

SPSF 3 - ANNEX B STATUTORY GUIDANCE ON CHILDREN AND YOUNG PEOPLE'S PARTICIPATION

This statutory guidance is issued in accordance with [Section 17\(3\) of the Children and Families \(Wales\) Measure 2010](#) and applies to local authorities both in respect of local well-being plans, and whenever they take decisions which might affect children and young people.

Local Authorities have a duty to promote and facilitate participation by children and young people in decisions which might affect them. The legal basis for this duty is Section 12 of the Children and Families (Wales) Measure 2010. It requires Local Authorities to *make such arrangements as they consider suitable to promote and facilitate participation by children in decisions of the authority which might affect them, and to publish and keep up to date information about its arrangements*. These duties can be discharged via the local well-being plan.

The [United Nations Convention on the Rights of the Child \(UNCRC\)](#)) is an international convention which sets out the civil, political, economic, social and cultural rights of children up to the age of 18. It recognises not only their basic human rights but gives them additional rights to protect them from harm as one of the most vulnerable groups in society. The UNCRC has 54 articles. Articles 1-41 set out how children and young people should be treated. The other 13 articles set out how governments and adults should work together to make sure children and young people can access their rights.

In Wales, the commitment to the UNCRC is enshrined in legislation with [the Rights of Children and Young Persons \(Wales\) Measure 2011](#) . Section 1 of the Measure places a duty on the Welsh Ministers to have due regard to the UNCRC when exercising their functions. This means the Welsh Ministers must consider how what they are doing relates to the rights and obligations in the UNCRC and every opportunity has been taken to identify ways of realising the relevant rights before making decisions. Consequently, this filters down to the local level through legislation, regulation and statutory guidance.

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This guidance relates to children and young people's right to participate which is a fundamental and enabling right as set out in Article 12 of the UNCRC:

Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Article 12 (Respect for the view of the child)

The articles of the UNCRC have been summarised into [Seven Core Aims](#) which should underpin the working practice of any service provision working with children and young people nationally and locally. Core Aim 5 in particular relates to children and young people's participation with the aim that:

All children and young people are listened to, treated with respect, and have their race and cultural identity recognised.

Core Aim 5

Requirements

In order to meet the requirements the legislation, Local Authorities are expected to work with relevant partners 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 engagement. Local Authorities are expected to make sure as many children and young people as possible are aware of their rights as set out in the UNCRC, including their right to participate and for their opinion to be heard, and to be involved in decision-making about policies and services which affect their lives.
- embed children and young people's participation into all aspects of planning, delivering and reviewing services. This should include the assessment of local well-being, the local well-being plan and relevant sub plans;

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- adopt the [National Participation Standards](#). Support for the National Participation Standards reinforces the commitment to children's rights in Wales and there are many examples of good practice of organisations which have adopted the standards as a means of ensuring participation happens meaningfully and effectively. The expectation is all Local Authorities adopt the Standards when meeting their statutory duty regarding participation of children and young people.
- publish information about the benefits of and arrangements for promoting and facilitating participation in the authority, and disseminating examples of good practice, for instance through websites and newsletters as well as social media and linking in/working with '[Young Wales](#)'. Children and young people themselves can be actively involved in raising awareness of the importance of participation. The Welsh Government has many resources which could support this and could be adapted to suit local needs. As well as using resources and media which is accessible to children and young people information can be included in the public services board's annual progress report;
- ensure information and materials aimed at children and young people are clear and easy to understand, answer their questions and identified needs as well as being accurate, up-to-date, relevant and accessible in terms of language and format;
- ensure a range of opportunities and the appropriate required support are provided for effective participation. The opportunities for children and young people as individuals to participate should be integrated into day to day services as well as specific participation structures such as forums for children, forums for young people, or groups/forums which represent children and young people who are marginalised, vulnerable or have a special interest in a particular issue. These forums and groups have a key role to play in supporting children

and young people to have a voice and to access their rights as set out in the UNCRC;

- 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. They should aim to be as inclusive as possible in terms of geographical spread, age, gender and to represent specialist needs and more marginalised young people. For County Youth Forums/Councils to operate effectively, they will need to be adequately supported by Local Authorities who should consider what support is required to do this. They should be informed and linked to their local democratic structures. They will also need to be effectively linked into national participation structures such as Young Wales, the Children's Commissioner for Wales and the National Assembly for Wales.
- give due consideration to the Welsh language in the promotion and facilitation of participation and as part of preparing the local wellbeing plan, reflecting its official status in Wales and the national well-being goal of 'a thriving Welsh language'.

Working with partners

Whilst this statutory guidance, issued under the [Children and Families \(Wales\) Measure 2010](#) relates only to Local Authorities, we would encourage them to work closely with each of their relevant partners. Working in a multi-agency way is good practice and Section 25 of the [Children Act 2004](#) places a legal duty on local authorities to promote cooperation with a view to improving the wellbeing of children in the area. Furthermore, [Section 38 of the Wellbeing of Future Generations \(Wales\) Act 2015](#) also places a requirement for public services boards to consult in assessing the state of economic, social, environmental and cultural well-being in its area.

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There are many examples of partners contributing to children and young people's participation and mainstreaming it into their areas of work and their arrangements for citizen engagement. Some of these can be found on www.youngwales.wales and www.pupilvoicewales.org.uk.

What happens now?

The scope of the duty to promote and facilitate children and young people's participation is wider than involvement in the local well-being plan. It is important participation becomes part of policy and practice of all local partners. Local Authorities should work with local partners, including children and young people, to ensure participation is promoted and facilitated.

However, the well-being plan could set out how children and young people's participation and engagement is embedded into all aspects of planning, delivering and reviewing services and their "arrangements for promoting and facilitating participation". The public services board's annual progress report could include a summary as to how these statutory duties have been met, and how they can be improved upon. The public services boards annual progress report could consider the protected characteristics in particular with reference to age, specifically reporting on outcomes for children and young people.

The Welsh Government will monitor local arrangements for children and young people's participation. In addition well-being plans provide evidence to Inspectorates and the Welsh Audit Office (WAO) when undertaking reviews of efficiency and effectiveness of local services. Inspectorates and the WAO may also review the outcomes achieved and procedures involved to demonstrate how effectively children and young people are being listened to, involved and engaged. Children and young people have a right to be listened to, have a voice and be able to access opportunities to play an active role in decision making wherever they are – in school, out and about in the community or as users of services.

Our ambition is for every child and young person in Wales to realise their rights as set out in the UNCRC. There may sometimes be barriers to

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achieving this, however, working in a collaborative way, we all have a responsibility and a role in considering ways in which these barriers can be removed or overcome. Wales has been leading the way in children and young people's participation and momentum must be maintained.

Further information on good practice in relation to children and young people's participation can be found on www.childrensrights.wales or http://www.childrensrights.wales/images/PDF/Participation_En2.pdf

Information, resources, materials and good practice which support participation in Wales are also available at www.youngwales.wales

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