



Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Eligibility Regulations 2014
Related SF / LF number (if applicable)	LF LG 0963 14 Eligibility Regulations.
Name of Official:	Judith Askew/Stacey Lewis
Department:	Housing Policy, Sustainable Futures
Date:	18 August 2014
Signature:	J M Askew

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 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)?

You may wish to include:

- A brief description of the piece of work
- What the time frame for achieving it is?
- Who are the intended beneficiaries?
- Is it likely that the piece of work will affect children?
- Will the piece of work have an affect on a particular group of children, if so, describe the group affected?

We are undertaking a Children's Rights Impact Assessment exercise on draft up-dated and consolidated regulations regarding access to social housing through homelessness services.

The up-dated regulations will clarify the situation for a number of groups and will bring Wales into line with England. A small number of job seekers, people with derivative rights to reside, people with an initial right to reside and nationals from other countries such as Turkey and Macedonia will no longer be eligible for housing allocation or homelessness assistance. **This will only apply to new applicants.** This will not affect any children of previous applications.

The Regulations need to be laid as soon as possible so that the Code of Guidance on the Allocation of Accommodation and Homelessness can be up-dated and consulted upon in the Autumn. The new Code should be in place by April 2015.

The Welsh Government is proposing to update these provisions to remove obsolete provisions, and to ensure consistency with wider UK Government immigration policy, for example adding provision so that Afghan citizens who were locally employed by the UK Government in Afghanistan, and have since been granted limited leave to remain in the UK, are eligible for an allocation of housing or homelessness assistance.

Step 2. Analysing the impact

- What are the positive and/or negative impacts for children, young people or their families?
- Where there are negative impacts; what compensatory measures may be needed to mitigate any negative impact?
- How will you know if your piece of work is a success?
- Have you developed an outcomes framework to measure impact?
- Have you considered the short, medium and long term outcomes?
- Do you need to engage with children & young people and/or stakeholders to seek their views using consultation or participatory methods?
- Do you need to produce child friendly versions of proposals/consultations?

Although the groups of people mentioned above would no longer be eligible for social housing or homelessness assistance, if they had children, were vulnerable or one of them was pregnant, some temporary assistance would be available from the local authority. Children may be entitled to accommodation under the Children's Act 1989. A Women's Refuge is unlikely to turn away anyone subject to domestic abuse.

A national consultation exercise was undertaken earlier in the year and we have been working with Tai Pawb, an housing organisation which, as a result of Welsh Government funding, works to promote equality in the field of housing. Work has considered the impact of the changes in regulations

There are relatively few statistics available about how many people may be affected. We have considered the equalities statement in England on the derivative rights to remain and this indicates small numbers of people would be affected. We know that 111 Turkish people came into Wales in 2010-11. (Nomis statistics).

There is no need to prepare child friendly versions of the regulations. Small numbers of adults would be affected as it is likely to be job seekers from the European Economic Area who would be affected who may or may not come with children. European Economic Area migrants would, on the whole, be eligible for social housing and homelessness support.

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

Dependant upon the impact of your piece of work, use balanced judgement to assess:

- Which UNCRC articles are **most** relevant to the piece of work? Consider the articles which your piece of work impacts upon. <http://uncrcletsgetitright.co.uk/images/PDF/UNCRCRights.pdf>
- How are you improving the way children and young people access their rights?
- What aspects of children's lives will be affected by the proposal?
- What are the main issues that the CRIA should focus on?
- Does the piece of work help to maximise the outcomes within the articles of the UNCRC?
- If no, have any alternatives to the current piece of work been considered?

The articles which are most relevant are: 3, 9, 18, 20, 23, and 27 with 27 having most relevance.

We are not improving the way children and young people access their rights. There is no human right to social housing as such. No young people will currently be affected by these changes. If in the future children are homeless who would not otherwise have been so, they will be accorded protection under the Children's Act 1989. These would be the children of job seekers, people with derivative rights to reside or people with an initial right to reside.

It is possible that the policy could have a negative effect on some people and their families whose only right to reside are as job seekers, are under an initial right to reside, or people who have derivative rights to be here only. There may be small numbers of European Economic Area nationals who after losing their jobs would not be able to access social housing or homelessness services. Please note the changes would only apply to new applicants for an allocation of housing or homelessness assistance.

We are aware that children, vulnerable people and pregnant women may be able to access social services assistance. For children this is section 20 of the Children's Act 1989.

Step 4. Advising the Minister and Ministerial decision

When giving advice and making recommendations to the Minister, consider:

- The ways in which the piece of work helps to maximise the outcomes within the articles of the UNCRC?
- Has any conflict with the UNCRC articles within the proposal been identified?
- Consider the wider impact; does the proposal affect any other policy areas?
- With regard to any negative impacts caused by the proposal; can Ministers evidence that they have allocated as much resources as possible?
- What options and advice should be provided to Ministers on the proposal?
- In relation to your advice on whether or not to proceed with the piece of work, is there any additional advice you should provide to the Minister?
- Is it appropriate to advise the Minister to reconsider the decision in the future, in particular bearing in mind the availability of resources at this time and what resources may be available in the future?
- Have you provided advice to Ministers on a LF/SF and confirmed paragraph 26?
- Is the advice supported by an explanation of the key issues?

The Minister has been advised on the full implications of these changes and the Explanatory Memorandum refers to the Equality Impact Assessment .

The policy may have a negative effect on some people whose only right to reside are as job seekers, are under an initial right to reside, or have derivative rights to be here only. There may be small numbers of European Economic Area nationals who after losing their jobs would not be able to access social housing or homelessness services. Please note the changes would only apply to new applicants for an allocation of housing or homelessness assistance.

In order to mitigate this, advice agencies, migrant workers' support groups and homelessness networks need to be aware of the situation.

We are aware that children, vulnerable people and pregnant women may be able to access social services assistance. For children this is section 20 of the Children's Act 1989.

The Welsh Government is proposing to update these provisions to remove obsolete provisions, and to ensure consistency with wider UK Government immigration policy, for example adding provision so that Afghan citizens who were locally employed by the UK Government in Afghanistan, and have since been granted limited leave to remain in the UK, are eligible for an allocation of housing or homelessness assistance.

Step 5. Recording and communicating the outcome

Final version to be retained on i-share

Evidence should be retained that supports:

- How the duty has been complied with **(Steps 1-3 above)**
- The analysis that was carried out **(Steps 1-3 above)**
- The options that were developed and explored **(Steps 1- 3 above)**
- How have the findings / outcomes been communicated? **(Step 4 above)**
- 'Tells the story' of how the assessment has been undertaken and the results **(Step 4 above)**

An Equality Impact Assessment and a Children's Rights Impact Assessment have been completed. The Equality Impact Assessment has been checked by Legal Services and the same information has been used in the Children's Rights Impact Assessment. Statistics have been sought although relatively few are available. The LF on the regulations will make reference to the Equality Impact Assessment and the Children's Rights Impact Assessment. Work has taken place with Tai Pawb whose role is to promote equality in housing and a full consultation programme on the Regulations took place in 13/14.

An Explanatory Memorandum on the effect of the regulations has also been prepared and checked by Legal Services.

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

In revisiting the piece of work, consider any monitoring, evaluation or data collection that has been undertaken:

- Has your piece of work has had the intended impact as set out in Step 2.
- Have you engaged with stakeholders to discuss how the policy or practice is working.
- If not, are changes required.
- Identify where improvements can be made to reduce any negative impact.
- Identify any opportunities to promote children's rights, bearing in mind any additional availability of resources at this time.

It is unlikely that, once the regulations have been introduced, they will be repealed.

Other regulations could be introduced on eligibility in the future if there is evidence that points to the need for such change. The welsh Government will work with local authorities and the Welsh Local Government Association, local authorities and Tai Pawb with a view to monitoring any impacts. changes.

The amended regulations are within the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness upon which further consultation will be taking place. Any adverse affects will be monitored through the implementation of the Code.

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.

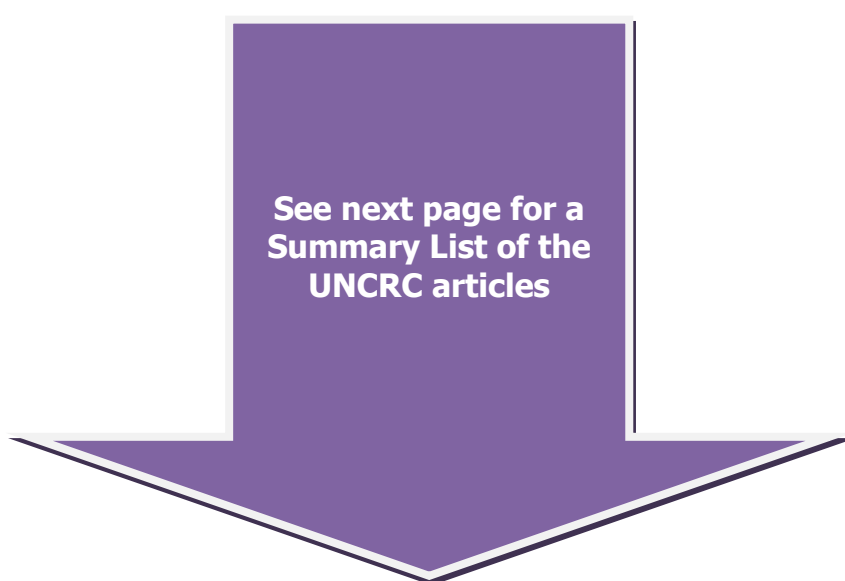
No

Please give any details:

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Monitoring & Review

Do we need to monitor / review the proposal?	Yes
If applicable: set the review date	August 2015



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.



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

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 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.

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/