



Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	White Paper on the proposed Welsh Language Bill
Related SF / LF number (if applicable)	MA-L/ARD/0456/17
Name of Official:	
Department:	EPS
Date:	26/06/2017
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 alongside the relevant piece of work on the WG website. All other CRIs must be listed in the WG CRIA newsletter 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 (CRIA) assesses the impacts of policy proposals in our White Paper in relation to a proposed Welsh Language Bill.

The Welsh Government committed in its Programme for Government, *Taking Wales Forward*, to work towards a million Welsh speakers by 2050. In response to this, the Welsh Government published its new Welsh language strategy, *Cymraeg 2050*, which outlines the work which will be required to turn our vision for a million Welsh speakers into a reality. The scale of our vision for the Welsh language has made it essential to review the legislation which underpins the Welsh language.

The Welsh Language (Wales) Measure 2011 ('the Measure') provides the main legal framework at present in relation to the Welsh language. Under this law, rights for people to use Welsh with certain bodies have been created through the Welsh Language Standards system ('the Standards') and the Welsh Language Commissioner ('the Commissioner') was created to oversee and enforce those rights. Our White Paper seeks the views of the public on our proposals for a Welsh Language Bill.

The main policy objectives behind our proposals are to:

- Strike the right balance between promoting and facilitating the use of the Welsh language and imposing and enforcing Welsh language duties; and
- Reducing bureaucracy and ensuring value for money.

The White Paper sets out proposals in relation to the arrangements for promoting the Welsh language and ensuring the correct structures are in place to deliver the work to promote the language. It also sets out our proposals in relation to the Welsh language duties (currently known as Standards) placed on bodies.

The main proposals outlined in the White Paper are:

- A Welsh Language Commission ('the Commission') should be established to be the main body with responsibility for promoting the Welsh language and monitoring and enforcing compliance with Standards;

- The Welsh Language Commissioner should be abolished;
- The Welsh Government should be responsible for national Welsh language strategy, national policy, for managing some bodies of national significance, and for some specified areas of work. The Welsh Government should transfer the budget and resources for other specified promotion work it currently undertakes to the Commission;
- The concept of Standards should be retained;
- Standards should only apply to services. Other corporate duties currently in the Standards system which do not create enforceable rights for individuals, should be termed ‘language planning duties’ and should be statutory duties on bodies on the face of the legislation;
- The Standards bodies are required to comply with should be reviewed from time to time and, where appropriate, additional Standards placed on bodies or current exceptions granted to the bodies removed;
- The Welsh Government should be responsible for making and imposing Standards on bodies, and for issuing guidance and codes of practice. The Commission should be responsible for monitoring and enforcing compliance with the Standards;
- Bodies should be required to deal with complaints about the Standards in the first instance. The Commission should only investigate complaints in serious cases;
- The Welsh Language Tribunal (‘the Tribunal’) should be retained. Bodies should be able to appeal against the imposition of a Standard on them by the Welsh Government to the Tribunal;
- The Standards should be applicable to any body, so long as the requirements are reasonable and proportionate and within the Assembly’s competence (which includes the European Convention on Human Rights).

The consultation on the White Paper, which will run from on 9 August until 31 October 2017, will enable the Welsh Government to take account of the views of stakeholders in order to make decisions on the need for legislation and its content.

Step 2. Analysing the impact

The proposals in the White Paper would benefit citizens by delivering improved structures to promote the Welsh language. These proposals will also have an impact in that they will reduce the bureaucracy involved with the Standards system and ensure there is a quick remedy available when Standards have been breached. The reduction in bureaucracy will also contribute to ensuring resources are freed up in the proposed Commission to deliver projects which contribute to delivering the objectives of *Cymraeg 2050*. In particular, the Commission will be required to support bodies to improve the capacity of their workforce to operate bilingually, to improve the quality and consistency of Welsh language services, and to increase the use of those services.

We have also identified the following principal impacts from our proposals:

- Clarity in creating a one-stop-shop for advice and support concerning the Welsh language (albeit with the Welsh Government retaining a role in some fields as set out in the White Paper). This clarity could make it easier for children, young people and families to access information on the Welsh language and opportunities to use Welsh when compared with current arrangements;
- The cost savings offered by having one body in charge of regulation and promotion will ensure there are more resources available to deliver work to promote Welsh, and the reduction in bureaucracy will enable bodies to focus resources on improving services

- Fostering goodwill towards the language which could help to encourage more families to choose Welsh-medium education for their children and equip their children with Welsh language skills;
- The proposed Commission will be able to use the information it gathers in monitoring bodies' compliance with Welsh language duties to take action to promote Welsh and address any gaps in services provided by bodies. For example, the Commission could pay particular attention to understanding the bilingual skills profile of workforce involved in children's services across Wales in order to assist bodies, including bodies involved in training, to undertake more effective workforce planning. This could help to ensure the rights of children, young people and families to Welsh language services are supported more effectively than under current arrangements.
- A requirement on the proposed Commission to produce a strategic plan to show how it will contribute to delivering *Cymraeg 2050* (which places a very significant emphasis on the needs of children, young people and families) will ensure the delivery of actions which relate to children, young people and their families.

Language Planning Duties

Ensuring accessibility to and growth of Welsh-medium education is a key part of delivering *Cymraeg 2050*. Our White Paper considers the scope to consolidate the current mechanism for planning Welsh-medium education (Welsh in Education Strategic Plans) into the proposed language planning duties. This area will be subject to further policy development following the consultation period.

Reforming the Welsh Language Standards system

Our White Paper makes proposals for incremental reform of the Standards system to ensure bodies are building their capacity to deliver services in Welsh, and also that there is clarity for people in terms of their rights to use Welsh with bodies.

The Welsh Government noted the importance of the Welsh language in delivering services to children and young people in its *More than just words... Follow-on Strategic Framework for Welsh language services in health, social services and social care*. Our proposals for simplifying the way the Standards system works could have a positive impact on children and young people through giving greater clarity on their rights to use Welsh.

The White Paper also sets out our proposals to remove the restrictions in the Measure in terms of the types of bodies which can be required to comply with Standards. This could, in time, provide rights for people (including children, young people and families) to use Welsh when receiving services from a greater range of bodies than is currently the case.

Monitoring success

This White Paper sets out our proposals as to how we can provide the structure to support work to promote Welsh and monitor and enforce bodies' compliance with Welsh language duties. Both these areas of work will assist the Welsh Government to deliver *Cymraeg 2050*. Measuring the extent of the success of these proposals will, therefore, be linked in part to the work of monitoring the delivery of *Cymraeg 2050*. Quantitative data showing the uptake of Welsh language services will also be indicators which we will use to monitor the success of our proposals.

Contribution of the proposals in our White Paper to the Child Poverty Strategy for Wales

*Delivering Objective 2: Increasing skills amongst parents and young people; AND
Delivering Objective 3: Reducing the inequalities which exist in the health, education and economic outcomes of children and families living in poverty, by improving the outcomes of the poorest*

Developing Welsh language skills amongst young people through contributing to delivering the growth in Welsh-medium education which is a key part of delivering *Cymraeg 2050*. As set out above, the White Paper discusses the possibility of consolidating the Welsh in Education Strategic Plans (WESP) process as part of the proposed Language Planning Duties. This area will be subject to further policy development following the consultation period.

In addition, through the Standards and the proposed mechanisms to ensure bodies' capacity to provide Welsh language services improves over time, we will expect a significant increase in demand for Welsh language skills in the workforce. We expect the main source of these skills to be through recruitment and this will provide new opportunities for young people entering the workforce for the first time.

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

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.

As part of our engagement work relating to this consultation we will seek the views of children, young people and organisations which represent them.

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.

- As set out under step 2 of this impact assessment, our White Paper discusses the possible consolidation of the Welsh in Education Strategic Plans process with the proposed language planning duties.
- It is our intention that the proposed Welsh Language Commission would carry out work to promote and ensure opportunities for children, young people and their families to use Welsh in schools, colleges, communities, in the home and principally, perhaps, in the workplace. The demand for Welsh language skills in the workforce will offer specific opportunities for young people and families with Welsh language skills. Our proposal for a Commission could, therefore, contribute to this Article.
- The enhanced clarity in the rights of people to use Welsh with bodies under the Standards system when compared with current arrangements could make it clearer to people which services bodies need to provide in Welsh. This could make it easier for children to receive services in Welsh.

Step 4. Advising the Minister and Ministerial decision

In carrying out this assessment, no negative impacts caused by our proposals have been identified in relation to children, young people and their families. Neither have any conflicts been identified between the policy contained in the White Paper and the articles of the United Nations Convention on the Rights of the Child.

We have identified potential benefits to children, young people and families which could result from the

proposals in our White Paper. As part of the consultation on the White Paper, we will gather any comments on areas where our policy can be strengthened to contribute further to promoting the rights of children, young people and their families and give these comments due consideration.

Engaging with children, young people and families on our proposals

We recognise the importance of engaging with children and young people. As part of the stakeholder engagement which will run in parallel with the written consultation, we will arrange specific events to ensure the views of children and young people are heard. In addition, a short summary version of the White Paper in simple language has been prepared, which will help the general public and young people to understand our proposals.. We intend to work with our partners such as the Menterau Iaith and the Urdd to use this version of our proposals to engage young people..

Step 5. Recording and communicating the outcome

The Welsh Government has considered this CRIA as part of the evidence to support the proposals set out in the White Paper. A copy will be retained as part of the documentation associated with this White Paper consultation. We will also publish this assessment alongside the White Paper, so that it may be considered by stakeholders as part of the consultation.

Any future CRIAs will form part of the evidence that the Welsh Government will consider when developing future legislation and will be published on the Welsh Government’s website.

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

This CRIA will be revisited as part of the analysis of the consultation responses. The potential impacts on children and young people will continue to be assessed throughout the policy development stages and a further CRIA will be undertaken to inform the development of any legislation to be introduced into the National Assembly for Wales.

Budgets

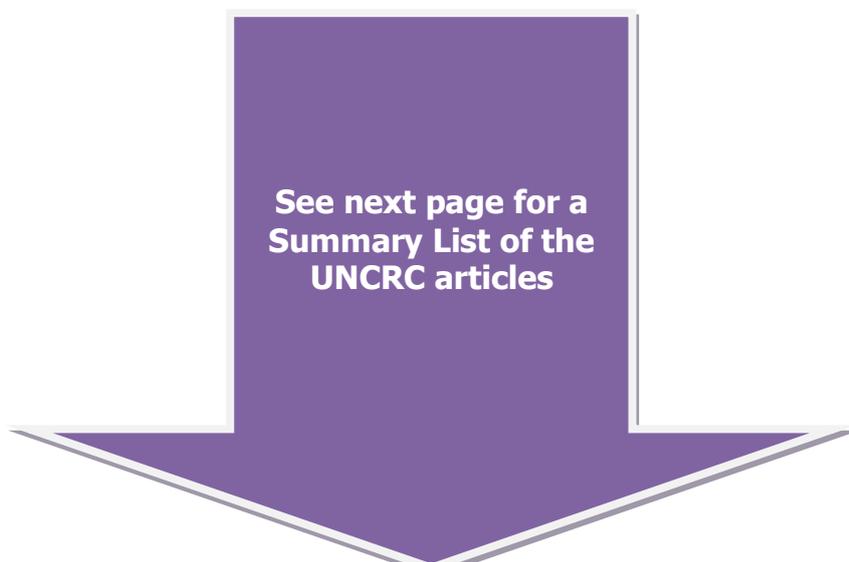
<p>Does the piece of work have any associated allocation of budget?</p>	<p>No</p>
<p>Can you identify how much of this budget will be used for children and young people?</p> <p>It is important that where any changes are made to spending plans, including where additional allocations or savings have been made, that this has been assessed and evidenced as part of the CRIA process.</p>	<p>No</p>
<p>Has any additional spend been identified to ensure children and young people have been given an opportunity to contribute to the</p>	<p>No</p>

piece of work and have their opinions heard? If so, how much?	
<p>Please give any details:</p> <p>There is currently no specific allocation of budget associated with delivering the consultation on our proposals in our White Paper.</p> <p>Any costs incurred in delivering our engagement exercises in our communications plan (including those which target children and young people) will be met from existing budgets.</p>	

Monitoring & Review

Do we need to monitor / review the proposal?	Yes, as part of the analysis of the consultation responses and ongoing policy development
If applicable: set the review date	Winter 2017/8

Please forward a copy of this CRIA to CRIA@wales.gsi.gov.uk for monitoring purposes



THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.

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 to 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 practise 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.



Llywodraeth Cymru
Welsh Government

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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.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People
www.ciconline.co.uk/news/