**Wales UNCRC Monitoring Group**



**Grŵp Monitro CCUHP Cymru**

 THEMATIC BRIEFING PAPER

 PLAY & lEISURE

An interim perspective of the extent to which law, policy and practice in Wales has progressed since the UN Committee on the Rights of the Child issued their Concluding Observations to the UK and devolved governments in 2016

*NB This paper was drafted prior to the onset of coronavirus in the UK. It has been updated to reflect the early impact that the response to Covid-19 has had on Welsh Government play policy and initiatives* **APRIL 2020**

**Context**

In 2016, the United Nations Committee on the Rights of the Child issued their Concluding Observations in respect of the UK and devolved governments progress in achieving compliance with the principles and standards as set out in the UNCRC. Informed by the State Party report and the shadow report submitted by the Wales UNCRC Monitoring Group, the Concluding Observations provide a series of actions that governments should take to advance children’s rights in their country.

The Wales UNCRC Monitoring Group produced a document combining these recommendations which can be accessed here - [**MGs Combined Report**](http://www.childreninwales.org.uk/resource/wales-uncrc-monitoring-group-combined-report-recommendations-wales/)

In advance of the next reporting round, the Wales UNCRC Monitoring Group identified a number of thematic areas and considered the extent to which law, policy and practice in Wales has progressed since 2016 in line with the UNs recommendations.

This Thematic Briefing Paper provides this in respect of **Play and Leisure**

**About the Wales UNCRC Monitoring Group**

The Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic agencies, tasked with monitoring and promoting the United Nations Convention on the Rights of the Child in Wales. The Wales UNCRC Monitoring Group was established in 2002 and is presently facilitated by Children in Wales, the national umbrella organisation. Since 2002, the Group has worked with the UN Committee on the Rights of the Child and submitted civil society reports to inform successive UK State Party Examinations, as well as developing policy responses, interim reports and contributions to activities to progress children’s rights in Wales.

Members of the Monitoring Group are representatives of, and nominated by, non-governmental organisations and academics which are as follows

Barnardo’s Cymru, Centre for Welsh Legal Affairs – Aberystwyth University, Children in Wales Children's Commissioner for Wales(observers), Equality and Human Rights Commission Wales (observers), NSPCC Wales/Cymru, Play Wales, Save the Children Wales, The Children’s Society, UNICEF

Wales Observatory on Human Rights of Children and Young People and the Welsh Local Government Association (observers)

**Acknowledgements**

The Wales UNCRC Monitoring Group would wish to acknowledge the role that **Play Wales** has played in informing and leading on the development of this thematic briefing paper, with the support of the Group.

 

**United Nations Convention on the Rights of the Child**

The United Nations Convention on the Rights of the Child (UNCRC) applies to all children and young people under 18. The aim of the UNCRC is to recognise children’s rights and ensure that children grow up in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

The UNCRC is the most widely ratified human rights treaty in the world and applies to every child and young person without exception.There are 54 articles that cover all aspects of a child’s life, setting out the civil, political, economic, social and cultural rights that all children in the world are entitled to.

In 2019, the UNCRC celebrated its 30th Anniversary. Since 1991, when the treaty came into force across the UK, every child has been entitled to a series of specific rights. These include:

* the right to life, survival and development
* the right to have a say in decisions and have their opinions taken into account
* the right to have their best interests considered at all times
* the right to receive information, to have privacy and a name and nationality
* the right to be properly cared for, and protected from violence and abuse
* the right to an education, play, leisure, culture and the arts
* the right to live in a family environment and properly cared for
* the right to good quality health care and be protected from harmful work
* special protection for refugee children, disabled children, children in the juvenile justice system, children deprived of their liberty and children suffering exploitation and harm.

**Play & Leisure**

Article 31 states that ‘Every child has the right to relax, play and take part in a wide range of cultural and artistic activities’ [(Summary of the UNCRC)](https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_summary-1.pdf?_ga=2.247881092.2070518808.1521630968-2002080246.1521630968)

The full text of Article 31 is

*1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*

*2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.* [*(Full text of the UNCRC)*](https://www.ohchr.org/en/professionalinterest/pages/crc.aspx)

Periodically, the UN Committee on the Rights of the Child will issue additional guidance to support Governments fulfil their obligations and enhance their understanding of particular Articles of the Convention. These are known as General Comments. In 2013, the Committee adopted [General Comment 17](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f17&Lang=en) in support of Article 31 underlining the importance of play and recreation in the lives of all children and young people for enhanced well-being and development.

For further information and resources on the Right to play, see [Play Wales](http://www.playwales.org.uk/eng/rightoplay)

**Recommendations (2016)**

|  |  |  |
| --- | --- | --- |
| **Concluding Observations** **May 2016** | **Wales UNCRC Monitoring Group Recommendations March 2016** | **List of Issues report to UN Committee (UK)** **April 2016** |
| (73) The Committee welcomes the initiative of the government of Wales to adopt a play policy and integrate children’s right to play systematically in relevant legislation and other relevant policies. However, the Committee is concerned about: (a) The withdrawal of a play and leisure policy in England, and underfunding of play and leisure policies in Northern Ireland, Scotland and Wales; (b) Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalized and disadvantaged situations, and public space for adolescents to socialize1. With reference to its general comment No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party, including the governments of devolved administrations:

(a) Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources; (b) Provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialization and public transport to access such spaces;(c) Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at community, local and national levels. | * Identify a mechanism to ensure that any additional money allocated to local authorities for children’s play is distributed in a timely and considered fashion which enables a strategic response to an identified need (through the play sufficiency assessments) rather than a rushed one
* Support continued research, in particular, research on how local authorities implement approaches to securing sufficient play opportunities
* Consider the negative effects of selling school grounds and the reported lack of consultation, in relation to decreasing children’s opportunities for active play and consequent negative effects on children’s health
* Contribute to the long term sustainability of NGO’s, such as Play Wales, in order that it may make best use of external expertise when developing policies or programmes intended to support or promote children’s play
 | The UK State Party and devolved governments should coordinate and implement efforts to further Article 31 in a consistent and integrated way with adequate resources and regular monitoring, in accordance with General Comment 17. Resources should be focused on ensuring vulnerable groups, including disabled children, children living on traveller sites, and children living in more deprived areas have access to safe and inclusive play, leisure and cultural activities *(echoes Children’s Commissioners)*. Governments should listen to the recommendations of children in Wales and act to ban smoking around playgrounds in public parks and to eliminate dog fouling in public spaces where children play. In England, policy and strategy for children’s play and recreation should be reinstated as a ministerial responsibility. In England and Scotland, sufficient provision for play should be made a statutory duty for local authorities. In Wales, where a statutory play sufficiency duty is in place, the Welsh Government should identify a mechanism to ensure strategic rather than *ad hoc* use of funding, continuing to use expert NGO support, and effective evaluation of implementation. Welsh Government should investigate and re-assess the basis of decisions to sell off school grounds, ensuring due weight is given to the rights and views of children  |

**To what extent have the various recommendations been addressed?**

**Resourcing the right to play**

In 2010, Wales became the first country in the world to legislate for play through theChildren and Families (Wales) Measure 2010. Section 11 of the Measure places a duty on local authorities to assess and secure sufficient play opportunities for children in their area.

The **Play Sufficiency Duty**, as it has come to be known, is part of the Welsh Government's anti-poverty agenda which recognises that children can have a poverty of experience, opportunity and aspiration, and that this kind of poverty can affect children from all social, cultural and economic backgrounds across Wales. The Welsh Government defines sufficiency, in relation to play opportunities, as the quantity and quality of opportunities for children to play.

The Play Sufficiency Duty was introduced in two parts. The first part, which requires local authorities to assess the sufficiency of play opportunities for children in their areas every three years, was commenced in November 2012. The second part, which requires local authorities to secure sufficient play opportunities for children in their areas, as far is reasonable and practical, was commenced in July 2014.

Despite the right to play being law in Wales and the growing recognition of its importance, play services for children remain vulnerable to budget cuts[[1]](#footnote-1), with children’s organisations reporting that access to suitable funding has reduced significantly. When finance is tight, there can be a tendency for funders to seek evidence of deferred outcomes obtained through playing, such as reduction of adverse childhood experiences or childhood obesity. Whilst the motivation behind such programmes is well placed, there is also a need to recognise the intrinsic value of play for the immediate benefits it brings children, such as enjoyment and pleasure, as defined by the UNCRC through General Comment 17.

Since 2012-13, local authorities have been allocated £8.5m by Welsh Government (through underspend budget) to respond to local play sufficiency actions, though it continues to stress that a number of measures can be adopted using a cost neutral approach. Within their action plans, local authorities are considering and including actions which might be progressed should funding become available. So, although there are capacity and timing issues with short-term and one-off funding, it appears that most local authorities (if their local spending procedures allow) are equipped to respond when unexpected funds becoming available. It should be noted, however, that this is often to the detriment of long-term strategic actions.

Over the 2019 summer and October half term holidays, the Welsh Government allocated £100,000 to the **Holiday Hunger Playworks Project**pilot project to test the feasibility of tackling holiday hunger through play and community-based settings. During the pilot the funding was distributed to test different models of provision. Initial evaluation of the pilot was positive and £1,000,000 has been allocated in 2020-21 for this purpose. In March 2020, local authorities in Wales were informed by Welsh Government that the Playworks Holiday Hunger funding initiative was on hold. Due to situations related to Covid-19, local authorities were advised that all proposed activity, including planning work, under the funding stream must stop.

Play Wales, the Non-Governmental Organisation for play in Wales, has published the findings of a small-scale research project exploring perceptions of what has changed since the commencement of the Welsh Government’s Play Sufficiency Duty in 2012. The study follows on from two previous small-scale research projects, one on the first Play Sufficiency Assessment and the second as a follow up on approaches to securing Play Sufficiency.

Findings of this research[[2]](#footnote-2) note that

*‘Despite the challenges faced, there is still great enthusiasm for the Play Sufficiency Duty. People talked of new connections and breakthroughs, of play being taken seriously within the authority, and of innovative initiatives. There was a sense of a broad appreciation of the nature of children’s play and the conditions needed to support it, embracing both specific provision and opportunities for children to play and hang out in their neighbourhoods.’*

Findings from a subsequent research study are due to be published by Play Wales.

In autumn 2019, the Deputy Minister for Health and Social Services, launched a **Ministerial Play Review.** The aim of the review is to assess where Wales is with respect to play policy and to inform how Welsh Government develops and progresses the play agenda in future years. The review is considering the progress made in achieving the vision for play and whether the vision remains relevant. It also set out the steps that need to be taken to progress the play agenda to achieve the vision. The review includes a mapping process to show the current and potential relationships between the Play Sufficiency Duty and other key legislation, policies and initiatives.

The Deputy Minister intends to undertake a formal consultation regarding the findings of the Review later in 2020. In March 2020, due to the situation with COVID-19, Welsh Government decided to put the Ministerial Review of Play on hold for the short term.

**Smoke free playgrounds**

All local authorities in Wales have implemented voluntary smoking bans in their local playgrounds and all now have smoke free playgrounds. In many areas, the introduction of smoke free playgrounds arose from campaigns by local children and teenagers. Most playground signs were designed by local school children and it is often local children that spread the message about the impact that smoking in public spaces where they play has on them.

The Public Health Wales Act, passed by the Welsh Government in July 2017, includes a measure to ban smoking in public playgrounds in Wales. It will be against the law to smoke in any area designed or adapted for the use, by children, of one or more items of playground equipment.

**Consulting with children**

The Children’s Commissioner for Wales included play and leisure in her priorities for 2016-19, following Beth Nesa | What Next, the consultation with children and young people. The *Spotlight Report Article 31* (2018)[[3]](#footnote-3) presents the views of children regarding how they play, spend their free time, and take part in activities in school and their local area.

In terms of children’s right to play, participation rights can relate to Article 12, the right to have their views heard on matters that affect them, and also to Article 15, the right to freedom of association and peaceful assembly (what might also be described as playing and hanging out). In this respect, as the *Children’s Right to Play in Wales: Six years of stories and change since the commencement of the Welsh Play Sufficiency Duty* report highlights*,* the right to play becomes a matter of spatial justice and the redistribution of spatial resources in favour of children and young people. The Children’s Commissioner’s *Spotlight Report Article 31* reinforces this, noting playing and spending time outdoors, dominated discussions with children and teenagers in preparation for writing the Spotlight report. Additionally, in the 2015 *Beth Nesa?* conversation with over 7000 children, three to seven year olds told us that play was important to them and chose play as their top priority. “Better places for young people to spend time in their local area” was one of the top 3 priorities for 11-18 year olds and whilst further down the list for 7-11 year olds still featured in their top 10.[[4]](#footnote-4)

*Wales – a Play Friendly Country*, the Welsh Government statutory guidance to local authorities on assessing for and securing sufficient play opportunities, stresses the need to seek the views of children (in line with Article 12). It also expects future action plans to be informed by an analysis of the results of consulting with and involving children.

Across Wales, all local authorities undertake surveys with children asking them about:

* play provision in their areas
* how they would like their neighbourhood to be organised to provide play opportunities
* what barriers stop them from playing?

Over the years, the analysis has developed to focus on actions which address barriers, with many local authorities finding ways to work at neighbourhood level to engage with children. Local authorities across Wales gathered data from children to inform their Play Sufficiency Assessment (PSA) 2019. Play Wales has been supporting the implementation of a focused survey to help to bring together a more accurate pan-Wales picture regarding children’s views. Many local authorities used survey tools based on the survey questions provided in the Welsh Government toolkit. The children’s survey asks questions that attempt to predict children’s satisfaction with their play opportunities, and therefore identify the most important barriers that children face.

Analysis of surveys[[5]](#footnote-5) completed by nearly 6,000 children across thirteen local authority areas in Wales suggests that overall, the picture presented by children across Wales is that when they are allowed out, and able to play in the places they want to, most children are happy with the choice of good quality spaces. Overall, children are satisfied with their play opportunities. There are however, many children because of parental restrictions – often with well-meaning concerns for safety – are not able to play out and therefore gain the greatest health, social and emotional benefits on offer.

Although opportunities for children to engage with policy at national level are limited, it must be noted that the support for children’s play nationally gained momentum in 2009 when a National Assembly for Wales’ Children and Young People’s Committee survey with children across Wales found that safe places to play and hang out was their top concern. The national inquiry that followed resulted in a range of recommendations which are reflected in the play sufficiency statutory guidance. The *Wales: Developing the Right to Safe Places to Play* case study features in a Eurochild Briefing Paper[[6]](#footnote-6) of current practice on children’s participation in public decision making.

**Evidence - promoting the right to play across Wales**

Play Wales has undertaken annual analysis of the local authority play sufficiency progress reviews and action plans submitted to Welsh Government since the commencement of Play Sufficiency Duty. Throughout Wales, progress is being made by local authorities and their partners to respond to Welsh Government’s Play Sufficiency Duty. Across Wales, there are a range of innovative solutions[[7]](#footnote-7),[[8]](#footnote-8) to secure sufficient play opportunities in line with the Matters identified in *Wales – a Play Friendly Country* statutory guidance[[9]](#footnote-9).

*Making it Possible to do Play Sufficiency: Exploring the conditions that support local authorities to secure sufficient opportunities for children in Wales to play[[10]](#footnote-10),* a subsequent research study commissioned by Play Wales, takes a particular approach to the use of examples, presented in a range of ‘report cards’. These examples show the conditions that support local authorities to deliver on the Play Sufficiency Duty.

**The Wales UNCRC Monitoring Group recommends that**

1. Welsh Government provides a more consistent funding stream to support local authorities to enact the Play Sufficiency Duty
2. Welsh Government establishes a Play Sufficiency Monitoring Group that includes key government departments, Welsh Local Government Association (WLGA), Play Wales and other national organisations to monitor the progress made at a local and national level
3. Welsh Government encourages local authorities, where resources allow, to consider funding a permanent senior level Play Sufficiency post whose role is to work strategically on assessing and implementing Play Sufficiency locally
4. Welsh Government continues the work being done, as part of the Ministerial Review, to undertake and report on a mapping process to show the current and potential relationships between the Play Sufficiency Duty and other key legislation, policies and initiatives
5. Welsh Government ensures that those tasked with completing Child Rights Impact Assessments (CRIA) are aware of and understand the aims of the Play Sufficiency Duty, so that it is taken into consideration in legislation aimed at children and young people and also in broader well-being, environmental and planning policies and initiatives
1. Russell, W., Barclay, M., Derry, C. and Tawil, B. (2019) *Children’s Right to Play in Wales: Six years of stories and change since the commencement of the Welsh Play Sufficiency Duty.* Cardiff: Play Wales. [↑](#footnote-ref-1)
2. ibid [↑](#footnote-ref-2)
3. Children’s Commissioner for Wales (2018) *Spotlight Report Article 31.* Swansea: Children’s Commissioner for Wales. [↑](#footnote-ref-3)
4. ibid, p4. [↑](#footnote-ref-4)
5. Dallimore, D. (2019) *‘I learn new things and climb trees’ – What children say about play in Wales.* Cardiff: Play Wales. [↑](#footnote-ref-5)
6. <http://eurochild.eu/fileadmin/public/02_Events/2018/Eurochild_Conference_2018/2018_Conference-_Background_Paper.pdf> [↑](#footnote-ref-6)
7. http://www.playwales.org.uk/eng/sufficiencycasestudies [↑](#footnote-ref-7)
8. http://www.playwales.org.uk/eng/playfriendlyplace [↑](#footnote-ref-8)
9. http://www.playwales.org.uk/login/uploaded/documents/Play%20sufficiency/Wales%20a%20play%20friendly%20country.pdf [↑](#footnote-ref-9)
10. Russell, W., Barclay, M., Derry, C. and Tawil, B. (in publication) *Making it Possible to do Play Sufficiency: Exploring the conditions that support local authorities to secure sufficient opportunities for children in Wales to play*. Cardiff: Play Wales. [↑](#footnote-ref-10)