

National Assembly for Wales
Environment and Sustainability Committee
WFG 27
Well-being of Future Generations (Wales) Bill
Response from Play Wales



4 September 2014

Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay, CF99 1NA

Re: Inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

- 1.1 Play Wales is the national charity for children's play.
- 1.2 We work to raise awareness of children and young people's need and right to play and to promote good practice at every level of decision making and in every place where children might play.
- 1.3 We provide advice and guidance to support all those who have an interest in, or responsibility for providing for children's play so that one day Wales will be a place where we recognise and provide well for every child's play needs.
- 1.4 We worked closely with Welsh Government on its equally groundbreaking 'Play Sufficiency' legislation.
- 1.5 Play Wales is pleased to have the opportunity to input into the consultation on the general principles of the Well-being of Future Generations (Wales) Bill. We support the Welsh Government's intention to legislate to ensure that the needs of present generations are met in a sustainable way, without compromising those of future generations.
- 1.6 We are pleased to see references to and the inclusion of throughout the Explanatory Memorandum and within the Children's Rights Impact Assessment (CRIA) the local authority play sufficiency assessments carried out under the Children and Families (Wales) Measure 2010.
- 1.7 There is evidence that playing is central to children's physical, mental, social and emotional health and well-being¹ and play is enshrined in the

¹ Lester, S. and Russell, W. (2008) Play for a Change: Play, policy and practice - a review of contemporary perspectives, London: National Children's Bureau

United Nations Convention on the Rights of the Child and elaborated upon in General Comment 17.

1.8 Through play, children develop resilience and flexibility, contributing to physical and emotional well-being.

1.9 For children themselves, playing is one of the most important aspects of their lives^{2,3}, they value time, freedom and quality places to play. Consultations with children and young people show that they prefer to play outdoors away from adult supervision – in safe but stimulating places. In this situation children tend to be physically active and stretch themselves both physically and emotionally to a greater extent than they would if they were supervised.⁴

1.10 We recommend that future guidance clearly sets out the important role that providing time, space and permission for play has in the well-being of children, young people and communities.

Human Rights

1.11 Play Wales considers that the Well-being of Future Generations (Wales) Bill does not give sufficient focus to the enforcement of human rights which we believe is a precondition for sustainable development and a prosperous Wales. Without acknowledging and acting to realise the rights of people, sustainable development is not possible.

1.12 We believe that the delivery of public services in Wales must be undertaken through a human rights lens and that the Bill presents us with a key opportunity for a human rights framework to be enshrined into law.

1.13 Play Wales would have liked to see a much clearer link between the content of the Bill and the realisation of children's rights in Wales. Even though the Children's Rights Impact Assessment (CRIA) states that the Bill will have a positive impact on children's rights in Wales, we are concerned that the Bill itself does not make direct reference to the UNCRC.

1.14 The Social Services and Well-being (Wales) Act includes provision that *'a person exercising functions under this Act in relation to a child' ... 'must have due regard to Part 1 of the United Nations Convention on the Rights of the Child'*. The Well-being of Future Generations (Wales) Bill would be considerably strengthened if the same provision were to be included on the face of the Bill. Such provision would also ensure the Minister's duty to give due regard to the United Nations Convention on the Rights of the Child was clearly demonstrated. The omission of such provision would represent a

² Funky Dragon (2007) *Why Do People's Ages Go Up Not Down?* Swansea: Funky Dragon

³ National Assembly for Wales (2010) National Assembly for Wales Children and Young People's Committee Provision of Safe Places to Play and Hang Out

⁴ Mackett, R. et al (2007) 'Children's independent movement in the local environment', *Built Environment*, 33, 4,454-68

missed opportunity to promote children's rights and the UNCRC in Wales in a way that will impact on the lived experiences of children in Wales.

1.15 The omission of any reference of rights within the overarching context of well-being is also a significant gap. There should be a definition of well-being on the face of the Bill, and this should clearly include securing rights and entitlements, in a similar way to section 2 of the Social Services and Well-being (Wales) Act 2014.

1.16 In addition, we feel that the CRIA overplays the link between the well-being goals and children's rights. While we do not disagree that the Bill could potentially help realise children's rights in Wales (through tackling child poverty for example), Play Wales would like to see much clearer evidence of how it will do so. The well-being goals, as currently worded, do not make any direct reference to rights. The equality goal should be changed to read "a society that enables people to fulfil their rights no matter what their background or circumstances", and clearly reference relevant treaties such as the UNCRC and the European Convention on Human Rights (ECHR). This would ensure that well-being objectives and plans are truly rights-based, and public bodies would have to evidence clearly the progress they have made towards ensuring the realisation of human rights through policy and delivery.

1.17 We are pleased that the CRIA makes reference to children and young people's participation. However, while it does show that the Welsh Government has consulted some children and young people in the run up to the introduction of the Bill, it does not give any information on how their views have helped shape the content of the Bill. Article 12 of the UNCRC includes the principle of respect for children's views as well as the right to be heard, so it would be helpful for the CRIA to include further information on any impact of children and young people's views have had on the content of the Bill.

Physical activity

1.18 Children and young people frequently mention physical activity as a way to improve well-being. This 'sometimes takes the form of organised sessions, and sometimes referred to informal activities'⁵ such as playing with friends in the local neighbourhood.

1.19 The 'Natural Childhood' report⁶ suggests that 'greater physical activity promotes better mental health, and a sedentary childhood leads to more mental health problems'. The idea that exercise can have positive effects on treating people with mental health issues is widely accepted.

1.20 The 'Up and Running report'⁷ shows the link between exercise and its impact on treating depression. The report shows that exercise has the

⁵ The Children's Society (2013) *The Good Childhood Report 2013*

⁶ Moss, S. (2012), *Natural childhood*, The National Trust

⁷ Mental Health Foundation (2005), *Up and Running! How exercise can help beat depression*. London: Mental Health Foundation

following advantages over antidepressants as a treatment for depression:

- It is cost effective
- It is readily available
- There are co-incidental benefits such as an improvement in self-esteem and physical appearance and no unpleasant side effects •
- It is a sustainable recovery choice
- It promotes social inclusion and is a 'normalising' experience •
- It is popular

1.20 Play Wales, along with other national partners, raised our concern, through the consultation that was undertaken into the Public Health White Paper, that physical inactivity has been relegated to the margins of Public Health and we shared a view that there was an insufficient recognition of the importance of emotional well-being within the paper.

1.21 Play Wales and our partners were pleased that the Chief Medical Officer agreed to meet with us to explore our concerns.

1.22 In this meeting and subsequent correspondence, we were advised that the publication of the Well-being of Future Generations (Wales) Bill presents an important piece of legislation for the achievement of health outcomes across the public service.

1.23 We note that the 'Wales is healthier' goal which is included on the face of the Bill is accompanied by a short descriptor, which includes physical health and mental health and well-being.

1.24 We continue to promote the merits of Health Impact Assessment as a systematic way of taking health into account as part of the planning and decision-making process as useful one and we continue to call for this to be strengthened through a legislative approach.

Play sufficiency

1.26 Section 11 of the Children and Families (Wales) Measure 2010 places a duty on local authorities to assess and secure sufficient play opportunities for children in their area.

1.27 The Play Sufficiency Duty comes as 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.

1.28 The Statutory Guidance to Local Authorities on assessing for and securing sufficient play opportunities for children in their areas (*Wales- A Play Friendly Place*) demonstrates that developing conditions to support children's play requires cross-sector work.

1.29 The Well-being of Future Generations Bill has the potential to

contribute to and respond to a growing awareness and concern about play.

1.30 Statutory Guidance for the Bill should include explicit links to *Wales-A Play Friendly Place* statutory guidance and should promote a consideration of children with a strong recognition that children's play is important in children's lives and important for their present and future happiness and well-being.

1.31 Play Wales has worked with the University of Gloucestershire to produce a report that presents the findings of a small-scale research project.

1.32 The purpose of the *Towards Securing Sufficient Play Opportunities: A short study into the preparation undertaken for the commencement of the second part of the Welsh Government's Play Sufficiency Duty* research⁸ was to:

- Look at what has happened over the last 12 months after submission of Play Sufficiency Assessments
- Look at how selected local authorities have prepared themselves to respond to the forthcoming commencement of securing sufficiency of play opportunities.

1.33 Data from this report were gathered through documentation, attendance at and notes from regional meetings to consult on the draft Statutory Guidance for the second part of the Duty, and semi-structured interviews with national and local stakeholders.

1.34 The report identified that there is a need for the Welsh Government to lead by example and be seen to work cross-departmentally.

1.35 The report ends with a quote from one interview about how the growing attention to play fits with a sense of what matters in life.

'I think it's a really positive thing and it is moving forward in all sorts of areas as regards town planning. We shouldn't just be dominated by cars and that adult control of the environment and control of life, so it is a whole consideration of children, what's important in children's lives and what's important for their present and future happiness and well-being. So I think there's been a growing awareness and concern about it in all sorts of different organisations and the media generally, saying we can't just carry on the way that we did, amassing vast debt and the whole disposable throwaway society, that sort of mindset, the whole thing to do with climate change, just the way people live their lives. The idea about play, the very free and open way, that it's not to do with material things necessarily, it's to do with open space, the attitudes and some resources of course but, you know what I mean, that fits

⁸ Lester, S and Russell, W (2014), *Towards Securing Sufficient Play Opportunities: A short study into the preparation undertaken for the commencement of the second part of the Welsh Government's Play Sufficiency Duty to secure sufficient play opportunities*. Cardiff: Play Wales and the University of Gloucestershire.

well I think with the way hopefully society's moving and people are thinking at the present time.'

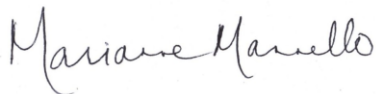
1.36 *Towards Securing Sufficient Play Opportunities: A short study into the preparation undertaken for the commencement of the second part of the Welsh Government's Play Sufficiency Duty to secure sufficient play opportunities*, written by researchers Stuart Lester and Wendy Russell is a follow up to an earlier report (*Leopard Skin Wellies, a Top Hat and a Vacuum Cleaner Hose: An analysis of Wales' Play Sufficiency Assessment duty*)⁹ that explored how local authorities responded to the introduction of the duty to assess sufficient play opportunities for children.

1.37 Play Wales advocates for the provision of quality play opportunities for children in their own communities. This has included advocating and supporting the development of both quality staffed provision and quality spaces and places for playing, particularly in the public realm. We have produced a range of resources¹⁰ to support those who plan for and provide children's play services and provision.

1.38 In conclusion, we welcome the recognition of the inclusion of information as to the sufficiency of play opportunities within the current documents accompanying the Well-being of Future Generations Bill.

1.39 Play Wales is keen to work with Welsh Government and officials to identify how best the commitment to children's play can be taken forward as part of the legislative process.

Kind regards,



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⁹ Lester, S and Russell, W (2013), *Leopard Skin Wellies, a Top Hat and a Vacuum Cleaner Hose: An analysis of Wales' Play Sufficiency Assessment duty*. Cardiff: Play Wales and the University of Gloucestershire.

¹⁰ <http://www.playwales.org.uk/eng/information sheets>

www.playwales.org.uk