



Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	White Paper: Reforming Local Government: Resilient and Renewed
Related SF / LF number (if applicable)	
Name of Official:	
Department:	EPS
Date:	
Signature:	

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

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

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

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

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 proposals in the White Paper: *Reforming Local Government: Resilient and Renewed*, published for consultation on 31 January 2017, and the proposals which received wide support in the draft Local Government (Wales) Bill published in 2015 (referred to as the Draft Bill throughout the document).

The consultation document sets out the Welsh Government's vision for a new relationship between national and local government. One where there is a mutual understanding and recognition of respective roles and interests, and where all partners are given the space to maximise the positive impact they have through working alongside citizens on mutually agreed agendas. It sets out a new approach to reform focused on greater regional working. It sets a framework for local government to work within, providing a menu of options that local government can use, based on their local circumstances and strengths. It also highlights those proposals previously consulted upon which received broad support and we intend to take forward.

This White Paper follows on from three earlier White Papers and an Assembly Act and a Draft Bill.

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 through two pieces of legislation. The first, the Local Government (Wales) Act 2015, put in place preparations for a programme of Local Government mergers and reform, such as the setting up of Transition Committees.

The second White Paper, *Public Services Staff Commission*, was launched in October 2014. It proposed the establishment of a Commission to develop and disseminate good practice in workforce arrangements across public services. The Public Services 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 development of councils 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, together with the provisions for local authority mergers, formed the basis of the Draft Bill. However, the Draft Bill, published in October 2015, did not achieve political consensus, with the proposed mergers option not receiving sufficient support. Although a large proportion of the provisions within the Draft Bill were welcomed and are being proposed as part of any future local government Bill.

The latest White Paper sets out a new mandatory and systematic approach to regional working, whilst retaining the existing 22 local authorities¹ as the democratic front door to local government, subject to any voluntary mergers.

The potential impact on Children's Rights as a result of any future Bill will continually be considered throughout the further policy development and drafting process. An updated CRIA will be published to accompany any future Bill.

Following these reforms, a review of the local government funding system is being considered which would lead to further separate legislation.

A summary of relevant proposals from the White Paper and continued commitments from the previous Draft Bill are set out below.

Regional Arrangements

- Create a more resilient and sustainable local government. Increasing capacity and building resilience are essential if local authorities are to meet the financial and demographic challenges that lie ahead.
- Considering a range of regional arrangements, taking into consideration a number of factors and evaluating the benefits and disadvantages of these options.
- Effectively distributing scarce or specialist resources throughout local government.

Shared Service

- Pursuing shared support services and collectively making more rapid and deeper progress in this area, continuing to secure even more efficient delivery of services as well as other wider benefits.
- Consider the possibility of shared services based on shared technology platforms, specialist services and joint or shared transactional services.
- Wider consideration of the potential for better management and use of public sector assets through regional planning and governance.
- A more proactive collaborative asset management approach across the Welsh public sector.

Voluntary Mergers

- Enable local authorities to proceed with voluntary mergers.
- Support local authorities to develop their cases for merger, and help align proposed mergers with any mandatory and systematic regional arrangements. This would be done on the understanding that the rationale and circumstances around any voluntary merger would be unique to the local authorities involved.
- Any voluntary merger proposal should take account of ongoing resilience of the organisation, effective delivery of services and proposed financial position of the

¹ In this document, local authorities refers only to the 22 counties/ county borough councils in Wales.

future entity. It must set out sufficient benefits to citizens and communities to warrant the merger. In doing so it must take account of any guidance issued by Welsh Government.

Governance and Accountability

- A regional governance model will require that decisions which are being taken are in the best interests of people across the region.
- Ensuring that Elected Members remain at the heart of the decision making and scrutiny process.
- Regional arrangements will need to be appropriately scrutinised to ensure effective performance and value for money are being delivered, and that better outcomes are being achieved at a regional level.
- Provide a clear framework for making arrangements to hold those making decisions to account.
- A proposed common framework to support pooling of budgets to support functions exercised by Joint Governance Committees.

Performance and improvement

- Remaining committed to reducing performance reporting requirements, including plans, annual reports and strategies. Reducing where possible unnecessary burdens put on local government.
- Remaining committed to putting a new duty on leaders of political groups to promote good standards of conduct by their members and co-operate with Standards Committees exercising their functions.
- Where appropriate, Standards Committees will hear cases of alleged failure by members to perform prescribed performance duties, as well as breaches of the member code of conduct.
- As proposed in the Draft Bill, external audit, inspection and review bodies will be required to work more closely together, to ensure they gather a more holistic overview of local authority performance through 'stock take' discussions. These bodies will also be required to cooperate more closely with internal scrutiny committees.
- Local authorities will be required to undertake a robust self assessment process, supported by regular peer reviews.
- A commitment to strengthen the role of Corporate Governance and Audit Committees.
- The Welsh Government will retain a power of intervention and the ability to commission and act upon the findings of independent governance reviews, where there are concerns. This is in addition to intervention arrangements under service specific areas.
- An ongoing commitment to changing performance management arrangements. Subject to consultation, the Welsh Government proposes to repeal Part 1 of the Local Government (Wales) Measure 2009 for all Improvement Authorities.

Leading Localities

- Take steps to increase diversity among those who stand for election and encourage greater participation in local democracy.
- Local authorities will be provided with a General Power of Competence, to allow them to become more innovative in their service delivery.
- Require local authorities to produce strategies explaining how the public can understand how decisions are made and how they can participate in the process.

- Councils will be required to allow Members to attend council meetings remotely if they have domestic, business or travel difficulties preventing them getting to the main meeting.
- Require leaders and elected mayors to make arrangements to make themselves accessible to interaction with the public.
- New arrangements will be put in place to make council meetings more accessible and open, including requirements for the compulsory broadcasting of council meetings.
- Clearer expectations of the performance of Elected Members will be set out in the form of performance duties including duties to report on how they have engaged with the public. Cases of breach of those duties and the right to recall will be considered by Standards Committees.

Community Councils

- Making the General Power of Competence available to innovative ambitious community councils that meet eligibility criteria and are looking for more freedom to serve their communities.
- Put an obligation on community councils to consider and plan for their training needs, publish the plan and review it regularly.
- Ensure citizens are kept informed and have the right to make representations on any business conducted at a council meeting.

Elections and Voting

- An intention to explore how a single electronic register for Wales might be developed.
- Continued commitment to moving to a five-year term for local government, however, in doing so a requirement for greater transparency for those standing for office.
- Allow councils in Wales to determine a voting system that best reflects the needs of their local people and communities. Local authorities will be able to decide for themselves between the 'First Past the Post' or the 'Single Transferable Vote' systems for elections to their council.

Step 2. Analysing the impact

The only proposal in the White Paper which is specifically related to children and young people is the proposal to reduce the voting age from 18, to 16. However, it is considered that the proposals 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. Regional arrangements

The proposals in the White Paper seek to create a more robust and resilient local government, assisting local authorities in managing future demographic and financial challenges. Regional working should achieve better outcomes for people and communities, transforming and refocusing services on a larger scale, balancing current and future needs and distributing assets more effectively. These changes would likely, result in positive outcomes for everyone in Wales, including children and young people. Local authorities working together on regional footprints will be better placed to make collaborative

decisions, in the best interests of people across the region. Regional arrangements would also directly impact decisions made on services affecting children and young people, for example, in the fields of education improvement, and social services.

The White Paper proposes education improvement as an area where there is a case for further regional working. Education improvement encompasses a range of functions carried out by schools, local authorities, and regional consortia in Wales. There are currently four regional consortia operating in Wales, three as joint committees of the constituent authorities and one (for south east Wales) as a joint management company serving the constituent authorities.

The proposals for mandatory and systematic working in this White Paper offer an opportunity to regularise and simplify the existing arrangements, and provide for greater alignment with the regional delivery of other services. The aim of this would be to improve the educational services which children and young people receive.

Where there are existing regional arrangements in place, the proposals in this White Paper are intended to build upon them and provide a prompt re-examination of them.

Proposals for accountable regional working on a statutory basis present significant opportunities to support more effective implementation of the Additional Learning Needs and Education Tribunal (Wales) Bill ('the ALNET Bill'), introduced in December 2016, and the wider Additional Learning Needs (ALN) transformation programme.

The ALNET Bill will transfer responsibility to local authorities for maintaining individual development plans for learners who require specialist post-16 placements. Overwhelmingly, these will be learners with whom the local authority has been involved throughout their school based education (and for whom they will have maintained a Statement of Special Educational Needs under the current system and will have maintained an individual development plan under the new system). In many cases, local authorities will also have on-going social care involvement with these young people. The transfer of this responsibility from Welsh Government to local authorities will improve the transition process by encouraging local authorities, health boards and post-16 providers to work together to plan for and secure support, and to improve local provision relevant to the individual needs of children and young people.

Greater collaborative working on a regional and multi-agency basis will be vital to deliver improved quality services for learners with ALN going forward.

Additionally, safe, secure and affordable housing underpins health and well being, children's educational attainment, and the ability of people to participate in labour markets. Collaboration at local, regional and national levels will likely improve the outcomes of children. Collaboration is not new to local authority housing departments and as such, offers a foundation on which to build further where there are benefits in doing so. The Supporting People programme operates with six Regional Collaborative Committees and the innovative and very successful Houses into Homes scheme is also based on regional collaboration between authorities.

Community Safety and Youth Justice is another area where further regional collaboration could be beneficial. Community Safety Partnerships and Youth Offending Teams rely heavily on devolved services, such as health, education and social services. If other public services are being devolved on a regional footprint there may be a case for Community

Safety Partnerships and Youth Offending Teams to consider moving to a similar footprint that matches the services which support their work.

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

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

This White Paper also proposes to clearly set out in law, some of the important aspects of the role of Elected Members, including Cabinet members, and senior officials. This will encourage robust performance (and performance management) of the roles, and councillors will be required to say how they have engaged with their electorate. This will benefit all communities, including children and young people.

The third White Paper *Reforming Local Government: Power to Local People* published in February 2015, proposed to require the Chief Executive of a local authority to establish a Youth Council. The aim was to 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 already seek to engage with children and young people, including through digital and social media. It may also not be the most appropriate method today, given how quickly technology advances. Furthermore, the Future Generations Commissioner has seconded a member of staff from the Children's Commissioner's office to work on aligning children's rights with the well-being goals set out in the Well-being of Future Generations (Wales) Act. This will involve extensive engagement and the production of a tool to assist public bodies in implementing children's rights based approaches.

The new White Paper proposes to place local authorities 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 this provision will include detail as to how this duty should be interpreted and directed towards young persons.

The proposal to make the broadcasting of council meetings a statutory requirement is retained from the Draft Bill. While this is already widely practised, making it a statutory requirement will ensure residents of all local authorities have the same accessibility to view these meetings. As broadcasts will be made freely available on the authorities' websites, it will provide another avenue to engage with young people using modern technology.

The White Paper provides local authorities and eligible community councils with a General Power of Competence. This will enable local authorities to become more innovative, and to be more active in exploring alternative models of service-delivery. This proposal is likely to strengthen local authorities' overall capacity to deliver services, which could be beneficial to innovatively deliver services to children and young people.

Furthermore, the role of Standards Committees will expand to consider allegations that Elected Members have breached their performance duties, as well as allegations of misconduct under the ethical framework. 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.

3. Performance and Improvement

A range of different procedures currently exist to review local authority performance, and to determine how best to make improvements. Part of the Welsh Government's commitment to this will include looking to reduce performance reporting requirements, including plans, annual reports and strategies.

Following positive feedback, the Welsh Government remains committed to changing the performance framework to one that is guided by the principles of the Wellbeing of Future Generations (Wales) Act 2015 and informed good governance principles. Local authorities will be required to secure good governance (as set out by the CIPFA good governance framework) and in doing so take part in self assessment and peer review. 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.

Audit, inspection and regulation bodies also have a role to play in enabling local government to achieve more for local people. Welsh Government remains committed to asking these bodies to work together more effectively and also work more closely with Authorities to support better outcomes for citizens. This should facilitate the identifying of any cross cutting opportunities for improvement across a local authority. 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 White Paper the Welsh Ministers will also be provided with a wider range of options for supporting local authorities and regional bodies, 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 local authorities and regional bodies. 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.

4. Community Councils

The White Paper contains provisions to extend a general power of competence to community councils which meet certain criteria and resolve themselves eligible.

Access to the general power of competence should enable community councils to be more ambitious in their services and delivery models.

5. Voting age

The White Paper raises the prospect of various reforms to the electoral and registration system for local government elections, which would be possible should the Wales Bill be

enacted and brought into force. These include a proposal to reduce the voting age from 18 to 16, thereby enabling a new cohort/group of young persons to become actively involved in the democratic process for the first time. It is proposed that there be a further, separate, consultation on electoral matters later this year.

Potential Negative Impacts

While the policies in the White Paper aim to make positive changes, intended to improve the services local authorities provide to everyone in their communities, including children. There is a risk that some negative impacts could materialise. At this stage of the policy development, very few possibilities have been identified, some potential negative impacts include:

- many facets of culture and identity are inherently local and grounded in place. Any regional arrangements will need to be sensitive to the very local impact of decisions, considering the risk that regional decisions could negatively impact local areas;
- the good practices and recent work of schools and authorities who are currently collaborating successfully could be stalled or not recognised if education services are delivered through a new, larger, regional body; and
- the initial disruption to children's social services if new processes need to be implemented. Any change to social services could result in a drop in service delivery in the short term.

As policy development continues and proposals become more focused, further steps will be taken to identify and assess any potential negative impacts. Part of this includes asking the following questions as part of the White Paper consultation:

***30a.** The Children's Rights Impact Assessment published alongside the White Paper outlines the Welsh Government's view of the effect of the proposals contained in the White Paper on children and young people. The Welsh Government seeks views on that assessment. Are there any other positive or adverse effects not identified in the assessment?*

***30b.** Could the proposals be re-formulated so as to increase the positive effects or reduce any possible adverse effects?*

The Welsh Government are seeking feedback on whether all the potential positive and negative impacts have been identified or if there are impacts which have not been fully recognised at this stage.

Once policy proposals become more specific and the associated negative impacts have been fully assessed, clear plans will be made to mitigate risks.

Does the work have any links to the key objectives of the Child Poverty Strategy for Wales?

The White Paper will not directly affect the objectives of the Child Poverty Strategy for Wales. However, aspects of it, 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 – many of the rights of the United Nations Convention on the Rights of the Child are relevant to the White Paper. Local authorities with greater capacity and capability to make decisions and deliver services, and which actively encourage local people (including children and young people) to participate in, and influence, decisions of the authority would be better placed to enhance children's rights.

The White Paper proposes to place local authorities 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 relate in particular to the overall objectives of the White Paper and proposals retained from 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.

Article 6 – All children have the right to life. Government should ensure that children survive and develop healthily.

Article 27 – Children have a right to a standard of living that is good enough to meet their physical and mental needs.

Article 28 – Children have a right to an education. Discipline in schools should respect human dignity. Primary education should be free. Wealthy countries should help poorer countries provide this.

The White Paper aims to ensure that children's rights are fully respected. It addresses these issues through measures to ensure that local authority leadership and governance are consistently effective, and are subject to robust scrutiny of their decisions and services. These reforms will support local authorities in protecting the interests of children, and respecting their rights, throughout their decision-making process and service delivery.

Additional collaboration and regional working would result in a more resilient local government, having positive impacts across all their functions including education and social care. Greater capability and resilience would enable improvements in decision-making and service delivery, supporting local authorities to respect and fulfil children's rights and interests.

Similarly, this would apply to the reforms proposed to community councils. Building general governance and delivery capability through more robust councils would place them in a

better place to respect and fulfil children's rights and interests through their services and decisions. Specific areas of the White Paper, such as allowing local authorities and eligible community councils 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.

Strengthening local authorities' corporate governance will also contribute to their ability to respect children's rights through the decisions they make.

The proposed measures to strengthen internal and external scrutiny would also contribute to the capacity and effectiveness of local authorities, enabling them to fulfil and respect children's rights and interests through the quality of the 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 local authorities 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 White Paper proposes to require local authorities to publish a strategy to promote public participation in local government. Local authorities would be required to encourage and facilitate public participation in governance decision-making. This requirement would cover not just decisions taken by that local authority, 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 local authorities are taking, and would be more likely to have their views taken into account when those decisions are taken.

Furthermore, the statutory requirement for council meetings to be broadcast will provide another avenue for council's to engage with young people and provide evidence of how decisions have been made.

How any future 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 if it is introduced into the National Assembly.

Step 4. Advising the Minister and Ministerial decision

This CRIA has been informed by a wide range of stakeholder engagement exercises, including the consultation on the White Paper 'Reforming Local Government: Power to Local People', and the Draft Bill published in November 2015. Feedback gathered from these events and responses informed the proposals in the new White Paper, as did a range of engagement undertaken between September and December 2016.

A children and young people's version of the White Paper 'Reforming Local Government:

Power to Local People' 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, and 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 that 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.

The Welsh Ministers have carefully considered this feedback, together with responses on specific proposals set out in previous White Papers, the Draft Bill 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 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 White Paper proposes to place local authorities 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 White Paper on children and young people will continue to be assessed and monitored. The results of the consultation on this White Paper will inform the development of any future legislation.

Step 5. Recording and communicating the outcome

This CRIA, and any future CRIAs, will form part of the evidence that the Welsh Ministers will consider when developing future legislation.

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

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 any legislation to be introduced into 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

As a result of completing the CRIA, has there been any impact on budgets?

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.

No

Please give any details:

Monitoring & Review

Do we need to monitor / review the proposal?

yes

If applicable: set the review date

continuously as policy is developed