



Children and Young People's

# RIGHTS SCHEME

2021



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**Swansea** Council

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## What is the Children and Young People's Rights Scheme?

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**The United Nations Convention on the Rights of the Child (UNCRC) sets out the rights all children aged 0-18 years have to make sure they are healthy, happy and safe.**

In September 2013, Swansea Council agreed that children's rights should be embedded within the Council policy framework, and that a duty be placed on the Council's Cabinet to have 'due regard' to the UNCRC when making decisions.

This means that when Swansea Council develop new policies or strategies, review or change existing policies and strategies, or develop or change Council services, thought has to be given to how those decisions affect the rights of children in Swansea.

This scheme outlines how Swansea Council plans to have due regard to the UNCRC.

The original Scheme was published in 2014, this is the second version of the scheme which has been updated following public consultation.

# Development of the Children and Young People's Rights Scheme

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This is the second version of the Children and Young People's Rights Scheme. This version has been co-designed with children, young people, families, members of the public, members of Swansea's Children's Rights Network and Members of Swansea Council.

This version incorporates the Children's Commissioner for Wales' **'The Right Way'** approach, setting out 5 key principles, through which we aim to embed the UNCRC in all of the Council's decision-making processes:

<b>Participation</b>
Making sure good quality arrangements are in place to ensure children and young people are listened to, and that their opinion is heard, in decisions that are being made that affect them.
<b>Empowerment</b>
Promoting rights to children and young people so that they feel able to exercise them.
<b>Embedding</b>
Having systems in place to write down and evidence how we give thought to the impact of decision on children's rights. Making sure workers understand the UNCRC and how their work impacts on children's rights.
<b>Accountability</b>
Having systems in place to report on what we are doing to make children's rights a reality in Swansea.
<b>Non-discrimination</b>
Making special efforts to ensure children and young people who may be less likely to access their rights, have an equal opportunity to be able to do so.

## What is the duty on Swansea Council?

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- (1) The Local Authority will incorporate and embed the UNCRC (1989) into the Council's Policy Framework and will have due regard to the requirements of –
  - (a) Part I of the Convention,
  - (b) Articles 1 to 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, except article 6(2), and;
  - (c) Articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- (2) The Cabinet will have 'due regard' to the UNCRC (1989);
- (3) The Council will publish a Children and Young People Rights Scheme, and will develop an Annual Report on the Children and Young People's Rights Scheme, reporting on:
  - [a] implementation of the due regard duty; and,
  - [b] promoting children's rights in Swansea.

## Who is responsible for paying due regard to the UNCRC?

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The Children and Young People's Rights Scheme does not stand alone, and links to many other policies that affect children and young people, within the Council.

Children's Rights are a key theme throughout all of this work and the Children and Young People's Rights Scheme aims to build a whole Council approach to embedding rights in current and planned work. Therefore, everyone who works in Swansea Council is responsible for respecting, understanding and embedding the UNCRC. More information about the specific roles of Cabinet, Councilors, Managers and Swansea Council Staff in paying due regard is on page 6.

An action plan setting out how this policy will be measured, will be developed in 2021 and implemented in a phased roll-out over 3 years.

# How we will comply with the duty to have due regard to the UNCRC?

Under each of the 5 key principles outlined above, we have set out the actions required to embed children's rights within Swansea Council's policies, strategies and services. We will monitor and evaluate our progress against each of these actions:

<b>Participation</b>
<ul style="list-style-type: none"> <li>• Involve children directly in the design, monitoring and evaluation of services they receive.</li> <li>• Learn how other organisations are doing this, and develop plans that meet the needs of children and young people in Swansea.</li> <li>• Develop clear targets to listen to children and young people from marginalised groups.</li> <li>• Involve children in the recruitment of staff who have responsibilities that impact on children.</li> <li>• Adopt the National Participation Standards for Children and Young people, to make sure when children's experience are a quality one.</li> </ul>
<b>Empowerment</b>
<ul style="list-style-type: none"> <li>• Give children the information they need to influence decisions that affect them (e.g. simple language reports).</li> <li>• Give children the opportunities they need to influence decisions that affect them (e.g. opportunities to scrutinise decision makers e.g. giving a group of young people the chance to ask questions directly to a key decision-maker).</li> <li>• Establish relationships with groups of young people to allow them to consistently scrutinise work. E.g. youth groups/forums, or you could consider forming your own youth group.</li> <li>• Give children and young people the training or information they need to do this properly.</li> </ul>
<b>Embedding</b>
<ul style="list-style-type: none"> <li>• Make sure that leaders and staff have a good knowledge of children's rights (UNCRC), and help them understand how it can benefit our organisation's work.</li> <li>• Use our resources to deliver training on children's rights. Set up a network of champions with responsibility to promote children's rights and set targets for how to embed children's rights in all work.</li> <li>• Make sure there are HR/financial resources to support and promote children's rights.</li> </ul>
<b>Accountability</b>
<ul style="list-style-type: none"> <li>• Publish an accessible annual update showing how we've worked towards making children's rights real in Swansea.</li> <li>• Feedback regularly to children in a suitable format.</li> <li>• Provide children with accessible information on how to provide feedback about what we're doing well or what we could improve, make complaints or hold staff to account.</li> </ul>
<b>Non-discrimination</b>
<ul style="list-style-type: none"> <li>• Make sure staff have up-to-date knowledge of the Equality Act and receive regular training to increase their awareness of different groups of children and young people's needs.</li> <li>• Use a Children's Rights Impact Assessment (CRIA) to consider how individual decisions (e.g. projects/services) could impact different groups of children and young people. Use information we have about children and young people's need to consider whether our services reach all groups of young people.</li> <li>• Provide information to children in a language or format appropriate to their age and maturity, culture, or disability.</li> </ul>

# Who is involved in ensuring the Swansea Council complies with this duty?

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In this section the specific arrangements to make sure that the Local Authority complies with the duty to have due regard to the UNCRC when exercising any of their functions, and the roles and responsibilities are set out below:

## Cabinet Members

- Must have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; they are responsible for making sure that the Swansea Council comply with the duty.
- Are responsible for agreeing and monitoring the Children and Young People's Rights Scheme.
- Will consider the progress made on the implementation of the Scheme as outlined in an annual progress report.
- A Lead Member of the Cabinet has been identified who will exercise political leadership for the promotion of children and young people's rights under the UNCRC (1989).

## Corporate Management Team

- Must also have due regard to the UNCRC when exercising any of their functions and must be fully aware of the duty when they make their decisions; their work includes developing internal processes that will make sure staff comply with the duty.
- This includes providing information and advice, developing tools and recording mechanisms to help staff to consider the UNCRC in their work and in their options and advice to Cabinet Members.
- Will receive the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan.
- Corporate Management Team will work with the Lead Member to ensure that effective Member/Officer dialogue occurs to embed and promote children's rights and embed the UNCRC into policy and practice.

## Heads of Service

- Ensure that all staff, including themselves, have a suitable level of knowledge of the UNCRC and the implications of the Scheme on their area of work.
- Will Act as 'Champions' of children's rights and to promote and raise awareness of the UNCRC in their service area to enhance rights based practice.
- Will be responsible for ensuring that the options and advice that their staff include in the corporate reporting process is of good quality and has paid due regard to the UNCRC.
- Will contribute to the annual progress report on the implementation of the Scheme and monitor progress as detailed in the action plan.

## Council Staff

- Support Cabinet and Council in having due regard to the UNCRC when make decisions, as they provide options and advice in relation to Council functions.
- Give balanced consideration to the UNCRC, before they begin to develop policies or other pieces of work through the Integrated Impact Assessment Process.
- Training and awareness raising information will be given to staff to help them understand the UNCRC and how it impact upon their role.

# Appendix 1: Articles of the UNCRC

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**Article 1:** Everyone under 18 years of age has all the rights in this Convention.

**Article 2:** The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

**Article 3:** All organisations concerned with children should work towards what is best for each child.

**Article 4:** Governments should make these rights available to children.

**Article 5:** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

**Article 6:** All children have the right of life. Governments should ensure that children survive and develop healthily.

**Article 7:** All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

**Article 8:** Governments should respect children's right to a name, a nationality and family ties.

**Article 9:** Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

**Article 10:** Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

**Article 11:** Governments should take steps to stop children being taken out of their own country illegally.

**Article 12:** 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 13:** Children have the right to get and to share information as long as the information is not damaging to them or to others.

**Article 14:** Children have the right to think and believe what they want and to practice their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

**Article 15:** Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

**Article 16:** Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

**Article 17:** Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

**Article 18:** Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

**Article 19:** Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

**Article 20:** Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

**Article 21:** When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

**Article 22:** Children who come into a country as refugees should have the same rights as children born in that country.

**Article 23:** Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

**Article 24:** Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

**Article 25:** Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

**Article 26:** The Government should provide extra money for the children of families in need.

**Article 27:** Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

**Article 28:** Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

**Article 29:** Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

**Article 30:** Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

**Article 31:** All children have a right to relax and play, and to join in a wide range of activities.

**Article 32:** The Government should protect children from work that is dangerous or might harm their health or their education.

**Article 33:** The Government should provide ways of protecting children from dangerous drugs.

**Article 34:** The Government should protect children from sexual abuse.

**Article 35:** The Government should make sure that children are not abducted or sold.

**Article 36:** Children should be protected from any activities that could harm their development.

**Article 37:** Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

**Article 38:** Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

**Article 39:** Children who have been neglected or abused should receive special help to restore their self-respect.

**Article 40:** Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

**Article 41:** If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

**Article 42:** The Government should make the Convention known to all parents and children.



# Doing it the Rights Way: A plan to help Swansea Council put Children's Rights at the heart of its decisions



THIS MEANS

Making sure good quality arrangements are in place to ensure children and young people are listened to, and that their opinion is heard, in decisions that are being made that affect them.

WE WILL

## Participation

- Involve children and young people directly in the design, monitoring and evaluation of services they receive.
- Learn about how other organisations are doing this, and develop plans that meet the needs of children and young people in Swansea.
- Develop clear targets to listen to children and young people from marginalised groups.
- Involve children and young people in the recruitment of staff who have responsibilities that impact on them.
- Adopt the National Participation Standards, to make sure when children and young people participate, their experience is a quality one.

THIS MEANS

Promoting rights to children and young people so that they feel able to exercise them.

WE WILL

## Empowerment

- Give children and young people the information they need to influence decisions that affect them (e.g. simple language reports).
- Give children and young people the opportunities they need to influence decisions that affect them (e.g. opportunities to scrutinise decision makers e.g. giving the chance to ask questions directly to a key decision-maker and/or co-produce work).
- Establish relationships with children and young people to allow them to consistently scrutinise work.
- Give citizens the training or information they need to do this properly.

THIS MEANS

Having systems in place to write down and evidence how we give thought to the impact of decisions children's rights. Making sure workers understand the UNCRC and associated treaties, and how their work impacts on children's rights.

WE WILL

## Embedding

- Make sure that leaders and staff have a good knowledge of Children's Human Rights, and help them understand how it can benefit our organisation's work.
- Use our resources to deliver training on children's human rights.
- Set up a network of champions with responsibility to promote the rights of children and young people and set targets for how to embed this in all work.
- Make sure there are HR/financial resources to support and promote the rights of children and young people.

THIS MEANS

Having systems in place to report on what we are doing to make rights a reality for children and young people in Swansea.

WE WILL

## Accountability

- Publish an accessible annual update showing how we've worked towards making rights real for children and young people.
- Feedback regularly in a suitable format.
- Provide accessible information on how to provide feedback about what we're doing well or what we could improve, make complaints or hold staff to account.

THIS MEANS

Making special efforts to ensure children and young people who may be less likely to access their rights, have an equal opportunity to be able to do so.

WE WILL

## Non Discrimination

- Make sure staff have up-to-date knowledge of the Equality Act and receive regular training to increase their awareness of different groups of children and young people's needs.
- Use an Integrated Impact Assessment (IIA) to consider how individual decisions (e.g. projects/services) could impact different groups of children and young people.
- Use information we have about the needs of children and young people to consider whether our services reach all groups, particularly those who possess protected characteristics.
- Provide information in a format appropriate to people's age and maturity, culture, or disability.