

# The Childhood Policy Landscape in Wales

---

A case study

Professor Steve Smith  
November 2019

# Contents

1.0	Introduction	3
2.0	Major factors driving policymaking and outcomes relating to children in Wales	4
2.1	Political	4
2.2	Economic	4
2.3	Socio-cultural	4
3.0	Overview of the key policy initiatives relating to children in Wales	5
3.1	Wales Children’s Commissioner	5
3.2	‘The Measure’ (Wales)	5
3.3	The Donaldson Review	5
3.4	The Well-Being Acts	6
3.5	The Welsh Government Child Poverty Strategy	6
4.0	Key themes and trends in policymaking concerning children in Wales	7
4.1	Promoting universal children’s rights	7
4.2	Addressing material inequalities	7
4.3	Enhancing well-being	8
4.4	Mismatches between policy intentions and practice	8
4.5	Addressing conflict and tensions in Welsh policy-making goals	9
5.0	Reflections on future directions	10
6.0	Conclusion	12

## Chronology

### Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

# 1.0 Introduction

The following case-study identifies and explores various issues which have affected the Welsh policy landscape for children, mainly focussing on the period since devolution in 1998, and the subsequent establishment of the Welsh Government (WG) and the National Assembly for Wales (NAW). Major factors driving policymaking and outcomes relating to children policy have been identified under three main headings, political, economic, and socio-cultural. Through these wide lenses, significant policy initiatives, as captured in the policy chronologies, have been identified and discussed, highlighting the ways in which Wales is developing distinctive policies within the UK. These initiatives include, for example, the focus on promoting universal children's rights underpinned by the United Nations Convention on the Rights of the Child (UNCRC); the implementation of extensive reforms of the school curriculum and assessment regimes; the enactment of wide-ranging legislation designed to enhance well-being of Welsh citizens including children; and the on-going application of a WG child poverty strategy to tackle material and other inequalities across Wales. It is via these policy initiatives, that overarching themes and constraints on policy goals and objectives are also identified and explored. These concern for example, identifying potential mismatches between WG policy intention and practice, highlighting conflicts and tensions within and between WG policy goals, and identifying data/research gaps for informing policy development. Finally, in the light of this analysis, the case-study identifies broad areas of reflection concerning the future direction of childhood policy in Wales, concerning, for example, the increasingly complex relationship emerging between the 'rights' of children as distinct from 'duties' to children, and the subsequent distinction and overlap between defining children as citizens, and adults as citizens.

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

# 2.0

## Major factors driving policymaking and outcomes relating to children in Wales

### 2.1 Political

Since the Government of Wales Act 1998 established the National Assembly of Wales (following the affirmative referendum in 1997), with further devolution Acts and powers devolved in 2006, 2011, 2014, and 2017 – increasing powers have been afforded to the Welsh Government (WG) and the National Assembly for Wales (NAW). These powers operate across twenty policy areas each affecting children in Wales – including education and training, health, housing, local government, social welfare, culture, economic development, and the environment<sup>1</sup>. Subsequently, there is increasing divergence in Welsh policy-making, notably compared with England<sup>2</sup>, than prior to devolution when English and Welsh legislation was standardly devised and implemented in tandem; the political orientation of successive Welsh Governments have been left/centre-left which has sometimes aligned with wider UK/English Government orientations, but often has not, so reinforcing this policy divergence (and explored in (2), (3), and (4) below).

### 2.2 Economic

Over the past 30-40 years, Wales has experienced a severe decline in heavy industry, leading to radical economic restructuring. Many parts of Wales are still recovering from and adapting to this decline, impacting children living in areas most affected; since the 2007/8 financial crisis, and combined with UK Government's austerity measures, there have been year-on-year reductions in public expenditure. These measures have particularly impacted Welsh local authority provision, including those affecting children. Some financial protection has been implemented by the WG for education budgets, but other services have not been protected, with many of the resulting reductions in services directly affecting children and young people.

### 2.3 Socio-cultural

Alongside other parts of the UK, urban areas in Wales are becoming increasingly diverse ethnically. Moreover, other forms of diversity, reflecting, for example, sexuality, gender assignment, disability, and family composition, have influenced the Welsh policy landscape; understandings of Welsh National identity have also driven policymaking and outcomes for children, for example, the promotion of Welsh language in schools. Nevertheless, it must be recognised that some areas are more predominantly Welsh-speaking than others – notably, North and West Wales, compared with South and East Wales.

<sup>1</sup> <https://www.gov.uk/guidance/devolution-settlement-wales>

<sup>2</sup> This divergence is not necessarily repeated across the whole of the UK. For example, the Welsh initiative to ensure WG Ministers have 'due regard' to the United Nations Convention on the Rights of the Child (UNCRC) has been similarly implemented in Scotland, but not in England.

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

# 3.0 Overview of the key<sup>3</sup> policy initiatives relating to children in Wales<sup>4</sup>

## 3.1 Wales Children's Commissioner

Following the child abuse scandals within Welsh residential accommodations in the late 1990s, in 2001 the Commissioner's role was established as a first in the UK. The aim of the role is broadly two-fold: (i) to raise the public profile of children's rights, and (ii) to scrutinise decisions by public bodies, concerning how children's rights are upheld and promoted. A key policy initiative instigated via this role has been to publish a three-year plan, outlining what the Commissioner (and her team) will be focussing on to improve children's lives. The current plan has been developed from existing evidence about children's access to their rights, and in consultation with over 10,000 Welsh children and adults<sup>5</sup>.

## 3.2 'The Measure' (Wales)

In 2011 The Rights of Children and Young Persons (Wales) Measure established a duty on WG Ministers to have 'due regard' for the UNCRC when exercising their functions<sup>6</sup>. 'The Measure' was also a first in the UK, underpinning the work of the Children's Commissioner, and in 2017 this duty was extended to local authorities. A key policy initiative from 'the Measure' instigated by the WG is the 'Programme for Children and Young People' which tries to 'pull together the many pieces of legislation and policies ... across the Programme for Government to support our children and young people.'<sup>7</sup>

## 3.3 The Donaldson Review

In March 2014 Professor Graham Donaldson was invited by the Welsh Minister for Education and Skills, to conduct a review of the school curriculum and assessments arrangements. After public consultations (including with school children), the review was published in February 2015, recommending a radical overhaul of the existing system. To be implemented fully in 2022, this overhaul includes scrapping 'key stage' tests, having no formal exams before GCSEs, increasing informal and pupil/child-centred assessments, explicitly promoting children's health and well-being, and focussing on pupils becoming 'ethically informed citizens.'<sup>8</sup> A key policy initiative from this review has been the publication of detailed guidance for senior and middle school leaders, regarding how to implement the review's recommendations, including strategies for managing the new assessment regime.<sup>9</sup>

3 There is another major policy initiative – the Welsh Government's 2019 Youth Work Strategy for Wales. The strategy targets 11-25-year-olds and so at the upper-age limit is outside of the BA study's remit. Nevertheless, it impacts children living in Wales and is therefore noted here as an aspect of developing children policy, albeit extending into early adulthood. (<https://gov.wales/sites/default/files/publications/2019-06/youth-work-strategy-for-wales.pdf>). <https://www.crimeandjustice.org.uk/resources/children-first-offenders-second>

4 Section (2) focuses primarily on the period since devolution in 1998. It is presented chronologically, without implying order of importance.

5 <https://www.childcomwales.org.uk/about-us/>

6 <http://www.legislation.gov.uk/mwa/2011/2/contents>

7 <https://gov.wales/sites/default/files/publications/2019-06/seven-core-aims-for-children-and-young-people.pdf>

8 <https://seneddresearch.blog/2015/03/17/donaldson-review-the-purposes-and-content-of-a-curriculum-for-wales/>

9 [https://cdn.oxfordowl.co.uk/2018/11/01/11/28/11/594/bp\\_welsh\\_curriculum\\_change.pdf](https://cdn.oxfordowl.co.uk/2018/11/01/11/28/11/594/bp_welsh_curriculum_change.pdf)

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

### 3.4 The Well-being Act

The Social Services and Well-Being (Wales) Act 2014, and The Well-Being of Future Generations (Wales) Act 2015, set policy goals to enhance the well-being of Welsh citizens, including children. Both Acts emphasise multi-agency working, coordinating policy around overarching goals, and governance for public bodies to work cooperatively rather than separately. They also emphasise the importance of working co-productively with service-users, including children, ensuring diverse public opinions are ‘heard’ when developing and implementing policy<sup>10</sup>. A key policy initiative from these Acts has been to set-up Public Service Boards (PSBs) designed to improve joint-working across local authority areas in Wales, notably between Local Government authorities and Health Services.<sup>11</sup>

### 3.5 The Welsh Government Child Poverty Strategy

In 2015 the WG revised its Strategy on Child Poverty, from its 2011 strategy. Again, reinforcing the differences between Welsh Government and UK/English children policy, the revised strategy re-affirms that Children’s rights is central to its approach. The 2015 strategy also repeats the 2011 goal to eliminate child poverty by 2020, by decreasing workless households and in-work poverty, enhancing skills, reducing inequalities in health, income, and education, and supporting job creation and economic growth. Like the Well-Being Acts, it also calls for inter-departmental/agency cooperation<sup>12</sup>. A key policy initiative from this strategy is to target early years (specifically the first 1,000 days of a child’s life) to address what is called the ‘poverty cycle’, and ‘through a focus on reducing Adverse Childhood Experiences.’<sup>13</sup>

<sup>10</sup> [http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf);  
<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>

<sup>11</sup> <https://gov.wales/public-services-boards>

<sup>12</sup> <https://gov.wales/sites/default/files/publications/2019-06/child-poverty-strategy-for-wales-report.pdf>

<sup>13</sup> <https://gov.wales/sites/default/files/publications/2019-06/child-poverty-strategy-2016-progress-report.pdf>

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

# 4.0

## Key themes and trends in policymaking concerning children in Wales

### 4.1 Promoting universal children's rights

The Wales Children's Commissioner and the 2011 'Measure' promote universal children's rights enshrined in the UNCRC. These rights cover a range of government and other duties, to ensure that: (i) all children's well-being is protected and enhanced, and (ii) that children's opinions are 'heard' when decisions are being made which affect their lives<sup>14</sup>. This promotion of universal children rights (so effectively treating all children as 'separate persons' with certain 'entitlements' - and see (4) below), arguably contrasts with England's commissioner for Children who has instead recommended targeting vulnerable children, assuming that most other children in England are 'doing well'.<sup>15</sup>

Certainly, the interests of vulnerable children can be protected through upholding universal children's rights, so this distinction between Welsh and English policies could be seen as a matter of emphasis only<sup>16</sup>. However, the WG's aspiration to uphold *universal* children's rights is very different in principle, from *selecting* vulnerable children who are then targeted for intervention. This principled difference will likely have profound implications for how future policy is developed and implemented, potentially reinforcing the divergence in policymaking across the UK (and see (4) below).

### 4.2 Addressing material inequalities

Reflecting its left/centre-left political orientations outlined in (1) above, it is unsurprising that material inequalities are addressed explicitly in WG policy. Material inequalities are seen by the WG as underpinning many other inequalities children experience relating, for example, to education and employment opportunities, social exclusion, health and well-being<sup>17</sup>. It is also important to highlight that the 'protected characteristics' of the UK Equality Act (2010) does *not* include material inequalities as a key equality concept<sup>18</sup>. Although Section 1 of the Act does include a duty toward socio-economic inequalities, successive UK Conservative Governments have not activated it, despite political pressure to do so. Subsequently, the WG focus on addressing material inequalities will likely reinforce the divergence between Wales policymaking and UK-wide legislation, and especially perhaps between Welsh and English legislation.

14 <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

15 <https://www.childrenscommissioner.gov.uk/publication/2017-2018-year-in-review/>

16 It is important to note that while the initial setting-up of the Children's Commissioner for England in 2004 did not include promoting children's rights as part of this role's brief, promoting children's rights was added during the 2010-2015 UK Coalition Government. However, the UNCRC has not been formally incorporated into English legislation as it has in Wales; and as already highlighted (and to be explored further below), focussing on universal children's rights versus targeting vulnerable children can be said to be based on very different claims about children and how the state defines and frames 'childhood' and 'children'.

17 <https://gov.wales/sites/default/files/publications/2019-06/child-poverty-strategy-for-wales-report.pdf>

18 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

### 4.3 Enhancing well-being

Given the two Well-Being Acts in Wales outlined in (2), enhancing well-being has become a key criterion for evaluating WG policy, including children policy. Internationally, there has been growing discontent at the adequacy of using Gross Domestic Product (GDP), as a measurement of ‘social and economic progress’, with the ‘prosperity’ of nations being viewed as better measured in terms of well-being enhancement. This discontent is shared across a range of political positions<sup>19</sup> and has been unambiguously endorsed by the WG, which, in turn, has had a profound effect on the development of children policy. For example, enhancing well-being is a key policy goal recommended by the Donaldson review, outlined in (2), and has been fully endorsed by the WG<sup>20</sup>.

*However, there are two additional themes to Welsh policymaking which put constraints on the above policy trends.*

### 4.4 Mismatches between policy intentions and practice

Despite WG aspirations to eliminate child poverty by 2020, levels of material deprivation and inequalities have remained high for several Welsh urban and rural locations, and even show signs of increase<sup>21</sup>. In this context it should also be recognised that non-devolved changes in legislation, such as those relating to UK social security policy, is likely to be having a detrimental effect on tackling poverty in Wales.

In addition, the Wales Children’s Commissioner in her July 2019 report highlighted areas of concern, where the WG shows: ‘No evidence of policy or practice changes since the recommendations were made in 2015-16, and no improvement in children’s experiences.’ These areas include young people’s participation in curriculum reform post-Donaldson, the design and delivery of social care, support for British Sign Language, access to health advocacy, childcare provision, and meeting complex needs in residential services for children with mental illness<sup>22</sup>.

The Wales Observatory on Human Rights of Children and Young People (University of Swansea), in its 2018 report to the Equality and Human Rights Commission, found that the 2011 Measure, while providing new opportunities for policy advocacy, its implementation – regarding Children’s Rights Impact Assessments (CRIAs) – had been ‘patchy and inconsistent’<sup>23</sup>.

Some of the above mismatches between policy intention and practice reflect ‘gaps’ in data (and other research) concerning the experience of Welsh citizens, including children. For

19 For example, in November 2010, Prime Minister David Cameron, then heading the UK centre-right Coalition Government, declared his dissatisfaction with using GDP as a sole indicator of social and economic progress <https://www.gov.uk/government/news/britains-wellbeing-to-be-measured>. He subsequently charged the Office of National Statistics (ONS) with the responsibility of developing non-economic well-being measurements for social progress.

20 <https://seneddresearch.blog/2015/03/17/donaldson-review-the-purposes-and-content-of-a-curriculum-for-wales/>

21 <https://www.bbc.co.uk/news/uk-wales-48259327>; <https://www.jrf.org.uk/blog/how-can-devolution-loosen-hold-child-poverty-wales>

22 <https://www.childcomwales.org.uk/wp-content/uploads/2019/07/Quarterly-Update-on-Annual-Report-Recommendations-July-2019.pdf>

23 [https://www.equalityhumanrights.com/sites/default/files/the\\_impact\\_of\\_legal\\_integration\\_of\\_the\\_un\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child\\_in\\_wales\\_eng.pdf](https://www.equalityhumanrights.com/sites/default/files/the_impact_of_legal_integration_of_the_un_convention_on_the_rights_of_the_child_in_wales_eng.pdf)



## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

example, see the Wales Institute for Social and Economic Research Data and methods (WISERD) review of children’s rights <sup>24</sup>.

Finally, it is unclear how exactly Brexit will impact on Welsh children and policy, and whether it will exacerbate or alleviate these mismatches between policy intention and practice. Either way, it will likely impact the direction of future policy for children <sup>25</sup>.

### 4.5 Addressing conflict and tensions in Welsh policy-making goals

Concerning Children’s rights, the UNCRC, in its Preamble states that “the family [is the] the natural environment for the growth and well-being of all its members and particularly children” <sup>26</sup>. However, it has been well-evidenced and discussed – most notably, within sociology and political philosophy <sup>27</sup> – that ‘the family’ is also a key transmitter of inequalities, both material and cultural. Therefore, committing to the UNCRC and to reducing inequalities will likely lead to conflicts and tensions in policy-making goals. This does not, though, mean that WG policies are incoherent. Rather, that there is a need for policymakers to more explicitly address these conflicts and tensions, often requiring ‘balances’ or ‘trade-offs’ between what inevitably arise as conflicting policy goals.

These conflicts and tensions also occur when promoting well-being as a policy goal <sup>28</sup>. Understandings of well-being can be roughly divided into two camps – *subjective* understandings of well-being, referring to individual perceptions, feelings, and evaluations; and *objective* understandings of well-being, referring to *outside* criteria (i.e. outside of subjective understandings), such as health indicators, educational achievement, and employment opportunities. Sometimes these conceptions of well-being are not in conflict. For example, what a person subjectively perceives, feels, and evaluates as enhancing her well-being may be consistent with objective understandings of well-being concerning her health choices, educational achievements, and employment opportunities. However, at other times these conceptions of well-being are in conflict, especially perhaps when considering children. For example, what a child subjectively perceives, feels, and evaluates as conducive to her well-being enhancement (often articulated when exercising her ‘right to be heard’) can conflict with objective understandings of her well-being, as related to her health, education and future employment (often articulated by adults protecting what would be seen as her long-term interests). Subsequently, promoting subjective and objective understandings of well-being again often require ‘balances’ or ‘trade-offs’ between what inevitably arise as conflicting policy goals and aspirations.

24 [https://www.childcomwales.org.uk/wp-content/uploads/2019/06/EvidenceReview\\_ENG\\_060619.pdf](https://www.childcomwales.org.uk/wp-content/uploads/2019/06/EvidenceReview_ENG_060619.pdf)

25 <http://www.childreninwales.org.uk/our-work/brexit-childrens-rights-wales/>

26 [https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC\\_united\\_nations\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child.pdf?\\_ga=2.100070297.641440722.1565775602-978374453.1565365604](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.100070297.641440722.1565775602-978374453.1565365604)

27 For a clear and insightful summary and analysis of this evidence and the ensuing debates, see G. Calder (2016) *How Inequalities Run in Families: Unfair Advantage and the Limits of Social Mobility* (Bristol: Policy Press).

28 [http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf); (<http://www.legislation.gov.uk/anaw/2015/2/contents/enacted>)

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

# 5.0 Reflections on the future direction of childhood policymaking in Wales

Following from (1)-(3), ‘childhood’ (and correspondingly ‘adulthood’) is being defined – both legally and socially – in increasingly complex ways. These complexities, combined with the devolution of powers leading to diverging policies between Wales and other parts of the UK, will impact the future direction of Welsh childhood policy-making, notably concerning: (i) the rights of children as distinct from duties to children, and (ii) ‘children’ being defined as ‘citizens’ versus ‘adults’ being defined as ‘citizens.’

### ‘Rights’ of children as distinct from ‘duties’ to children

It is likely that the future direction of childhood policymaking in Wales will reflect an increasingly complex relationship between the rights *of* and the duties *to* children. Roughly speaking, rights reflect a child’s *entitlements* to have and do certain things, whereas duties reflect *obligations* on other bodies (both state and non-state institutions) and other persons (notably responsible adults) to protect the ‘interests’ of children. Following this distinction, it is also important to acknowledge that the state plays a significant role in articulating and defining these rights and duties. Regarding the future direction of childhood policymaking in Wales, this role and the subsequent distinction between rights and duties, is reflected in, for example, the way rights of children to make choices and express their views are being increasingly emphasised and articulated in WG policy. While at the same time, Welsh safeguarding legislation and practices is becoming increasingly complex and detailed concerning adults’ engagements with children (including their parents), reflecting both institutional and individual adult duties *to* children. However, emphasising and articulating duties *to* children do not *necessarily* entail emphasising and articulating the rights of children. For example, the rights of children to have and do certain things may be curtailed, or even overridden, by a duty on adults to ensure children are kept safe.

Similarly, the rights of adults (such as parents) to do certain things in relation to children may be curtailed, or even overridden, by a wider duty to protect children from what is publicly defined as ‘abuse’. Regarding the latter, the right of a child to be protected from physical chastisement will curtail, and even override, the rights of parents to discipline their children in ways they see fit. This complex interface between rights and duties, in turn, will likely lead to controversies concerning the future direction of Welsh policy. For example, a WG Bill is presently being discussed and reported on in NAW, intending to remove ‘reasonable punishment of a child’ as a defence in prosecutions of parental chastisement – amounting to, what the Welsh media has dubbed, a ‘smacking ban’. (<http://www.assembly.wales/laid%20documents/cr-ld12709/cr-ld12709-e.pdf>). And see <https://www.capital-law.co.uk/news/2019/09/18/wales-to-ban-smacking-children/><sup>29</sup>

<sup>29</sup> <http://www.assembly.wales/laid%20documents/cr-ld12709/cr-ld12709-e.pdf>; <https://www.capital-law.co.uk/news/2019/09/18/wales-to-ban-smacking-children/>. If this Bill is passed it will also follow recent developments in Scotland as, on the 3rd October 2019, The Scottish Parliament voted for similar legislation to be enacted.

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

### ‘Children as citizens’ versus ‘adults as citizens’

There is also a complex relationship between defining children as ‘citizens’ and defining adults as ‘citizens.’ So, there are times when these understandings of citizenship overlap and so are less distinct. Indeed, the future direction of childhood policymaking in Wales, in many ways, is increasingly viewing children as sharing similar citizenship rights to adults, conceptualising children as ‘separate persons’ who act as ‘agents with valid opinions and plans’, and akin to how adult citizens are viewed. For example, including children in consultation processes, and in co-production policies and practices, will likely become more imbedded within childhood policymaking in Wales, mirroring similar trends in adult policymaking.

However, there are other times when distinctions between children as ‘citizens’ and adults as ‘citizens’ are becoming increasingly marked in Welsh policymaking. In addition, these distinctions in childhood and adult citizenship also have a bearing on those policy areas which are not strictly related to devolved powers, nevertheless are influenced by a particularly ‘Welsh-way’ of policymaking. For example, according to the Centre for Crime and Justice Studies (University of Swansea), although youth justice is not devolved to the WG, ‘many of those agencies and staff employed within the Youth Justice System operate within areas of ‘devolved competence’ ... coupled with a mind-set that policy in Wales should reflect ... a process termed the ‘Dragonisation of Youth Justice’. This ‘dragonisation’ of youth justice contrasts with a more UK-wide offence and offender-based policy which is more likely to ‘responsibilise’ children in a *similar* way to adult citizens. Alternatively, official youth justice policy in Wales states that the approach to children who conflict with the law should be based on a principle of ‘children first, offenders second’. Thereby, the child is effectively *de*-responsibilised in relation to a crime committed, where the youth justice response is primarily ‘to the child, (not the offence, or child as an offender).’ This policy trend concerning children in Wales contrasts with how *adult* citizens are viewed and treated within the CJS.

Finally, concerning the above distinctions between children as ‘citizens’ and adults as ‘citizens’, there is an underlying policy tension emerging in Welsh children policy (and perhaps in UK-wide legislation more generally); between defining children as *being* citizens ‘of the present’ and defining children as *becoming* citizens ‘of the future’. For example, the WG’s commitment to investing in the future of children in relation to their health, education and employment opportunities (as emphasised in the Welsh Well-Being Acts and explored in (2) and (3) above), tends to define citizenship as a future status to be attained by children. That is, as they *become* adults and are able to contribute and fully participate in the social and economic life of the community. However, as already noted, the WG also defines children as already *being* citizens ‘of the present’ possessing rights, for example, to choose and express their opinions, in the same way as adults.

30 <https://www.crimeandjustice.org.uk/resources/children-first-offenders-second>

31 The author is very grateful to Baroness Ruth Lister for highlighting this difference in the way children are defined as citizens in her comments on an earlier draft.

## Chronology

Introduction

Major factors driving policymaking and outcomes relating to children in Wales

Overview of the key policy initiatives relating to children in Wales

Key themes and trends in policymaking concerning children in Wales

Reflections on future directions

Conclusion

# 6.0 Conclusion

Devolution has had a profound effect on what is emerging as a distinctive character to children policy in Wales. The promotion of children's rights and the wider well-being agenda, combined with a focus on child poverty and educational reform, has led to various WG policy initiatives underpinning a distinct future trajectory of Welsh policy. However, there are several constraints on these WG initiatives, plus other conflicts and tensions which have subsequently emerged. Some of these constraints and tensions relate to the inherent limits of devolved powers, and that significant control of legislative processes are still vested in Westminster. However, other constraints and tensions relate more directly to WG practices which sometimes/often fall short of its policy intentions, and to tensions and conflicts within and between WG policy goals. Regarding the former, the onus is on the WG to respond to criticisms from within the Welsh policy-making community and ensure greater consistency between policy intentions and practice. Regarding the latter, it is important that all policy recommenders and analysts (both within and outside the WG) more explicitly acknowledge the conflicts and tensions which arise within and between policy goals; for example, between, the promotion of well-being and equality as related to supporting 'the family' in its various forms, the changing landscape of competing understandings of the rights and duties of/to children, and the increasingly complex overlaps and distinctions between different childhood and adulthood conceptions of citizenship.

