetings are more open and transparent, including broadcasting meetings online. While increased transparency will benefit all communities in Wales, young people in particular may find online meetings more engaging and accessible than travelling to attend meetings in person. Furthermore, the role of Standards Committees will expand to consider the quality

of Elected Members' performance as well as allegations of misconduct. This should ensure a higher standard of performance among Members and greater openness about how they perform. Part of Elected Members' effective performance would involve engaging with their communities, including children and young people.

The Draft Bill proposes the establishment of Community Area Committees to act as a conduit between County Councils and local communities. These Committees will enable communities to have their voice heard on the priorities and objectives for their area.. This has the potential to benefit children and young people because these Committees will be close to communities and therefore have more direct understanding of the needs of children and young people in the area.

### **3. Performance**

A range of different procedures currently exist to review Local Authority performance, and to determine how best to make improvements. This Draft Bill proposes to strengthen these procedures, to ensure they work robustly and effectively, and that all opportunities for strengthening governance arrangements to ensure effective decision making are realised. Improvements to County Council arrangements overall would benefit all communities in Wales, including children and young people.

The Draft Bill requires County Councils to carry out a process of peer review and self assessments. These processes should ensure that all Local Authorities are able to identify, and act on all opportunities for strengthening their governance arrangements in a timely and effective manner. This should ensure that opportunities for transforming and sustaining the services delivered to, and decisions affecting, children and young people are realised.

The Draft Bill proposes to require the Wales Audit Office, Estyn, and CSSIW to collaborate to produce an annual 'combined assessment' of each County Council, focused on corporate governance rather than service-based issues. This should facilitate the identifying of any cross cutting opportunities for improvement across a County Council. These 'stocktakes' would happen in close discussion with Local Authorities. Estyn and CSSIW play a crucial role in ensuring high-quality services and outcomes for children and young people, including for those who are particularly vulnerable. These external review bodies already identify good practice and cross-cutting areas for improvement. Ensuring closer collaboration should ensure that their ideas can be best implemented across the whole sector. The inspection bodies will also be required to consider whether their inspections or audits could be coordinated to be held together.

In accordance with the Draft Bill the Welsh Ministers will also be provided with a wider range of options for supporting County Councils, should support be required. Welsh Ministers will be able to provide support based on governance as well as service-based concerns, and upon the advice of an independent review. Appropriate, timely, and justified support will be more likely to enable long-term improvement, resulting in better governance and service-delivery among County Councils. While this could benefit children and young people directly through particular services, it would also benefit them through more effective support being provided for more general governance issues.

Furthermore, the Draft Bill proposes a number of changes to County Councils internal audit and scrutiny procedures, aiming to bring about more robust scrutiny and assessment of performance throughout County Councils. For example, where services – including

children's services – are jointly delivered by County Councils, joint scrutiny would be required. Certain 'key decisions' would be communicated to Scrutiny Committees clearly, and as a matter of priority, enabling swifter and more robust scrutiny. In turn, more robust scrutiny should benefit the quality of services delivered by County Councils, including those of interest to children and young people. In addition, the lay membership of Audit Committees would be expanded to ensure independence and a breadth of skills.

#### **4. Community Councils**

The Draft Bill proposes a range of measures to strengthen Community Councils. An independent review of Community Council arrangements will be completed, with a view to grouping smaller communities together under Common Community Councils. Such Common Community Councils are likely to have greater resilience, capacity and capability, which would enable them to be more ambitious and would better position them to take a greater role in the delivery of public services to their communities. It is felt that children and young people's voices are more likely to be heard and considered by such councils.

The Draft Bill also proposes to introduce a new system to recognise 'competent' Community Councils. Community Councils with Competence will be those community councils which meet certain objective standards of governance and financial management, professional capacity and capability, and democratic accountability. Such Councils are more likely to be able to respond to the demographic and financial challenges facing the public services, and to work more effectively with County Councils.

Community Councils with Competence will be able to utilise the General Power of Competence which is also being proposed in the Draft Bill. This will be a very significant enhancement of their powers. Together, these reforms should enable Community Councils to be more ambitious in their services and delivery models, and to more meaningfully involve and represent local populations, including local children and young people.

#### **5. Public Service Staff Commission**

A Public Services Staff Commission was established by the Welsh Ministers in September 2015, to provide advice and guidance on workforce matters. The Draft Bill proposes to place the Staff Commission on a statutory footing, to enhance its standing and provide a clear timeframe for it to complete its work. While this proposal does not directly relate to children or young people, ensuring that workforces across the public services are well supported is likely to ensure better governance and performance among public services, in turn resulting in better outcomes for all communities in Wales.

#### **How would the legislation deliver the key objectives of the Child Poverty Strategy for Wales?**

The Draft Bill will not directly affect the objectives of the Child Poverty Strategy for Wales. However, the aspects of the bill outlined above should generally support the Welsh Government's approach to tackling child poverty. Strengthening the capability, capacity, and diversity of Local Government in Wales, will enable them to better prioritise, govern, and fulfil commitments to eradicating child poverty.

### **Step 3. How does your piece of work support and promote children's rights?**

Due to the range of services provided by Local Authorities – including education, social care, housing, environmental services, and safeguarding vulnerable adults and children – most of the rights of the United Nations Convention on the Rights of the Child are relevant to the Draft Bill. These rights would benefit through a Local Government with greater capacity and capability to make decisions and deliver services, and which actively encourages local people (including children and young people) to participate in, and influence, decisions of the Authority.

The Draft Bill proposes to place County Councils under a duty to enable those who live, work or study in their area to participate in their decision-making processes. The guidance to accompany the provision will include detail as to how this duty should be interpreted and directed towards young persons

Several articles of the Convention relates in particular to the overall objectives of the Draft Bill:

***Article 3 - In all actions concerning children, the best interests of children must be the primary concern.***

***Article 4 - Children's rights must be respected, protected and fulfilled.***

The Draft Bill aims to ensure that the interests of children are prioritised, and that children's rights are fully respected. It addresses these issues through measures to ensure that County Council leadership and governance are consistently effective, and are subject to robust scrutiny of their decisions and services. These reforms will support County Councils in delivering the interests of children, and respecting their rights, throughout their decision-making process and service delivery.

Merging Local Authority areas to form eight or nine larger, more capable County Councils would have positive impacts across all of their outputs. Greater capability and resilience would directly improve decision-making and service delivery, supporting County Councils to respect and fulfil children's rights and interests.

This would similarly apply to the structural reforms proposed to Town and Community Councils. Building general governance and delivery capability through larger and more robust Councils would better place them to respect and fulfil children's rights and interests through their services and decisions. Specific areas of the Draft Bill, such as allowing County Councils and Community Councils with competence to use a General Power of Competence to deliver services in more innovative and ambitious ways, may enable Local Government to improve how it can meet the interests of children.

Alongside these structural reforms, strengthening County Councils' corporate governance will contribute to their ability to respect children's rights through the decisions they make. For example, County Councils will be required to produce a Corporate Plan incorporating objectives relating to the rights and interests of children and young people. County Councils will also be required to produce an Annual Report reflecting on their performance against these objectives over the preceding year. County Councils will benefit from a range of measures to strengthen their performance improvement processes, which could support them to identify opportunities to improve how they fulfil children's rights and interests.

The proposed measures to strengthen internal and external scrutiny would also contribute to the capacity and effectiveness of County Councils, enabling them to fulfil and respect children's rights and interests through the quality services they deliver, and ensuring that opportunities for improvement are identified and acted upon. Proposals to strengthen the support which the Welsh Ministers can provide to County Councils will ensure that any significant problems relating to children's rights and interests can be robustly resolved.

***Article 12 - When adults are making decisions that affect children, children have the right to say what they think should happen, and to have their opinions taken into account.***

***Article 13 – Right of children to seek and receive information on decisions which will affect them***

The Draft Bill proposes measures to enable greater sharing of power and responsibility between County Councils and the communities they serve. This should allow communities – including children and young people – not just to be informed of decisions and to have their voice heard, but to actively seek to take responsibility for the changes and improvements they wish to see in their community.

The Draft Bill proposes to require County Councils to publish a strategy to promote public participation in Local Government. County Councils would be required to encourage and facilitate public participation in governance decision-making. This requirement would cover not just decisions taken by that County Council, but also decisions involving connected authorities, including local fire and rescue authorities, Community Councils, and National Park authorities. Promoting awareness and encouraging involvement would benefit children and young people: as with all members of communities, children and young people would be better informed on decisions County Councils are taking, and would be more likely to have their views taken into account when those decisions are taken. The definition of "local people" used in the Bill includes all who live, work or study in the area, which therefore specifically captures young people and children.

Moreover, establishing Community Area Committees to act as a conduit between communities and County Councils would bring communities, including children and young people, closer to Local Government.

How the Draft Local Government (Wales) Bill supports and promotes children's rights will continue to be assessed and monitored. A further CRIA will be published alongside the Bill when it is introduced into the National Assembly, following the Assembly election.

#### **Step 4. Advising the Minister and Ministerial decision**

This CRIA has been informed by the online consultation on the White Paper 'Reforming Local Government: Power to Local People', and a wide range of stakeholder engagement events. Responses to the White Paper informed the Welsh Ministers' revisions to the proposals in the White Paper, to produce this Draft Bill and the accompanying consultation document.

A children and young people's version of the White Paper and consultation were published, focusing on the issues likely to be of greatest interest to children and young people, with shorter and simpler survey questions. More than 700 individual members of the public,

including various youth-specific organisations contributed to the consultation, with both free-form and online responses. These organisations included Brithdir Youth Club, Caerphilly Youth Forum, CSSIW, Estyn, Pembrokeshire Youth Assembly, Penarth Youth Action, Merthyr Tydfil Borough Wide Youth Forum, Vale Youth Forum. The Welsh Ministers also engaged in a dialogue with the Children and Young People's Commissioner for Wales.

The online consultation on the White Paper asked a series of questions on the potential effects of the proposals on children and young people. While relatively few public respondents answered these questions – perhaps due to the fact that few provisions relate explicitly to children and young people – most responses to the questions were supportive. The strongest emerging theme was that the measures to ensure greater transparency and democracy would ensure Local Authorities better represent children and young people. There was also some support that the reforms in general would lead to better services for children and young people. However, some of the less supportive responses expressed doubt that Local Authorities would be able to deliver adequate services for children and young people, or that the White Paper did not explicitly consider children and young people.

The Welsh Ministers have carefully considered this feedback, together with responses on specific proposals set out in the White Paper and discussions at stakeholder engagement events. As outlined above, further consideration was given to the proposal to require the establishment of a Youth Council. However, it is felt that this proposal is too constrained and does not reflect the many ways in which Local Authorities, or the best of them, already seek to engage with children and young people, including through digital and social media. It may also not be durable in a fast changing technological world.

As mentioned previously, the Draft Bill proposes to place County Councils under a duty to enable those who live, work or study in their area to participate in their decision-making processes. The guidance to accompany the provision will include detail as to how this duty should be interpreted and directed towards young persons

The potential impact of the Draft Bill on children and young people will continue to be assessed and monitored. The results of the consultation on the Draft Bill and the accompanying consultation document will inform the development of the Bill.. It is intended that the Bill be accompanied by a revised CRIA when it is introduced into the National Assembly, following the Assembly election.

### **Step 5. Recording and communicating the outcome**

This CRIA, and any future CRIAs, will form part of the evidence that the Welsh Minister will consider when developing the Local Government (Wales) Bill, which it is intended will be introduced to the National Assembly in the autumn 2016.

This CRIA, and any future CRIAs, will be published on the Welsh Government's website.

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**Step 6. Revisiting the piece of work as and when needed**

As noted above, a further CRIA will be undertaken to inform the development of the Local Government (Wales) Bill which will be introduced to the National Assembly. The potential impacts on children and young people will continue to be assessed and monitored as the Reforming Local Government Programme progresses.

**Budgets**

<p><b>As a result of completing the CRIA, has there been any impact on budgets?</b>                  It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.</p>	<p><b>No</b></p>
<p><b>Please give any details:</b></p>	

**Monitoring & Review**

<p><b>Do we need to monitor / review the proposal?</b></p>	<p><b>No</b></p>
<p><b>If applicable: set the review date</b></p>	<p><b>Month / Year</b></p>