



Children’s Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Consultation on ‘Nation of Sanctuary: Refugee and Asylum Seeker plan’
Related SF / LF number (if applicable)	MA-P-JJ-0966-18
Name of Official:	John Davies
Department:	Equality Team – Equality and Prosperity Division
Date:	March 2018
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 CRIAs undertaken on legislation must be published alongside the relevant piece of work on the WG website. All other CRIAs must be listed in the WG CRIA newsletter and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

Six Steps to Due Regard



The Welsh Government's Nation of Sanctuary: Refugee and Asylum Seeker plan will replace the 'Refugee and Asylum Seeker Delivery Plan' (March 2016).

In conjunction with colleagues across Welsh Government, the actions within the plan have been derived to address known and continuing issues experienced by refugees and asylum seekers in Wales.

The new proposals aim to tackle inequalities and poverty experienced by these communities and to support them to more readily and easily access help, advice, resources and mainstream services. The proposals will affect refugees and asylum seekers to varying degrees. Each action specifies whether it applies to refugees or asylum seekers, or both. Children and young people are likely to be directly and indirectly affected by these proposals.

The consultation period is intended to commence late March with a view to publication of the final proposals in Autumn 2018.

Step 2. Analysing the impact

This consultation proposes a replacement of the existing 'Refugee and Asylum Seeker Delivery Plan' (2016). It will act as the underpinning document outlining Welsh Government plans to work in partnership with stakeholders to adopt a collaborative and co-ordinated approach to improving access to help, advice and services for refugees and asylum seekers across Wales (including children and young people).

It is intended that all actions aim to generate a positive effect on these communities so that over time, they will learn to recognise and grow in confidence to utilise the help, guidance and services available to them. Consequently, this will help them to better integrate into society and which will ultimately alleviate negative outcomes and relationships between themselves and the wider community.

The proposals will help to ensure the best interests of refugee or asylum seeker children and young people are of primary consideration. For example, there are a number of actions which will relate to specific support for young refugees and asylum seekers, particularly in relation to education, advice, advocacy and safeguarding. There are no

negative impacts as a result of the proposals.

Welsh Government has co-produced this plan with key stakeholders and refugees and asylum seekers and this will continue throughout the consultation period. The success of the proposals will be assessed through ongoing dialogue with key stakeholders, through improved data capture and analysis (as outlined in the plan) and regular cross-government monitoring. The document contains a range of measurable actions but attempts will be made to find more specific and measurable outcomes throughout the consultation period.

Due to the small size of the refugee and asylum seeker populations it is difficult to accurately develop an outcomes framework. However, the Welsh Government will monitor performance against these actions and establish an evidence group to seek better quantitative or qualitative data available throughout the plan period.

Children and young people from these communities will be directly consulted as part of the consultation process for the draft proposals, in conjunction with our Welsh Government funded Asylum Rights Programme ('ARP'). A child friendly version of the consultation document will not be produced, however, an alternative delivery method for consulting with refugees and asylum seekers, including children and young people, will be undertaken. Due to the additional communication barriers caused by low English language proficiency and lack of trust in Government institutions, face-to-face discussions are considered to be preferable to ensure understanding of these proposals.

Some consultation with unaccompanied asylum seeking children has already taken place in respect of work funded by the former Cabinet Secretary for Communities and Children. The WSMP has conducted two focus groups with UASC to understand more about their views, wishes and feelings to help guide future work at the national level. A report will be produced and will feed in to the consultation process for this Plan.

Discussions are on-going regarding the ideal format for producing an accessible final document following consultation. A specific consultation question is to be included in the consultation about the most appropriate and beneficial way of communicating with refugees and asylum seekers, including children and young people.

The Social Services and Well-being (Wales) Act 2014 includes at section 7 the enshrinement of the UNCRC. This means that all people exercising functions under the Act have to give due regard to the UNCRC in all that they do.

The proposals are supportive of the 5 key objectives for tackling child poverty and improving outcomes of low income families.

The Welsh Government funded ARP will support those within these communities who are living in poverty with access to advice, guidance and advocacy.

The Families First programme, the Flying Start initiative, improving educational support, promoting essential skills and the actions to improve health care access will not only help to reduce the number of families living in workless households but will also increase the skills of parents and young people living in low-income households. They will also assist in reducing inequalities which exist in health, education and economic outcomes of children and families by improving the outcomes of the poorest communities.

Ensuring the new 'Employability Delivery plan' considers the specific needs of refugees to

help community members into work and sustain jobs and promoting awareness of apprenticeship opportunities amongst refugees, will enable increased employment and learning opportunities which will help to create a strong economy and labour market which supports the tackling poverty agenda and reduces in-work poverty in Wales.

As a result, the proposals in this document should have a positive contribution to reducing child poverty in Wales.

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

The focus of the proposals will support children and young peoples' rights and build on the foundations of a range of other Welsh Government Programmes designed to support children and young people including for example, Flying Start, education, the Apprenticeships programme, employment programmes and broadening the appeal of the Welsh Government as an employer.

Consideration has been given to the rights of the child enshrined in the UNCRC and we believe the proposals have the potential to positively support a number of the UNCRC articles, including:

Articles 1-6: The Welsh Government observes these articles in taking forward the policy proposals.

The actions in the plan will ensure that refugees and asylum seekers, including children and young people are aware of their rights, entitlements and responsibilities. Ultimately, both adults and children in the community could have much better life chances which will lead to them surviving and developing more healthily.

Articles 8-10, 20-21 and 25: Although the Welsh Government has no responsibility for refugee family reunification, the plan includes actions aiming to improve Welsh social services' departments' ability to cater for the needs of refugee and asylum seeking children.

Articles 12-13 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.

The Welsh Government funded 'ARP' will assist in the realisation of the above linked Articles as it will ensure that children and young people from refugee or asylum seeking backgrounds are aware of the Convention and their rights and will encourage them to participate and contribute to the matters which closely affect them. More specifically, they will be notified of the consultation events and will be encouraged to attend and contribute.

Article 17: The plan includes actions to ensure refugees and asylum seekers have better access to information through the 'Welcome to Wales' website and are supported to ensure more balanced media reporting through the ARP.

Articles 18 & 27 (linked) - 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.

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.

A number of actions will help to ensure that children and young people have an adequate standard of living to support health development. Some examples include improving access to good quality accommodation; also there is focus on employability support for refugees which will enable young people, particularly those with dependent children to gain employment. Overall, this will help to lift families out of poverty and help them to lead healthier lifestyles. Responsibility for providing financial support to asylum seekers rests with the UK Government.

Article 19 – (Protection from violence, abuse and neglect) – the Welsh Government has in place a Hate Crime Action Plan and it's Strategic Equality Plan has a focus on hate crime and other forms of abuse. The plan seeks to ensure children from these backgrounds are safeguarded properly.

Article 22 – (refugee children) – This plan seeks to ensure these children are provided with appropriate protection and assistance.

Article 24 – Children having the right to good quality health care – by focussing on early years, the proposals will help to improve children's life chances by preventing problems rather than tackling them after they have happened.

Article 28 & 29

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.

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.

There are a number of actions contained within the proposals will support both adult, children and young people's learning and development which will assist in achieving the overarching aim ensuring refugees and asylum seekers can reach their full potential.

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.

The Actions aim to encourage greater community cohesion and inclusion which will in turn generate a stronger approach in relation to this particular Article. The plan supports refugees and asylum seekers to become 'Sanctuary Speakers' to educate others about their experiences, volunteer, and participate in art and cultural activities.

Article 31

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

There are numerous proposals to support this right. These range from increasing take up rates of the Foundation Phase early education entitlement by families, and supporting engagement in Flying Start Programmes.

Article 34-36 – (exploitation) – the plan contains actions to protect survivors of abuse, to prevent abuse and to safeguard the welfare of these young people.

Article 39 – (recovery from trauma) – the plan contains actions to ensure Welsh health boards and social services are equipped to support young people who have experienced trauma and are seeking to reintegrate into society.

Articles 41 and 42 – relate to existing statutory provision and promotion of the Convention which the Welsh Government will continue to work towards in respect of these policy proposals.

In developing and finalising the Welsh Government's Nation of Sanctuary: refugee and asylum seeker plan, officials will continue to be mindful of the need to ensure that, as far as possible, it supports the UNCRC.

Step 4. Advising the Minister and Ministerial decision

The Children's Rights Impact Assessment has been developed to ensure due regard is given to Children's Rights when a Ministerial decision is made about the draft proposals in the Welsh Government's Nation of Sanctuary: Refugee and Asylum Seeker plan .

The Leader of the House has been provided with advice, which explains the need for the refreshed proposals.

The Leader of the House had been advised that there were no perceived negative impacts on Children's rights as a result of the creation of these proposals.

Step 5. Recording and communicating the outcome

Final version to be retained on i-share

This Children's Rights Impact Assessment (CRIA) is stored on the Welsh Government's record management system in iShare, and published on the Welsh Government website for public access and to assist the National Assembly with its scrutiny role.

The CRIA will be revisited as the proposals evolve and in line with routine monitoring practices and at the start of the next Assembly term.

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

The CRIA will be revisited as the proposals evolve and in line with routine monitoring practices and at the start of the next Assembly term.

Budgets

Does the piece of work have any associated allocation of budget?

Yes – see below

Can you identify how much of this budget will be used for children and young people?

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.

Has any additional spend been identified to ensure children and young people have been given an opportunity to contribute to the piece of work and have their opinions heard? If so, how much?

Please give any details:

The proposals and commitments will be met within existing budgets. Only small amounts of the budget is devoted exclusively to children and young people (through the Asylum Rights Programme), though they are expected to benefit.

Monitoring & Review

Do we need to monitor / review the proposal?	Yes
If applicable: set the review date	Informal reviews annually from the date of publication. Formal review at start of next Assembly term.

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.



**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 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.

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/

