

Pwyllgor Deddfwriaeth Rhif 2

Legislation Committee No. 2

Dydd Mercher, 1 Ebrill 2009
Wednesday, 1 April 2009

Cynnwys Contents

[Cyflwyniad, Ymddiheuriadau a Dirprwyon](#)
[Introduction, Apologies and Substitutions](#)

[Y Mesur Arfaethedig ynghylch Plant a Theuluoedd \(Cymru\)—Cyfnod 1: Sesiwn Dystiolaeth 2](#)
[The Proposed Children and Families \(Wales\) Measure—Stage 1: Evidence Session 2](#)

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol Committee members in attendance

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| Jeff Cuthbert | Llafur Labour |
| Paul Davies | Ceidwadwyr Cymreig Welsh Conservatives |
| Gareth Jones | Plaid Cymru The Party of Wales |
| Val Lloyd | Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee) |
| Sandy Mewies | Llafur Labour |
| Jenny Randerson | Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats |

Eraill yn bresennol Others in attendance

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| Tracey Breheny | Pennaeth yr Uned Tlodi Plant, Cynulliad Cenedlaethol Cymru Head of the Child Poverty Unit, Welsh Assembly Government |
| Donna Davies | Pennaeth y Gangen Plant yn Gyntaf, Cynulliad Cenedlaethol Cymru Head of Children First Branch, Welsh Assembly Government |
| Brian Gibbons | Aelod Cynulliad, Llafur (Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (Minister for Social Justice and Local Government) |

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| Jane Hutt | Aelod Cynulliad, Llafur (Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau) Assembly Member, Labour (Minister for Children, Education, Lifelong Learning and Skills) |
| Michael Lubienski | Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services, Welsh Assembly Government |
| Gwenda Thomas | Aelod Cynulliad, Llafur (Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol) Assembly Member, Labour (Deputy Minister for Social Services) |
| Elizabeth Williams | Pennaeth yr Is-adran y Strategaeth Plant a Phobl Ifanc, Cynulliad Cenedlaethol Cymru Head of Children and Young People Strategy Division, Welsh Assembly Government |

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

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| Sarah Beasley | Clerc Clerk |
| Joanest Jackson | Cynghorydd Cyfreithiol Legal Adviser |
| Sarah Sargent | Dirprwy Glerc Deputy Clerk |
| Sarah Hatherley | Gwasanaeth Ymchwil yr Aelodau Members' Research Service |

"Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m."

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

Val Lloyd: Good morning, everyone, and welcome to today's meeting of Legislation Committee No. 2, in which we are considering Stage 1 of the Proposed Children and Families (Wales) Measure. In the event of the fire alarm sounding—and we are not expecting a drill this morning—please leave the room by the marked fire exits and follow the instructions of staff. Please turn off all mobile phones and other telephonic equipment, as they interfere with the broadcasting equipment. The National Assembly for Wales operates through the media of Welsh and English. On channel 1 of your headsets, you can receive simultaneous translation, and amplification of the sound is available on channel 0.

9.31 a.m.

Y Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 2
The Proposed Children and Families (Wales) Measure—Stage 1: Evidence Session 2

Val Lloyd: The purpose of today's meeting is to take further evidence from the Minister for Social Justice and Local Government, who is the Member in charge of this proposed Measure, the Minister for Children, Education, Lifelong Learning and Skills and the Deputy Minister for Social Services. We thank them all very much for making themselves available to us on two consecutive weeks. We appreciate their consideration in that regard.

Therefore, I welcome Dr Brian Gibbons and Gwenda Thomas to the meeting. Jane Hutt will be joining us later. I also welcome the officials accompanying the Ministers: Mike Lubienski, Tracey Breheny, Donna Davies and Elizabeth Williams. We are ready to start now, if you are, and I see that you are. Paul has the first question.

Paul Davies: I will start by looking at Part 1 of the proposed Measure, which relates to eradicating child poverty. Can you tell us how you think the proposed Measure will address child poverty and contribute to its eradication in Wales in a way that previous initiatives and strategies have not?

The Minister for Social Justice and Local Government (Brian Gibbons): The proposed Measure is the end of the initial stage of a process that began when Charlotte Williams did her initial study on child poverty in 2003 or 2004, followed by the work that Huw Lewis did, and the accumulating evidence base of what works. The new political will in the One Wales Government has created a convergence of ideas and a belief that we need to create a new sense of national purpose to tackle child poverty. We have learned lessons from the previous way of working to help disadvantaged children and families, as is evidenced by the aims and objectives outlined in Part 1, on the need to strengthen the children and young people's partnership process to address child poverty, and the second to last part of the proposed Measure on tackling multiple disadvantage and bringing greater coherence to the childcare sector, which is also a key part of delivering our ambitions to tackle child poverty. It is the end of one road or process and, hopefully, once the Measure is in place, it will be the start of a new one.

Paul Davies: During the latter part of 2008, the National Assembly's Children and Young People Committee conducted an inquiry into child poverty in Wales. It made a number of recommendations. For example, recommendation 1 suggested that the Welsh Assembly Government include greater staffing capacity for its child poverty unit to co-ordinate policies tackling child poverty. Recommendation 3 suggested that the Government produce an updated and refreshed child poverty strategy and implementation plan. Recommendation 4 suggested that specific annual targets be published for each ministerial portfolio, and recommendation 21 suggested that the Government place a specific duty on all publicly funded schools to promote social cohesion. Can you confirm which of those recommendations made by the committee in its inquiry report do not fall within the scope of this proposed Measure?

Brian Gibbons: Social cohesion would not fit in as easily as the others, but having said that, we have a community cohesion strategy out for consultation. I am strongly of the view that nothing fragments social cohesion as much as poverty, inequality and unfairness in society. If we are going to have a socially coherent society we need to have a sense of fairness, with everyone having an opportunity to achieve their potential, and a sense of social solidarity, which is at the heart of this proposed Measure, although it is not as explicit as the other three points that you have raised. I think that we dealt with the recommendation for increasing the strength of the child poverty unit, for example, in the last committee hearing, and I think that Tracey explained how the unit has been strengthened on the back of the work that is necessary just to get us to where we are.

The second recommendation that you mentioned was the necessity to establish targets and so forth. Clearly, that is part of what we are proposing. The children and young people's plans are expected to revisit their plans, from the point of view of child poverty, to establish objectives and set out action plans against those objectives, and implicit in these action plans is that they will be measurable and accountable. Not only does that make sense in terms of this proposed Measure, it also fits in very well with the approach that we are adopting on the proposed Local Government (Wales) Measure, where aspects of performance are looked at, and annual reports are undertaken by local authorities in terms of their key areas of activity. There will be a statutory duty, effectively, on all public bodies in Wales, as a consequence of this proposed Measure, to have strategies in place. That will include us, as an Assembly Government, and local government, where the duty already exists. Part of this proposed Measure is to bring into the fold, if you like, a number of public bodies that previously did not have that duty.

I have one final point to make, Chair—Jane Hutt may want to deal with it—if you look at that report from the Children and Young People Committee, you will see that it concentrated very strongly on educational matters. There is something of a conundrum at the heart of all of this. We realise that the importance of education in being able to transform the lives of disadvantaged families and children is well recognised, but we also recognise that social and economic disadvantage is a key predictor of underperformance in education. Therefore, the very ladder that is needed to help families to get out of disadvantage and poverty is probably the most difficult ladder to find. Disadvantage is at the heart of underbenefiting from education. We need the broad strategic approach, which we are proposing in this Measure, to try to break that vicious circle once and for all in Wales.

The Deputy Minister for Social Services (Gwenda Thomas): I have set out a commitment to consult very shortly on a proposed strategy for vulnerable children. The strategy will include a framework for support for social cohesion, and it strengthens the point that has already been made, that this proposed Measure is very much the start of a journey towards improving services across the board.

Jeff Cuthbert: I think that both Brian and Gwenda have stressed quite rightly the role that education is to play in this. No doubt, later on, Jane will want to make some comments. One of the biggest changes in terms of education for younger children is the foundation phase, which, we hope, will very much motivate children in a way that early years education has never done before. In terms of a joined-up approach, how do you intend to monitor the success, or otherwise, of the foundation phase as contributing towards the eradication of child poverty?

9.40 a.m.

Brian Gibbons: Obviously, that will be something for Jane to deal with in greater detail. The essence of this strategy is to recognise that this is a highly complex area of work in which there is no single strand that will abolish child poverty. In other words, although we accept the importance of the UK Government through tax credits and benefits—which put money in people's pockets, and are therefore at the heart of tackling child poverty—we have realised that, on its own, that will not be enough to abolish child poverty on a sustainable basis. We have to empower, enable and allow children to achieve their potential, tackling areas where parenting is weak, and where families are trapped in poverty. All this needs to be addressed. The educational brief was mentioned, and local authorities will be expected, as part of developing their childcare strategy, to set out their objectives on this. I fully agree that the foundation phase is at the heart of tackling child poverty. Local authorities will have to set out their objectives, and the actions that will follow, and then analyse their performance. Equally, we will develop the child wellbeing monitor as a key part of the suite of mechanisms by which we will ensure success. Indeed, if you look at 'Measuring Success', which Huw Lewis developed three or four years ago as a staging post by which we could measure progress, even though it is a reminder of how we need to update on this, it nevertheless features a number of indicators that show where we want to see improvement in education. Some of that work that Huw was involved in was updated to take account of the foundation phase.

Paul Davies: You touched on the duties that you intend to place on Welsh authorities in the proposed Measure, and of course it refers to 'Welsh authorities', whereas the vulnerable children LCO referred to 'public authorities'. What are the implications of using the term 'Welsh authorities' in this legislation rather than 'public authorities'?

Brian Gibbons: It is a fortunate coincidence, which we very much welcome, that the UK Government itself is looking at a law to institute a similar public duty upon UK Government bodies to tackle child poverty. At a certain stage, when we were developing this proposed Measure, we were taking a Wales-only approach and did not have the comfort that the UK Government was signed up in the same way. Since last autumn, the UK Government has made its own position quite clear, and it is equally committed to developing a statutory duty in relation to tackling child poverty, which means that the UK Government, the Welsh Assembly Government, local government, and a range of public bodies are committed, for the first time, to working together in a coherent way. That is the first part of this.

In relation to devolved public bodies in Wales, we have gone through that list extremely carefully to look at their duties and responsibilities. Where any of them have a possible impact on the lives of children, or scope for improving the quality of life and opportunities for children, then we have specifically included them in section 12. For example, you may not think that a national parks authority deals with children, but it has responsibilities in relation to access to the countryside, and we think that that is an important policy for life chances for children, enabling them to develop holistically as adults. They need to be able to get into the countryside from the point of view of physical fitness, as well as to appreciate its beauty as a cultural and aesthetic benefit. Similarly, the Countryside Council for Wales has a duty to encourage recreation and enjoyment of the countryside, and we feel that that is an important dimension of improving the life chances of children. I do not think that we have to explain why the Higher Education Funding Council for Wales would be important, and similarly, the Wales Centre for Health, looking at public health here in Wales, is already involved in a number of projects looking at that dimension of child poverty. We have been forensic in going through the list of public bodies, and anyone who can conceivably contribute to this agenda has been included on the list.

Paul Davies: In relation to local authority objectives, are you satisfied that you have the balance right with regard to the discretion that the proposed Measure gives to local authorities to deliver the services most appropriate to the needs of the local community and to ensure that they complement national strategies and objectives? Can you provide some practical examples of how this should work and how you will monitor and address issues where it is not working?

Brian Gibbons: It is early to give a practical example of how it is working, because we are not at the implementation stage. However, one of the key strengths of this approach is that it is strongly evidence-based, particularly in the area of tackling multiple disadvantage. Therefore, the shape of the integrated family support services that we are developing comes on the back of the evaluations of, for example, Option 2 here in Cardiff, the OnTrack programme in Rhondda Cynon Taf and Maesteg, the evaluated early parental intervention project, which runs in the Bridgend area and north Wales, and a body of other empirical evidence. Therefore, this is very much evidence-based. Moving from a programme such as Cymorth, which, in many respects, was based on evidence and best practice, we are upping the standard from merely best practice to a process of looking at the evidence. We have not always had that evidence, and when we started on this journey 10 years ago, the evidence base did not exist on which to make some of the decisions that we are delivering on now. Equally, with regard to tackling child poverty, as I think I have already said, it is not just about money, vital as that is; it is also about empowering and enabling children and their families to break out of that generational poverty. We have never quite cracked how to address persistent poverty, and everything in this is about trying to achieve that.

Paul Davies: What consideration has been given to the impact on Welsh authorities of the additional duties in the proposed Measure, taking into consideration other legislative developments such as the Proposed Local Government (Wales) Measure, which will also place additional duties on Welsh authorities?

Brian Gibbons: The way in which you worded that question is important, because, as we speak, there are a number of programmes coming onstream and developing. Jeff referred to the foundation phase; there is Genesis 2 and Want to Work; Cymorth will be subsumed into the revenue support grant; it is hoped that the child benefit programme will be coming onstream; and credit unions are being rolled out across Wales—we are in the process of putting more money into credit unions on behalf of children and child trust funds. Therefore, there is a whole range of extra resource going into the wider campaign to tackle child poverty, quite apart from the extra money that is going in to the integrated family support programme.

However, we were very conscious of the need not to place additional burdens, other than what we are providing resources for already, on public bodies, and particularly on local government. Local government was concerned that, although we were committed to putting a great deal of extra resources into improving the life chances of children, this might somehow be a bit of a blank cheque, creating an expectation that they would do a great deal more than they currently do. Therefore, we were very careful in formulating the proposed Measure not to place burdens or expectations on local authorities that we have not already committed funding, resource and capacity to deliver.

The other thing that is very important is that, over the next 10 to 15 years, public service improvement and delivery by public services will be less resource-dependent than it has been over the past 10 years, over which time we have had a relative bonanza in public expenditure terms. A big part of the challenge that we face is that, although it is easy enough to throw money at something and work our way forward, over the next 10 years, as we advance this agenda, that option will not be so readily available. Therefore, as Andrew Davies, the Minister for Finance and Public Service Delivery, said it is not just about the quantum of money; it is about how you spend that money. This proposed Measure is bringing a sense of evidence-based coherence to tackling child poverty that would not otherwise exist. The extra money that we are committed to spending on this project is going to be spent much more holistically and effectively, and the spend is going to be based much more on evidence as a consequence of this proposed Measure. Without this Measure, the same, slightly scatter-gun approach and that hard lack of focus will continue, and the progress that we want to achieve will be that much more difficult because of that.

9.50 a.m.

Jeff Cuthbert: You rightly raise the issues of public finance overall, and we all understand that situation. The legislative competence Order inserted matter 15.5 into the Government of Wales Act 2006, and that matter deals with co-operation arrangements. It is not just an issue of the resources at the disposal of local authorities, but the fact is that some local authorities in Wales are very small. How is the co-operation going to be monitored and evaluated to ensure that we are getting the best from whatever resources we have across boundaries with regard to this proposed Measure?

Brian Gibbons: If you look at, for example, the highly specialist work on tackling multiple disadvantage—and Gwenda might want to say a few words on this—you will see that, as we develop the three initial pioneer sites, there is no clear expectation from our point of view that they will necessarily be located in a single authority. I do not think that we have had the bids, so we do not know what the shape of the successful pioneers is going to be. We are not precluding joint bids, for example, from several local authorities that may come together to establish integrated family support teams and IFS boards for their communities. Equally, we know that there is a wide range of specialist services for children, and Gwenda will probably be able to give you more detail on that. We recognise that it is just not possible to provide that high level of specialist service in a single local authority area. The commissioning of services for children with highly specialist needs is already taking place on a consortium basis across local authorities. So, the purpose of this proposed Measure is to reinforce that collaboration and co-operation that is already taking place. Gwenda might want to add something on the collaboration with vulnerable families that is taking place.

Gwenda Thomas: Every local authority has discretion to decide on policies and to resource in accordance with the need in its area. There are legislative powers to put co-operation on a statutory basis, such as those under the Children Act 2004 and the Children Act 1989, where that relates to children in need and, in particular, children in care placements. There are examples of very good co-operative practices. My personal view is that we do not see enough of that. Part 3 of this proposed Measure will allow bids to come forward, and they can be made across local government boundaries. I hope to see that. There is very much a voluntary aspect to co-operation at present. Nothing here changes the discretion of local authorities in their own areas, but my view is that we need to develop a co-operative spirit, and we need to encourage local authorities to look at the very positive aspect of co-operation in service delivery and in financial boundaries, and the role of the Social Services Improvement Agency is key to that. There have been examples of excellent co-operative practices developing with the input of the SSIA, and some of those have been around adoptions and fostering. In my own area, we have seen co-operation in developing administrative support with regard to direct payments, for example. We need to see that spreading out more.

Brian Gibbons: I would like to add a small example. Last week, I had an opportunity to see the co-operation between Merthyr and Blaenau Gwent with regard to the benefit uptake campaign—the £1 million per year council tax and housing benefit scheme, which we are funding. Blaenau Gwent and Merthyr have set up a joint team to maximise the benefit from that programme. They did a presentation for me, which was informative. They happened to say, as part of their presentation, that, increasingly, because of the similarities of the population and because of the new Heads of the Valleys road and so on, it is becoming increasingly easy and makes sense in many of these areas for them to share common good practice. That was a very useful example. They were able to demonstrate how that was helping family incomes because of the improved way of working through the partnership approach.

Paul Davies: In my final question, I would like to touch upon the definitions of parental support services in the proposed Measure. The general interpretation provisions in the proposed Measure do not appear to define 'parents', for example. Section 7 provides local authorities with powers to secure and provide parental support services to parents of children. For these purposes, who are deemed to be parents?

Gwenda Thomas: I think that we touched on this last time. It can be anyone who has care of that child. I think that Michael would want to come in on the specifics, but the option 2 programme showed us the way and it can be anyone who has care of that child, either on a temporary or a permanent basis. It can include natural parents, older siblings, or other members of the extended family. It is anyone who is looking after that child. The key issue here in relation to this proposed Measure is that it looks at the lifestyle of parents and the way in which that affects children. It is a way of looking at what is best for that child and how that child is best looked after in episodes of trouble within a family, and also to consider where that child is best accommodated. It might not be within the family. However, there is wide enough scope to include anyone who cares for that child and who offers to meet the needs of that child on, as I have said, either a temporary or permanent basis. For a legal definition, perhaps I can ask Michael if he wants to add to that.

Mr Lubienski: I would like to give a legal response to the question. The scope of what constitutes a parent is relevant to two parts of the proposed Measure. One relates to the IFS teams provisions, in the context of defining the range of people who could be referred to an IFS team by the social services department or by the local authority. In this case, the answer is the same as that which we gave last time. We have tried to create a broad class of family situations that could be referred to the teams on the basis that it would then be individual social workers who were exercising their professional discretion and judgment as to which families are eventually referred. That is the first bit to which it is relevant.

The second part relates to section 7, where there is a power to provide parental support services. There, again, the legal answer is that it does not work in relation to a definition of what a parent is; it is anyone who is carrying out a parenting task. Again, that could be extremely broad. It need not only be a natural parent, it could be any relative who is parenting a child, such as a foster carer or even friends of the family who were carrying out that task.

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| 10.00 a.m. |
| Paul Davies: The word 'family' has not been defined for the purposes of this proposed Measure. Can you explain what you mean by 'family'? |
| Mr Lubienski: Again, the relevance of that applies to the IFS part of the proposed Measure and to the issue of who can be referred to the IFS teams. Effectively we said that such a referral would include a child in need and any adult caring for them who has one of the indicated social and or medical needs, namely drug and alcohol issues, a learning disability, mental health problems or issues relating to domestic violence, so any such combination. As well as those in the child-carer relationship, a further clause would include other adults or persons connected with that unit. So, it is meant to be a flexible definition to ensure that no-one who could benefit from the service is excluded. |
| Gwenda Thomas: To add to that, we need to focus on whether this is wide enough to ensure that no family structure that involves a child is excluded. |

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| Gareth Jones: Ar y pwynt hwnnw ar y diffiniad o deulu, credaf ichi ateb y cwestiwn ar beth yw teulu mewn perthynas â Rhan 3 o'r Mesur arfaethedig, ond oni ddylech ddiffinio, 'sydd â gofal y plentyn' dan adran 20(b) yn y Mesur arfaethedig? | Gareth Jones: On that point regarding the definition of family, I think that you have answered the question of what is a family in relation to Part 3 of the proposed Measure, but should you not also define 'who has care of the child' under section 20(b) of the proposed Measure? |
| Hoffwn ehangu'r cwestiwn mewn perthynas â theidiau a neiniau. Nid ydynt yn cael eu cydnabod ar hyn o bryd yn y gyfundrefn cyfraith teulu, felly os edrychwch ar ymestyn cefnogaeth y timau integredig cymorth i deuluoedd i'r rhai sy'n aelodau estynedig, a fydd hynny'n achosi trafferthion o ran gosod y ffiniau hynny mewn perthynas ag achosion llys cyhoeddus neu breifat? | I would like to extend the question in relation to grandparents. They are not currently recognised by the family law system, so if you are looking to extend the support of the integrated family teams to those members of extended families, will that cause difficulties in setting those boundaries in relation to public or private court cases? |

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| Mr Lubienski: Grandparents, within private and public family law, can be issued with residents' orders or the new special guidance orders in their favour, so they are included and are recognised as having caring responsibilities. Children under public law care orders can be placed with grandparents. Certainly the use that we have made of the term covers any person caring for the child and it would encompass and include grandparents. Indeed, any person who cares for the child, whether temporarily or permanently and whether full time or part time, comes under the definition of carer as we have used it in the proposed Measure and could, therefore, be a beneficiary of the services provided by the IFS teams. |
| Gareth Jones: I follow that point, but I believe that my question related to extending the support of IFS teams to extended family members in terms of the family justice system. Often there are clear definitions and not-so-clear definitions, when the grandparents are not always recognised in that system. Would that create tension or difficulty? |
| Mr Lubienski: I do not think that it needs to be defined in that regard because even though, with regard to family proceedings, parents and those with parental responsibility have certain advantages in terms of rights to apply for orders and so on, there is nothing in the system of family proceedings and family justice that excludes grandparents. It may not give them exactly the same status as parents or those with parental responsibility, but it is flexible enough to embrace them, to allow them to play that role, where the cases require them to do so. |
| Ms Davies: You are making a distinction between public and private law arrangements and so on. There is another piece of legislation that we are about to commence, which we have taken forward through the Children and Young Persons Act 2008. Building on what Mike said, it will give support to residence orders that can apply to grandparents as well. For example, we know that a good proportion of those in involuntary care are with their grandparents. Through that Act, we have given local authorities new rights to give greater financial support, and other support, to carers, including grandparents. There are also some parallel reforms that we are looking at, which the Minister mentioned in a separate debate last week, in terms of private law reforms about how we can get better support for wider family members in the process. |

Sandy Mewies: My questions are to the Deputy Minister and are about the integrated family support teams—there does not seem to be an easy way of saying 'IFST'. Part 3 of the proposed Measure is to introduce family support teams to strengthen the support available to vulnerable children and their families, with the aim of changing the way in which services are delivered and of improving the outcomes for the children and the adults, so that they can stay together as a family unit. 'One Wales' sets out a commitment to reform the law to do this. In what ways do the provisions in the proposed Measure deliver those 'One Wales' commitments? Of course, if you take people out of the care system—which I think that everyone feels would be a marvellous arrangement, as long as they are kept safe—there will be an impact on the care system itself. Even though it would be nice to think that we could do without residential care and so on, sadly, I do not think that that will ever be the case. Have the implications of the impact of the proposed Measure on the care system been thought through as well?

Gwenda Thomas: 'One Wales' does include a commitment to reform the law to improve service delivery and outcomes for vulnerable children, including looked-after children and those in poverty. IFSTs are central to the progressive aims of 'One Wales' in improving the quality of the lives of people in Wales, especially the most vulnerable. The devolution of powers for safeguarding children and young people and their welfare last December, via the National Assembly for Wales (Legislative Competence) (Social Welfare and Other Fields) Order 2008, was a major landmark for Wales and a key plank in delivering the 'One Wales' commitment.

This proposed Measure to establish IFSTs is one of the ways of taking that 'One Wales' commitment forward. You referred to the care system and, of course, there will be children for whom the assessment will be that it is not in their best interest to remain within their family unit, however that family unit is made up. This proposed Measure will retain the responsibility to do what is best for that child, including the provision of residential care in some cases. However, hopefully, it will be as it was with Option 2. I do not think that there was a huge reduction in the number of children who came into care with Option 2, but there certainly was a reduction in the time that children stayed in care, and I think that the impact of that on the care system was quite significant. Of course, the aim of this proposed Measure is to improve that situation yet again. We see this very much as a developing process in supporting families, by early identification of parents who have drug and alcohol misuse problems, in the first instance. I think that this proposed Measure gives us the tools that we need to ensure that we do the best possible for children within those family circumstances. Later in the summer, we will consult on the strategy for vulnerable children, and that will focus on improving the outcomes for children, and that is the important message. This is all about improving outcomes and the systems that we need in place to support that.

10.10 a.m.

Sandy Mewies: Thank you for that. Moving on to the explanatory memorandum, it says that the setting up of these teams has been informed by a substantial body of evidence from academics and from within practice. Initially, these teams will be implemented in three pioneer areas. To what extent will the teams be based on actual practice, and would it be more appropriate for the teams to be developed and properly evaluated before making legislative provision in this area? Can you also explain why there are no examples of the evidence base in the explanatory memorandum?

Gwenda Thomas: With regard to the question on the proposed Measure being based on practice, we have drawn on a range of sources, including research on best practice operating inside and outside of Wales. There is a list of research publications that we have used, and we can make that list available to the committee for reference purposes. As Brian and I have already said, we have also seen other excellent examples of early intervention and integrated family support.

With regard to the explanatory memorandum, the scope of the proposed Measure is very wide. The explanatory memorandum provides a list of reference sources where the evidence can be accessed, and due to the scope and the size of the proposed Measure, a balance is required with regard to the detailed information to be covered in the explanatory memorandum. However, there are references in the explanatory memorandum that will give access to the evidence base. Rather than print all of that out, easy points of access have been provided, and that is why it has been set out in that way.

Sandy Mewies: Section 50 of the proposed Measure refers to the reasons why referral can be made by a local authority, such as dependence on alcohol or drugs, whether a child is a victim of domestic violence or abuse—or, indeed, the adult has been—or has a history of violent or abusive behaviour or has a mental disorder. However, the three pioneer areas will focus entirely on alcohol and drug dependency. Can this model be effectively transposed into other areas, such as mental health? Could the transposition be made easily?

Gwenda Thomas: I am confident that the proposed Measure can be transposed, but, in the first instance, as we have made clear, we are targeting families where parents have drug and alcohol misuse problems. That is not to say that they will not have other problems alongside that, such as mental health problems or instability, or domestic violence. The figures are very sobering: substance misuse is the major presenting problem resulting in referral to children and social services. Sixty per cent of cases referred to social services where families have drug and alcohol problems result in care orders, and 64,000 Welsh children live in families that may be adversely affected by parental drug misuse.

On the question of extending the proposed Measure to other areas, before we extend the IFST to other groups, we need to recognise that we need to carry out more research into mental health and domestic violence and learning disabilities. Work is ongoing in those fields. On domestic violence, we are working through the NSPCC's Caring Dads programme, which is developing evidence, and we are also working with Learning Disability Wales to look at better ways to support parents who have learning disabilities. More research needs to be developed in those fields, and the development of the IFSTs will develop that resource potential and capacity.

Brian Gibbons: In all this work, it is rare for families to have a single problem in isolation. One of the real issues for children in these families is that they face multiple problems. If you have one problem, then you are likely to have many more, such as relationship problems, money problems, domestic abuse and so on. Sadly, all these things go together. Following on from Gwenda's remarks, if a family has drug and alcohol problems, it is almost certain that the family will have a range of other problems that will blend smoothly with the wider rollout of the programme that will focus on other areas.

Sandy Mewies: They will feed in.

Brian Gibbons: Exactly.

Val Lloyd: Gareth, do you want to come in at this point?

Gareth Jones: Dim ond i ofyn cwestiwn byr.

Gareth Jones: Only to ask a short question.

Yr ydych yn sôn am y gwaith ymchwil ychwanegol sydd ei angen, a gwnaethoch gyfeirio at droi at gyrff cenedlaethol a rhai y tu allan i Gymru, megis yr NSPCC. I ba raddau y byddwch yn sicrhau bod y sector addysg uwch yn cael rhoi rhyw fath o fewnbwn i'r ymchwil pwysig hwn neu gael dylanwadu arno?

You mention the additional research work that is needed, and you referred to involving national organisations and others outside Wales, such as the NSPCC. To what extent will you ensure that the higher education sector can provide some sort of input into this important research or can influence it?

Gwenda Thomas: Bydd Donna'n gallu rhoi manylion pellach i ni ar y gwaith ymchwil.

Gwenda Thomas: Donna will be able to give us more detail on the research work.

Byddwn yn barod i glywed oddi wrth rywun sydd â rhywbeth i'w gyfrannu i'r ymchwil pwysig hwn. Mae gwaith yn mynd yn ei flaen, fel y dywedasoch, yng Nghymru a'r tu allan. Mae'r sector addysg uwch yn bwysig, ac efallai y gall Donna esbonio'r gwaith sy'n mynd yn ei flaen ar hyn o bryd.

We are prepared to hear from anyone who has something to contribute to this important research. The work is proceeding, as you said, in Wales and beyond. The higher education sector is important, and perhaps Donna can comment on the work that is currently under way.

Ms Davies: We will build this work into the plans to develop the National Institute of Social Care and Health Research Centre, which the Minister for Health and Social Services, Mrs Hart, announced last autumn. A lot of work is attached to that, and the intention behind it is to set up a centre of excellence for social services that has not existed on this level before. We have started to build research up in order to attract researchers of the right calibre to Wales to continue that work.

A number of linked research studies already exist in the programme that we are developing. For example, in May, we will be holding workshops to show how we can take this to the next stage. A range of different bodies, including higher education institutes, are involved in that work and we have a group made up of different academic professionals involved as well.

Val Lloyd: Thank you, Donna. I understand that Tracey would like to contribute to this point.

Ms Breheny: I just wanted to mention that, as a foundation for the Welsh Ministers' new child poverty strategy for Wales, some work has already begun. The work is in two stages, the first part of which involves evaluating a host of programmes that are already in place across the Assembly Government that are aimed at tackling child poverty. That work will lead to a synthesis report on the existing programmes and their effect on outcomes for children. Linked to that, we have asked Professor Ted Melhuish to undertake work that will, we hope, provide the framework for the new strategy, building on the evaluative work that has been done programme by programme. It will look at how the various programmes interlink across the piece, because we recognise that there has been a gap in the cross-cutting issue of child poverty and we have not received evidence of the impact of the different programmes that we have in place and how they are linked to each other to improve outcomes.

10.20 a.m.

Sandy Mewies: These multi-agency teams will have the function of delivering evidence-based intervention directly to families where children are at risk of developing long-term difficulties or where their upbringing might lead them to enter care. Can you clarify what is meant by 'evidence-based intervention' and perhaps give some practical examples?

Gwenda Thomas: In the context of social welfare, evidence-based intervention means tried systems, namely systems that have rigorous methodology, evaluation, and peer review, including evidence from the children and young people who are in the system, which, to me, is an important part of it. In relation to the integrated family support teams, the development of a wide body of stakeholders contributing to the evidence base is important, and we have seen that developing. We are informing a proposed prescriptive model, and all the work that has gone on and all the experience that we have had—and I refer once again to Option 2, which has been in place for six years—has meant that we have tested and evaluated that work. It is a tried and tested system and we feel that now is the time to move forward to more prescription. We are ready to take that step.

Brian Gibbons: Following on from that, there is also a certain amount of evidence on what is called 'programme fidelity', which is where certain procedures and processes have been identified as working. As Gwenda said, maintaining that prescriptive element in the programme is important. If certain things have been proven to work in certain circumstances but there is then programme drift away from the evidence base in its local implementation, you will not get the full impact of the programme as evaluated and tested. Some people may criticise the integrated family support teams for being regimented in their approach, but one reason for that is to maintain the programme fidelity in line with the evidence base.

Sandy Mewies: Are there any provisions in the proposed Measure to allow families that are involved with these teams to be fast-tracked for treatment or other interventions, such as priority housing for victims of domestic abuse, and substance misuse treatment programmes or domestic abuse perpetrator programmes? Tracey talked about this being a cross-cutting issue and this is another example of looking at what is happening in other areas. To what extent is the success of the family support teams dependent on children and their families being able to access a range of other services at the appropriate time?

Gwenda Thomas: That is a part of the process and of what we want to achieve. The current system is not sustainable, and the flow of children coming into care is increasing and we need to recognise that we must do something about that. Accessing the service is an important issue, and we know that identification will be exceedingly important. This proposed Measure puts a statutory obligation on bodies, including the health service when a parent might be treated, to look at the effect on a child of the lifestyle of a family. Accessing the service will be important, and there is a system in place at the moment where I suppose we filter those who have the greatest need for services. That does not need to change. We will need a fast-track system of referring people to the service, but referral in the first instance will be through social services departments, which will carry out an assessment of a family's needs, and prioritise resources so that they are targeted firmly towards the families who are most in need. That is not to say that families cannot refer themselves to access the service. They can do that now, of course.

Sandy Mewies: When they are on the programme with the teams, can they be fast-tracked? Will their other needs be recognised, which might be the cause of the problem? Substance misuse treatment programmes treat the cause as well as the effect. I think that you are saying that the channels that are already in place will be recognised and used to do that.

Gwenda Thomas: I cannot see that there will be anything to impede that, but Donna can elaborate.

Ms Davies: As the Deputy Minister said, there is the current assessment of need, but, to develop the legislation, we have had to map out the care pathway, showing how it would work in practice. The integrated family support teams would work with external stakeholders, bringing all the partners together. As you said, the partners are a part of the solution. So, as well as building capacity within the family, we need to make links with other agencies to ensure that the family can access housing and other facilities. There is an element of intensifying treatment and making better referrals to other departments, so that they come on board to support the family as a whole. So, this is not about working in a silo; the IFSTs will work alongside all the other agencies, but will hold the reins to pull these other people in.

Val Lloyd: Before we move to the break, I want to go back to an earlier answer. Sandy asked about the pilot studies, and I want to follow that up. What is the reason for not trying the pilots and evaluating them before making the legislation?

Gwenda Thomas: We have done that and evaluated it. We have tried and tested this system. As I say, we have had option 2 for six years, and we should not delay any longer. We need to move to a legislative basis for improving the lives of children.

Val Lloyd: That is very clear. Dr Gibbons, I know that you have to leave us after the break, so is there anything that you would like add?

Brian Gibbons: No, thank you.

Val Lloyd: In that case, I thank you again for your courtesy in coming this morning. We appreciate that. We will now take a short break and resume at 10.45 a.m. sharp.

"Gohiriwyd y cyfarfod rhwng 10.28 a.m. a 10.44 a.m.
The meeting adjourned between 10.28 a.m. and 10.44 a.m."

Val Lloyd: Welcome back to this meeting of Legislation Committee No. 2, which is considering the Proposed Children and Families (Wales) Measure at Stage 1. I welcome Jane Hutt, the Minister for Children, Education, Lifelong Learning and Skills, and I welcome back Gwenda Thomas, the Deputy Minister for Social Services. We will continue with our scrutiny, and Gareth has the first question.

Gareth Jones: Yn Rhan 3 y Mesur arfaethedig, ar y timau integredig cymorth i deuluoedd, ceir pwyslais haeddiannol ar ymyrraeth gynnar ac ar geisio rhwystro problemau rhag digwydd a rhag dwysáu. Mae cyfeiriad at swyddogaethau a staff y timau a'r trefniadau ar gyfer sefydlu'r timau. Ceir cyfeiriad hefyd at y ffaith y bydd y timau hyn o dan fyrddau'r timau integredig cymorth i deuluoedd, a'r byrddau fydd yn gosod cyfeiriad strategol y timau. Bydd gan y byrddau hyn ddyletswyddau statudol penodol. Mae adran 53 yn gosod dyletswydd ar awdurdodau lleol i sefydlu'r byrddau hyn yn eu hardaloedd, a cheir cyfeiriad at bwy ddylai eistedd ar y byrddau ac at eu cyfansoddiad. Bydd aelodau'r bwrdd yn cynnwys cyfarwyddwyr y gwasanaethau cymdeithasol neu'r cyfarwyddwyr sy'n cymryd yr arweiniad statudol ar wasanaethau plant a phobl ifanc. Cyfeirir hefyd at y swyddogion sy'n arwain ar wasanaethau plant a phobl ifanc ar fyrddau iechyd lleol. Felly, deallwn fod pwyslais arbennig ar blant a phobl ifanc yma. Yn y Cynulliad, yr ydym yn gefnogol o Gonfensiwn y Cenhedloedd Unedig ar Hawliau Plant ac mae hwnnw'n sail i bopeth yr ydym yn ei wneud o ran plant. Ddirprwy Weinidog, a allwch gadarnhau mai plant a phobl ifanc fydd prif ffocws y timau integredig cymorth i deuluoedd? Pa fesurau penodol y byddwch yn eu sefydlu i sicrhau bod buddiannau plant a'r hyn sydd ganddynt i'w ddweud yn cael eu hystyried a'u parchu yn unol â'r egwyddorion hynny?

Gareth Jones: In Part 3 of the proposed Measure, on the integrated family support teams, emphasis is, quite rightly, placed on early intervention and trying to prevent problems from happening and from intensifying. Reference is made to the functions and staff of the teams and to the arrangements for establishing them. Reference is also made to the fact that these teams will come under the integrated family support team boards, which will set the strategic direction for the teams. These boards will have specific statutory duties. Section 53 places a duty on local authorities to establish these boards in their areas, and there is a reference to who should sit on the boards and to their constitution. The board members are to include the directors of social services or the directors who take the statutory lead on children's and young people's services. It also refers to the officers of local health boards who lead on children's and young people's services. So, we see the specific emphasis on children and young people here. In the Assembly, we are supportive of the United Nations Convention on the Rights of the Child, and that is the basis for everything that we do, as far as children are concerned. Deputy Minister, can you confirm that children and young people will be the main focus of the integrated family support teams? What specific measures will you put in place to ensure that the interests of children and what children have to say are considered and respected in accordance with those principles?

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| <p>Gwenda Thomas: O ran y cwestiwn cyntaf am adran 53, mae cysylltiad uniongyrchol rhwng dyletswyddau'r timau a'r byrddau, ac ni ddylai fod achlysur pan fydd mwy o dimau na byrddau. Bydd bwrdd cynghori cenedlaethol yn ogystal â'r byrddau lleol, a bydd dyletswyddau wedi'u gosod yn y Mesur arfaethedig. Felly, bydd dyletswyddau strategol, a phwrpas y rheiny yw rhoi eglurdeb o ran dyletswyddau'r timau. Bydd y byrddau yn gwneud gwaith i ddatblygu rôl y timau.</p> | <p>Gwenda Thomas: On the first question about section 53, there is a direct link between the duties of the teams and the boards, and it should never be the case that there are more teams than boards. There will be a national advisory board as well as the local boards, and the duties will have been set out in the proposed Measure. So, there will be strategic duties, and their purpose is to give clarity to the duties of the teams. The boards will also undertake work to develop the role of the teams.</p> |
| <p>10.50 a.m.</p> | |
| <p>Bydd dyletswyddau gan y byrddau o ran y timau, a hynny'n seiliedig ar Ddeddf Diogelu Plant 1999 a Deddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990. Mae hynny'n eglur iawn yn y ddeddfwriaeth honno. Yr ydym yn mynd gam ymhellach drwy osod dyletswyddau penodol ac uniongyrchol i sicrhau bod y byrddau yn atebol a bod aelodau'r byrddau a'r timau integredig cymorth i deuluoedd yn atebol fel unigolion hefyd. Bydd gwaith y bwrdd yn allweddol i sefydlu'r system integredig yr ydym yn anelu ati. Er enghraifft, pe bai'r bwrdd eisiau cynnwys cefnogaeth i deuluoedd sydd ag anghenion o ran trais yn y cartref, neu mewn meysydd eraill, bydd yn gallu gwneud hynny. Mae partneriaid allweddol yn y system. Fodd bynnag, yr hyn fydd yn tanlinellu'r holl beth yw arweinyddiaeth gref a'n bod yn rhannu a chytuno ein gweledigaeth o ran y Mesur arfaethedig, bod staff o ansawdd uchel genym yn y system a'n bod yn cefnogi gwaith a fydd yn anelu at ddatblygu integreiddio gwasanaethau a chymryd camau i wneud hynny.</p> | <p>The boards will have duties in relation to the teams, and that is based on the Protection of Children Act 1999 and the National Health Service and Community Care Act 1990. That is very clear in that legislation. We are going a step further by placing specific and precise duties to ensure that the boards are accountable and that the boards and the integrated family support teams are also accountable as individuals. The work of the board will be key to establishing the integrated system that we hope to create. For example, if the board wanted to include support for families that have needs with regard to domestic violence, or in other areas, it will be able to do that. There are key partners in the system. However, underlining all of this will be strong leadership and the fact that we are sharing and agreeing on our vision with regard to the proposed Measure, that we have good-quality staff in the system and that we support the work that will aim to develop the integration of the services and will take steps to do that.</p> |
| <p>Yr oeddech yn gofyn sut y byddwn yn ceisio gwneud yn siŵr bod plant yn allweddol a bod y ffocws pennaf ar anghenion plant. Yr ydych wedi sôn am gonfensiwn y Cenhedloedd Unedig ar hawliau'r plentyn, sy'n rhoi'r hawl i bob plentyn fyw gyda mam a thad os mai hynny yw'r peth gorau i'r plentyn a'i bod yn ddiogel i'r plentyn wneud hynny. Heb anelu at deuluoedd cryfach, ni chredaf y byddwn yn gwneud ein gorau dros blant. Heb hynny, ni allwn sicrhau bod gan blant yr hawl i fyw yn eu teuluoedd. Yn y pen draw, bydd rhai plant mewn sefyllfa lle nad yw'n ddiogel iddynt wneud hynny. Fodd bynnag, y neges yr hoffwn ei rhoi i'r pwyllgor yw ein bod ni, bob amser, yn ceisio gwneud y peth gorau i'r plentyn ac yn ceisio datrys problemau sy'n wynebu'r teuluoedd hyn. Wrth gwrs, fel yr wyf wedi dweud, weithiau, ni fydd yn bosibl i ni gadw plant yn y teulu, ond os oes modd, gwnawn hynny. Dyna yw hawl y plentyn a dyna yw pwrpas yr holl beth. Fodd bynnag, yr ydym yn ceisio gwneud yn siŵr ein bod yn defnyddio cefnogaeth o fewn y teulu ehangach oherwydd, efallai, ar brydiau, dyna fyddai'r peth gorau i blant.</p> | <p>You asked how we would attempt to ensure that children are central to this and that the main focus is placed on the needs of children. You mentioned the UN convention on the rights of the child, which gives every child the right to live with a mother and father if that is the best thing for the child and it is safe for the child to do so. Without aiming to create stronger families, I do not believe that we will do our best for children. Without that, we could not ensure that children have the right to live with their families. At the end of the day, some children will be in a situation where it is not safe for them to do that. However, the message that I would like to give the committee is that we are always looking to do what is best for the child and attempting to solve the problems facing these families. Of course, as I said, it will not always be possible to keep children in their families, but if we can do that, then we will do so. That is the right of the child and that is the purpose of it all. However, we try to ensure that we use the support within the extended family, because, perhaps, on occasion, that would be best for children.</p> |
| <p>Gareth Jones: Diolch, Ddirprwy Weinidog. Yr wyf yn gwerthfawrogi'r ewyllys a'r amcan yn hyn o beth i sicrhau a diogelu buddiannau'r plant. Yr wyf yn gweld sut yr ydych wedi ei drefnu, cyn belled ag y mae'r timau integredig cymorth i deuluoedd yn y cwestiwn; mae gennych y TICD, sy'n atebol—hyd y gwelaf—i fwrdd y TICD, gan mai'r bwrdd hwnnw sy'n gosod y strategaeth. Mae rhywbeth yn peri cymhlethdod i mi—ac fy mai i yw hwn, nid eich bai chi. Cyfeiriaf at fwrdd arall. Dywedaf yr enw yn Saesneg fel ein bod yn hollol glir am yr hyn yr wyf yn cyfeirio ato.</p> | <p>Gareth Jones: Thank you, Deputy Minister. I appreciate the will and the aim of this to ensure and to safeguard the interests of the children. I see how you have arranged it, as far as the integrated family support teams are in question; you have the IFST, which are accountable—as far as I can see—to the board of the IFST, because it is that board that sets the strategy. There is something that confuses me—and this is my fault, not yours. I refer to another board. I shall say the name in English so that we are totally clear what I am referring to.</p> |

I am referring to the local safeguarding children boards.

Oni ddylai'r bwrdd hwn, sy'n diogelu plant lleol, fod yn gyfrifol am oruchwyliaeth y timau integredig cymorth i deuluoedd? Yr wyf yn gofyn beth yw pwrpas dod â bwrdd arall i mewn tra bo'r byrddau lleol diogelu plant ar gael. A ydych yn rhagweld y gallai cyflwyno dimensiwn ychwanegol—os wyf yn gywir i ddweud hynny—greu ychydig ddryswch o ran cyfrifoldebau?

Should this board, which safeguards local children, not be responsible for overseeing the integrated family support teams? I am questioning the purpose of creating another board when there are already local safeguarding children boards. Do you foresee that inserting an additional dimension—if I am correct in saying that—could create some confusion in terms of responsibilities?

Gwenda Thomas: Ni welaf hynny'n digwydd. Ni fydd y byrddau newydd yn annibynnol o'r gwasanaeth. Creu'r gwasanaeth y bydd y byrddau newydd, yn lleol ac yn genedlaethol, yn eu gwneud. Efallai y gall Donna ymhelaethu ar yr ateb hwn.

Gwenda Thomas: I cannot see that happening. The new boards will not be independent of the service. The new boards, on a national and local level, will actually create the service. Perhaps Donna could expand on that issue.

Ms Davies: The distinction, I think, is that the local safeguarding board has a generic duty for safeguarding children generally. Most of the children referred to the IFST, because they are in need, will have some potential element of risk either on the child protection or on need in any case. Some of the children referred to IFST may be known to the local safeguarding board, because it has a generic duty and specific duty to individuals. It is more a matter of generics. Both boards have completely separate functions. We must remember that the people on the local safeguarding boards also have a role as the directors. They are probably directors and heads of service on the social services side of things, where their functions are quite distinct and different. It is about setting up collaborative arrangements on the broader scale of all their community about general safeguarding. When you look at this particular board, you will see that its functions for IFST will be looking at taking leadership and championing. We have prescribed the key people who need to be on that board because they are the people who have to ensure its success, in terms of its leadership, resourcing and making sure that the right people are there creating the environment. It is important—there may be confusion on this externally, from all our workshops—that IFSTs are not the end in themselves; they work within the context of all of the other services and the current care and adult support arrangements. This board is actually a way for us to make sure that there are individuals who are accountable and effective, and making sure that they have that role in terms of also extending their corporate parenting duty.

Gareth Jones: I am grateful for that answer. You do not envisage any difficulty in terms of identification of roles pertaining to someone who might be on the local safeguarding board and, possibly, on the IFST board. There are clear, distinctive roles involved here although we might be talking about the same person.

Ms Davies: That happens at present where there are people in partnerships and so on.

Gareth Jones: Diolch yn fawr. Credaf ein bod wedi cyfeirio ryw faint at hyn yr wythnos diwethaf, ond mae pwyslais arbennig ar y TICD. Mae'r timau hyn yn allweddol, yn ôl yr hyn yr wyf yn ei ddeall, beth bynnag. A allwch egluro sut yn union y byddant yn gweithio drwy ei gilydd fel tîm? A fyddant wedi'u cydleo'i? A fyddant ar gael wyneb yn wyneb, neu a fyddant yn gweithio drwy'r we neu ryw system dechnolegol?

Gareth Jones: Thank you. I think that we touched on this issue slightly last week, but there is a particular emphasis on the IFST. These teams are crucial, as I understand it. Could you explain how exactly they will work as a team? Will they be co-located? Will they work face to face, or will they be virtual teams working online or through some technical system?

Will they be co-located or a virtual team?

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| <p>Gwenda Thomas: Penderfyniadau lleol fydd rhai o'r rhain, i'w cymryd o fewn ardal y gwasanaeth. Yn y flwyddyn gyntaf, bydd grant i ddatblygu gwaith yr arloeswyr hyn i sicrhau bod ganddynt rywffaint o arian i sefydlu lle i weithio ohono, ac adnoddau technoleg gwybodaeth a chyfathrebu. Mater i awdurdodau lleol a byrddau iechyd lleol fydd sicrhau'r cysylltiad hwn gyda rhai sefydliadau sydd yn bodoli ar hyn o bryd, ac sydd wedi datblygu adnoddau technoleg gwybodaeth a chyfathrebu.</p> | <p>Gwenda Thomas: Some of these will be decisions to be taken at a local level where the service is to be delivered. During the first year, there will be a grant to develop the work of these pioneers in order to ensure that they have some funding available to establish an area to work from, and have adequate information and communications technology. It will be a matter for local authorities and local health boards to ensure that this link is made with the institutions that currently exist, and have developed their own ICT resources and facilities.</p> |
| <p>Mae'n bwysig dweud y bydd yr amser sydd gennym yn ystod y flwyddyn hon, i wneud y paratodau ar gyfer datblygu'r TICD, yn golygu y gall y bwrdd cynghori a'r grŵp cenedlaethol sicrhau bod y canllawiau ar waith, a bod gennym yr adnoddau pwrpasol ar waith hefyd.</p> | <p>It is important to say that the time that we have available to us during this year, to make the necessary preparations to develop the IFSTs, will mean that the advisory board and national body will be able to ensure that the guidelines are in place, and that we also have the necessary resources in place.</p> |
| <p>11.00 a.m.</p> | |
| <p>Yr wyf yn credu fod hyn yn rhywbeth i'w ddatblygu pan welaf y tîm yn gweithio, efallai o leoliad—bydd y gwaith pwysig yn digwydd allan yn y maes wrth gwrs—yn gweithio gyda'r teuluoedd hyn, ac yn cymryd y camau cyntaf i ddod o hyd i'r teuluoedd hynny sydd eisiau help. I wneud hynny, bydd rhaid cydweithio â chyrrff eraill o'r cam cyntaf, yn enwedig yr heddlu, oherwydd yr ydym yn gwybod mai drwy'r heddlu y daw'r rhan fwyaf o blant at sylw'r gwasanaethau cymdeithasol, a drwy hynny rhaid cydweithio i ddatblygu'r cyswllt â'r TICD i geisio datblygu'r gwasanaethau mwyaf pwrpasol ar gyfer y teuluoedd mwyaf bregus.</p> | <p>I think that this is something to be developed when I see the team in action, perhaps from a location—the important work will take place in the field of course—working with these families, and taking the initial steps of finding those families that want help. To do that, it will be necessary to co-operate with other organisations from the beginning, especially the police, because we know that it is through the police that most children are brought to the attention of social services, and through that there is a need to co-operate to develop the link with the IFSTs to try to develop the most relevant services for the most vulnerable families.</p> |
| <p>Gareth Jones: Gadeirydd, a gaf symud ymlaen a chyfeirio yn awr at Ran 4, lle mae cyfeiriad at swyddogion safonau mewn perthynas â gwaith cymdeithasol teuluol? Y bwriad yn y fan hon, hyd y gwelaf i ac fel yr ydych wedi egluro, yw codi'r safonau o ran y gwaith pwysig hwn, sef gwaith cymdeithasol. Mae'r Mesur arfaethedig yn darparu ar gyfer swyddog safonau gwaith cymdeithasol teuluol o'r awdurdod dynodedig—yr awdurdod lleol, fe dybiwn i. O dan yr amgylchiadau hynny, a all y math hwnnw o swyddog fod yn gwbl annibynnol? A fyddai'r swyddog, o bryd i'w gilydd, efallai'n ei chael yn anodd bod yn gwbl annibynnol ac i feirniadu rhywfaint ar sut mae'r gwaith yn cael ei drin a'i drafod a'r prosesau sydd ar gael yn y gweithle o ran yr awdurdod hwnnw? Pe bai'r swyddog yn gweld problemau'n codi o ran Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru, sut byddai'n ymwneud â'r awdurdod? A ydych yn rhoi pwysau aruthrol ar y person hwnnw i fod yn gwbl annibynnol yn y rôl?</p> | <p>Gareth Jones: Chair, may I move on to Part 4, where it refers to standards officers in relation to family social work? The intention here, as far as I can see and as you have explained, is to raise the standards of this important work, namely social work. The proposed Measure provides for a family social work standards officer from the designated authority—the local authority, I would presume. In those circumstances, can that sort of officer be completely independent? Would the officer, from time to time, not find it difficult to be completely independent and to make certain criticisms of the ways in which the work is undertaken and the processes that are available in the workplace in terms of that authority? If the officer was to see problems arising in terms of the Care and Social Services Inspectorate for Wales, how would he or she then engage with the authority? Are you not placing a great deal of pressure on that person to be completely independent in that role?</p> |

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| <p>Gwenda Thomas: Nid fydd y swyddog hwn, fel yr wyf yn ei ddeall, yn annibynnol o'r gwasanaeth—nid dyna yw ei bwrpas. Bydd y Mesur arfaethedig yn golygu y bydd yn ofynnol i lywodraeth leol ddatblygu swydd y swyddog cyswllt hwn. Mae rhai ar waith eisoes—mae swyddogion cyswllt yn bod ar hyn o bryd. Yr hyn mae'r Mesur arfaethedig yn ceisio ei wneud yw adeiladu ar y rôl honno a deddfu er mwyn bod yn eglur beth fydd gwaith y swyddog datblygu hwnnw. Wrth gwrs, ei brif bwrpas fydd codi safonau, cefnogi gwaith ymchwil a gwneud yn siŵr ein bod yn rhannu gwybodaeth ynglŷn â'r gwaith ymchwil hwnnw. Mae'n bwysig iawn i mi i wneud yn siŵr bod arweinyddiaeth o fewn yr awdurdodau. Efallai y bydd y swyddog hwn yn bencampwr a fydd yn gallu gwneud yn siŵr bod yr arferion gorau ar waith a'n bod yn rhannu gwybodaeth am hynny o fewn awdurdodau. Gall hefyd adeiladu ar y gwaith ymchwil a rhannu'r gwaith ar draws yr awdurdod i gyd. Ni fydd gwaith y swyddog hwn yn gyfyngedig i waith y TICD; bydd yn gweithio ar draws gwasanaethau cymdeithasol ac yn rhannu gwybodaeth y tu allan i'r gwasanaethau cymdeithasol. Yr wyf yn credu bod datblygu'r rôl honno'n hollbwysig. Ar hyn o bryd, mae'r swyddogion cyswllt yn gysylltiedig â rhwydwaith colegau Cymru—sefydlwyd y rôl honno ers peth amser ac y mae'n datblygu.</p> | <p>Gwenda Thomas: As I understand it, this officer will not be independent of the service—that is not the purpose of the role. The proposed Measure will mean that local government will be required to develop a link officer post. Some are already in place—link officers exist at the moment. The proposed Measure is attempting to build on that role and to legislate in order to make it clear what the development officer role will entail. Of course, its main purpose will be to raise standards, support research work and make sure that we share information about that research work. It is very important to me to ensure that there is leadership within the authorities. This officer may be a champion who will be able to ensure that best practice is used and that information on that is shared within authorities. He can also build on the research work and share that work across the entire authority. The work of this officer will not be restricted to the work of the IFSTs; he will work across social services and share information outside social services. I believe that the development of that role is crucial. At the moment, the link officers are connected to Wales's college network—that role has been established for some time and is developing.</p> |
| <p>Fodd bynnag, mae angen inni fynd gam ymhellach yn awr i ehangu'r capasiti sydd ar gael er mwyn gwneud yr ymchwil hwn ac yn bennaf i rannu gwybodaeth er mwyn codi safonau a sicrhau bod pobl yn ymwybodol o arferion da mewn mannau eraill. Mae hwnnw wedi bod yn wendid i raddau hyd yn hyn.</p> | <p>However, we need to go a step further now and expand the capacity that is available in order to undertake this research and, importantly, to share information in order to raise standards, and that people are aware of good practice that is happening elsewhere. That has been a weakness to date to some extent.</p> |
| <p>Gareth Jones: Diolch am eich ymateb, Weinidog. Mae'n bwysig ein bod yn deall sail resymegol gwaith y swyddog hwn. Gwelaf yr angen a'r cyfle i godi safonau, ond mae gan y swyddog hwn gyfrifoldeb i edrych ar yr hyn sy'n digwydd a bydd ef neu hi yn gweld esiamplau o arferion da ac arferion nad ydynt cystal. Felly, o bryd i'w gilydd, bydd rhaid i'r unigolyn fod yn feirniadol os ydynt am godi safonau. A ydych yn ffyddiog y bydd y swyddogion hyn yn gallu bod yn ddigon hyderus i fod yn feirniadol, er mwyn codi safonau? Sut y byddant yn gweithio gyda'r arolygiaeth sydd yn monitro gwasanaethau cymdeithasol yng Nghymru?</p> | <p>Gareth Jones: Thank you for that response, Minister. It is important that we understand the rationale for the work of this particular officer. I see the need and the opportunity to raise standards, but this officer has a responsibility to identify what is happening and he or she will look at examples of good practice and not-so-good practice. At times, the individual will have to be critical if standards are to be raised. Are you confident that these officers will be sufficiently confident to be critical, in order to raise standards? How will they work with the inspectorate that monitors social services in Wales?</p> |
| <p>Gwenda Thomas: Bydd monitro rôl y swyddog yn rhan o waith yr arolygiaeth er mwyn sicrhau bod y swyddog wrth ei waith a bod gwelliannau yn cael eu gwneud. Fodd bynnag, er mwyn egluro ymhellach, efallai y gall Donna ddweud rhywbeth am y rôl honno.</p> | <p>Gwenda Thomas: Monitoring the work of the officers will be part of the inspectorate's work in order to ensure that the officer is in place and that improvements are made. However, to provide further clarity, perhaps Donna can say something on that role.</p> |

Ms Davies: Just to build on what the Deputy Minister said, these officers already exist; these are not new posts. We are trying to build and protect these posts so that they flourish and can develop in the system. As the Minister for Social Justice and Local Government mentioned earlier, we have limited resources for how we use and draw on best practice and research to ensure that we apply that in local authorities.

The officers will work within the service. They already exist through these link officers, but they currently have several roles, so they are less effective than they could be if these were more dedicated ring-fenced posts. They will have specific duties, working with the National Institute for Social Care and Health Research, as I said earlier, and working on setting up the social care excellence department. So, their role is to be given the right capacity to work across these different institutes and to bring that shared learning back and imparting it to the organisation. If the chief executive or others in the organisation choose to ignore that, then that is an issue for the management. This is broader than IFS teams; it goes across all areas relating to children and families. However, clearly these are the type of things that will be reflected regarding poor performance on outcomes for children. To work towards the NISCHR that I just mentioned, we will publish what works and what does not work in Wales to allow that dissemination of information in order to help individuals.

Gareth Jones: Again, I am grateful for that response, but as a humble AM, my objective would be to ensure that, if practices need to be improved in Wales, we have people in place who will stand up and say, 'This has to change and improve.'. I believe that these officers will have a role to play in that; you also mentioned the capacity and freedom to act, and I welcome that very much. I would like to think that the proposed Measure will be robust enough to enable these individuals to stand up for what is social justice in that sense. I believe that you have given me that assurance.

Gwenda Thomas: As part of the wider development, linked to the development of the national institute, we will consult on the development of these particular roles.

Val Lloyd: Thank you, Deputy Minister, that was helpful; Jeff, you are next.

11.10 a.m.

Jeff Cuthbert: The first few questions relate to Flying Start and Cymorth, so I imagine they are for Jane, as the Minister. The key point here is that these two programmes are aimed at some of the most deprived areas in Wales, but it is the case that school catchment areas do not always coincide with the geography of deprived areas, such as Communities First areas. There is not always a very good match. However, given that they are targeted programmes, aimed at disadvantaged communities, how would the proposed Measure address the needs of children living in poverty, beyond the normal criteria, such as Communities First areas?

The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt): There is a distinction between Cymorth and Flying Start, which would be helpful to clarify again. Cymorth has always aimed to provide a network of targeted services within a framework of universal provision in an authority. The five themes of Cymorth—family support; health improvement; play, leisure and enrichment; empowerment; and participation—steer the funding decisions. It is targeting preventative services to help to tackle child poverty. It has given children and young people's partnerships a wider remit to look at that in order to meet Cymorth's objectives.

However, Flying Start is highly targeted, which is why it is so important and relevant to this proposed Measure with regard to tackling child poverty. It is aimed specifically at those areas experiencing the highest levels of multiple deprivation. It is built on international evidence, but we have also given the children and young people's partnerships the responsibility, with our guidance, of identifying the catchment areas for Flying Start. Cymorth and Flying Start complement each other, but it goes back to the fact that it is local authorities that need to determine the local needs of families that are disadvantaged by poverty. Cymorth provides a wider framework, but Flying Start has a particular focus on multiple deprivation. Therefore, there is often an overlap with Communities First, but not always. We are evaluating the way in which we have targeted Flying Start; we are also evaluating Cymorth, and it is important that we learn from those evaluations.

Jeff Cuthbert: Thank you. With regard to funding, Minister, the proposed Measure plans that the funding for activity currently funded by Cymorth will be transferred into the revenue support grant from 2011. Therefore, do you anticipate any problems in that vital services could be left without adequate funding during the transition period, until the implementation of the proposed Measure?

Jane Hutt: As you know, we have given a commitment that specific grants will transfer to the revenue support grant. We have already transferred the childcare element of Cymorth into the RSG. That was a result of the Childcare Act 2006, which I am sure we will get on to with regard to assessing sufficiency. We have given a clear commitment that we would begin a phased transfer of the remaining elements of the grant from 2011-12 onwards, but the purpose of the proposed Measure is clearly to ensure that services provided by Cymorth funding are maintained. Therefore, with regard to whether there will be any difficulties with the transition, because we are proposing duties in relation to services that have been funded by Cymorth, which we want to see maintained, and because we are not transferring the remaining elements until 2011-12, there will be no transition period. Furthermore, this will be clearly monitored, and the creation of duties is a statutory underpinning process that will safeguard Cymorth funding from 2011 onwards.

Val Lloyd: Deputy Minister, I understand that you have to leave shortly; is there anything that you would like to add before you leave?

Gwenda Thomas: I have nothing to add, but I need to get back to Pontardawe for a funeral. If the committee members have nothing else on Part 3, that would be helpful for me.

Val Lloyd: We have taken that into account, Deputy Minister. Thank you very much for making the time to come and answer our questions this morning.

Gwenda Thomas: I thank committee members for the excellent questions that we have had, in order to arrive at the best possible Measure. Diolch yn fawr.

Jeff Cuthbert: Continuing on the issue of funding, will there be any risks to services that are currently part funded by Cymorth and charitable organisations, as the proposed Measure makes clearer what is a statutory service and what is not?

Jane Hutt: That is an important question, because local authorities are commissioning a number of services from the voluntary sector and charitable organisations already. Those arrangements should not be affected. They can be commissioned with Cymorth funding, and we see no reason why that should change. We also fund a lot of organisations nationally through our children and families organisation grant. Organisations such as Barnado's and Children in Wales receive core funding from us, and some services that are provided, such as short breaks, are commissioned by local authorities. So, there should be no undermining of those arrangements and they should not be affected by the proposed Measure.

Jeff Cuthbert: To finalise this, how will you monitor how Cymorth money is being spent to meet the objectives of the proposed Measure once it has been transferred into the revenue support grant? Do you have any plans to move Flying Start funding into the revenue support grant?

Jane Hutt: The current ways that we monitor services that are funded by funding that has been transferred to the RSG—and I am not just talking about my department—is through the local government performance framework, which monitors carefully the transfer of ring-fenced funding into the RSG. We are also developing an outcome and outcome measures framework to monitor the effectiveness of children and young people's activity in this area. We see that as crucial for the statutory underpinning, which will come in under the proposed Measure, of the transfer of funding. That outcome measures framework will also look at key areas, such as parental support, health support services as well as the participation agenda, which we have dealt with under the broad aims of the proposed Measure. What we need to see—and this is for another discussion that is taking place elsewhere—are clear outcomes that the Cymorth funding is achieving, and when it goes into the revenue support grant, that clear outcome measurement must be the key tool and vehicle for assessing whether the funding has been suitably transferred and is continuing to deliver.

On the point about Flying Start, there are no plans to move Flying Start funding into the RSG. The new duty, in terms of childcare, would only be triggered if a decision was taken at a certain point. There are no plans to do that at present.

Jenny Randerson: I am grappling with the attempt to match the concept behind Flying Start and Cymorth, which deals with things on an area basis, and the primary purpose of this proposed Measure, which deals with individual families and children at risk. It is obviously the case that there can be and that there are many individual families, in which the children are vulnerable, outside the areas where Cymorth and Flying Start money is targeted. You have recently moved to a more area-based model with Flying Start and moved away from targeting individual families, and I can see that this money addresses some of the issues in the proposed Measure, such as the issue of safe and secure communities, for example. I can also see that Cymorth and Flying Start do not match the aims of the proposed Measure in the way in which they are targeted. Can you comment on that?

11.20 a.m.

Jane Hutt: Without going back over the response to the first question from Jeff, I think that the children and young people's partnerships have been aided through Cymorth. I have given the five themes of Cymorth, stretching from family support. The parenting strategy, for example, has reached parents across the board in local authority areas, but particularly in our more disadvantaged areas. We have to go back to the purpose of this proposed Measure, which is to tackle child poverty, as you say, Jenny. The issue about Flying Start, which is very much built on research, is that we have to intensively target those children and their families who are most likely to be vulnerable. That also came out of the evaluation of Sure Start and of what has had the most effect on children: intensive targeting, parenting support, extra health visiting, and the free childcare. The evidence shows that intensivity is key. We have not moved away from that.

We give local authorities discretion in identifying their catchment areas, and there are issues, as you know, in terms of communities and local authorities that have found that they would like to target more children with a Flying Start type of initiative. However, there has been no move away from the model that we have developed for Flying Start. In terms of evaluation, it is important that we do not move away from that model. Jeff made a point about where this features in terms of the proposed Measure. We have to ensure that if Flying Start works—we believe that it is working; it is currently being evaluated and something might emerge from the evaluation with regard to intensivity and how we target—the local authorities, in tackling child poverty, must have a statutory duty to deliver that free childcare, which is where we really focus on the childcare statutory duty in the proposed Measure.

Jeff Cuthbert: Further to my earlier question on how Cymorth money is being spent to meet the objectives, who will take the lead on the monitoring? Will it be your department, for example, or will it be a shared exercise?

Jane Hutt: This is where the partnership with local government is so important. As you know, we are moving to an outcome measures framework. In the Finance Committee, I have given evidence about the number of specific grants that we have. Local government feels that there are far too many specific grants, and some schools feel that there are far too many specific grants. We can only move to a change in terms of less ring fencing and hypothecation and more transfer into the revenue support grant if we can be sure that local government will take responsibility for the impact of its decisions in terms of the use of the money that will be transferred.

We will set the outcome measures framework for local government with local government, and we will have the expectation of those clear outcomes. However, it will have to be a delivery in partnership. Local authorities will have to be held to account locally, and we will be held to account nationally as a Government for moving to this outcome measures framework. The point about the proposed Measure is that we will have statutory underpinning for all of the money that we have spent over the last 10 years. We have spent hundreds of millions of pounds on Cymorth, and will spend £85.1 million over 2008-2011 on Flying Start. That is our money that is going directly to local authorities. With any movement in terms of transfer, the statutory underpinning is absolutely fundamental, as well as the outcome measures framework.

Gareth Jones: Mae Rhan 2 yn ymwneud â gofal plant a gofal dyddiol. Yr wyf yn deall bod y ddeddfwriaeth bresennol mewn perthynas â hyn i'w gael yn Neddf Plant 1989, ond mae'r Mesur arfaethedig yn ceisio newid ac addasu'r gyfraith mewn perthynas â gofalu'r plant ac hefyd y rhai sy'n darparu gofal dyddiol. Pam bod angen newid y Ddeddf bresennol mewn perthynas â'r math hwn o ofal?

Gareth Jones: Part 2 deals with childcare and day care. I understand that the present legislation in relation to this is to be found in the Children Act 1989, but the proposed Measure attempts to change and modify the law in relation to childminders and day-care providers. Why does the current Act need to be changed in relation to this type of care?

Jane Hutt: The word is not so much 'modifying' as 'consolidating'. That is what we are trying to do. We have taken the opportunity with the proposed Measure to reframe the law to bring greater clarity to the regulation and registration of this care for children under eight years old, moving towards the longer term aim of consolidating children's law in Wales in a phased and manageable way. This is very much about bringing the provisions together in terms of the Children Act 1989. We must also recognise that there have been changes as a result of the Government of Wales Act 2006 in terms of references to Welsh Ministers instead of the National Assembly for Wales. It also updates references, because there have been piecemeal amendments since 2000. So, it is about consolidating and reframing.

Gareth Jones: Diolch yn fawr am hynny. Fel Aelod etholedig, pan yr wyf yn ystyried y math o ddarpariaeth sydd gennych ar gyfer gofalu plant yng Nghymru, gwelaf ei fod yn amrywio, ac mae hefyd yn eang. Os bydd newidiadau fel hyn sydd hefyd yn ymwneud â'r gyfraith, pa fath o ymgynghori sy'n digwydd ar hyn o bryd gyda'r darparwyr hyn a'r rhai sy'n gofalu am blant? Pa ymgynghori pellach sydd wedi digwydd gyda sefydliadau sy'n ymwneud â hyfforddi ar gyfer y math hwn o ofal?

Gareth Jones: Thank you for that. As an elected Member, when I consider the type of provision that you have for childcare across Wales, I see that it varies, and that it is also broad. If there will be changes of this type that also relate to the law, what type of consultation is being undertaken with these providers and childminders? What further consultation has been undertaken with institutions that provide training for this type of care?

Jane Hutt: This is an area where we have sought views through the 'Stronger Families' consultation, which Gwenda led. We have consulted on the particular proposals to strengthen enforcement in respect of regulated childminding and day-care services. When we get to the point of regulations, there will be a further opportunity for consultation. An important point to make about this is that it is neutral for the provider, because it clarifies the law. It strengthens enforcement on the rare occasions when that is needed, but it will, hopefully, also result in more consistent provision of childminding and day-care services in Wales. There are other issues about how we develop the childcare workforce—that is another matter—but we have taken this opportunity in terms of consolidation and reframing and consulted through 'Stronger Families', but regulations will provide a further opportunity for consultation.

Sandy Mewies: Still on part 2, but looking at enforcement and regulations, the proposed Measure is intended to align arrangements for enforcement and regulation in line with other social care settings as set out in the Care Standards Act 2000. Why were the provisions relating to childminding and day care for children in the proposed Measure not included in the Health and Social Care Act 2008?

Jane Hutt: I will bring Michael in on this point.

11.30 a.m.

Mr Lubienski: The simple answer is that it was outside of the scope of the UK Bill as it was going through Parliament, because that Bill was concerned with the functions of the body now set up as the Care Quality Commission in England. It covers only those settings that are regulated under the Care Standards Act 2000. For historical reasons, the legislative provision dealing with the regulation of childminding and day care has always been separate from that. Therefore, that provision was not within the scope of the Health and Social Care Act 2008.

Sandy Mewies: Thank you. The proposed Measure is also intended to enhance the regulation and enforcement powers relating to children under the age of eight. Therefore, why does the proposed Measure extend only to children up to the age of eight? How will after-school provision, and presumably pre-school and holiday scheme provision, which are likely to be attended by children under and above the age of eight, be regulated?

Jane Hutt: As you say, current childcare regulations apply only to those services that cater for children under the age of eight, because it is the age group considered to be the most vulnerable. Settings that cater for children aged eight and over are not required to register, and they are not able to do that voluntarily either. We have legal duties to safeguard all children—it is important to put that on the record. That includes the new vetting and barring system, which comes into place from October this year. The new provisions will allow Welsh Ministers to make an Order under section 13(4) to change the age to make it higher or lower, so we will be able to make regulations in relation to children over eight, which, as you say, is important for that older age group. If you wish, we could also comment on existing arrangements for the older age group—although we may come on to that anyway. However, as I said, these provisions will allow us to raise or lower the age.

Sandy Mewies: The proposed Measure should give the Care and Social Services Inspectorate Wales additional powers in relation to childcare and day care for children. How will the Assembly Government ensure that the inspection programme for Wales meets or exceeds the standard set for childminding and day-care centres for children in England? I represent a constituency very close to the border; will the changes result in a significant policy divergence from England, and, if so, what consideration has been given to cross-border issues and the fact that some Welsh children might attend day-care centres or be looked after by childminders registered in England? I seem to recall that the tax credits system in England for childminding was an issue for people living in Wales sometimes.

Jane Hutt: That is a very important cross-border issue. In response to the first point, the additional powers through the proposed Measure will not have an impact on the ability of people to register as childminders or day-care providers. It does not introduce any significant new burden, so it should not discourage people from going into this important work. Again, it goes back to the fact that the majority of the provision under part 2 of the proposed Measure is very technical. It mirrors provision made under legislation for childminders and day-care providers registered under the Children Act 1989, so I would have thought that it would bring us more into line with the arrangements in England, rather than less.

Mr Lubienski: Yes. Essentially, the position for childminders is neutral. There are minor enhancements to the regulator's powers in three regards: one is the fixed penalties; the second is the ability to impose conditions via a written notice, rather than through court proceedings; and the third is the extension of time. However, with regard to the burden on childminders or day-care providers and their day-to-day or week-to-week experience of operating in the sector, it should not make any difference to their lives.

Jeff Cuthbert: On childcare places, Minister, I note that section 7 refers to local authorities providing free childcare for children aged between two and three years old in specified areas across Wales. How will you determine those specified areas?

Jane Hutt: That takes us back to the targeting that we have developed through Flying Start. The effectiveness of that scheme is now being evaluated, as well as the specificity of that targeting. The wording of section 6, not 7, is intended to allow regulations to be made in the future to place a duty on local authorities to provide free and high-quality targeted childcare, which is akin to the provision currently funded through Flying Start. In many ways, the challenge of this legislation is to safeguard what we have been doing through Flying Start, by embedding it in the proposed Measure. We may in future have to adjust that highly targeted focus in response to the evaluation.

Jeff Cuthbert: I will group my next questions, which are about the provision of places. First, if an assessment has been carried out of the numbers of free childcare places currently available, do you think that we need more places to meet the requirements of the proposed Measure? As I understand it from the explanatory memorandum, there are no current plans to alter the funding arrangements, so are you satisfied that the current funding will be adequate to meet demand? Finally, the explanatory memorandum says that there will be no new burdens placed on local authorities beyond those associated with Flying Start and Cymorth. Can you confirm that that is the case?

Jane Hutt: The point about assessing the need for childcare goes back to the sufficiency of responsibilities under the Childcare Act 2006. We have already transferred funding to local authorities from Cymorth into the revenue support grant, enabling them to assess childcare needs. In fact, we expect to announce this by 1 April across all local authorities, so that will be important in guiding us. We are looking to build capacity by promoting early years teaching and childcare as a career of choice, and the Play Learn Grow campaign was not just targeted at the foundation phase but also at childcare as a profession. We have, for example, created 2,000 new jobs in the last six to 12 months in early years, in the foundation phase.

On current provision, about £5.7 million has been transferred from Cymorth to the revenue support grant to cover childcare. In the proposed Measure that we are focusing on, childcare provision plays a part in targeting services to tackle child poverty. In this legislation, we are trying to tackle child poverty via the intensive, targeted approach of the Flying Start catchment areas, and we are also trying to underpin the work of Flying Start. We do not see that this places new burdens on authorities, and I suspect that similar questions were asked to the Minister for Social Justice and Local Government earlier.

11.40 a.m.

What is so important about this legislation underpinning the Cymorth and Flying Start programmes is that local government is signed up to it. Children and young people's partnerships have been operating a universal approach for the past 10 years, with this highly targeted funding, particularly Flying Start, delivering these services as a preventative measure. If this proposed Measure goes through, local government will have a duty to tackle child poverty, and, linked very closely to the evidence and the experience of Cymorth and Flying Start funding, I believe that it will help local government to deliver its new duties.

Jenny Randerson: My questions relate to the definitions of 'child minding' and 'day care' in section 13. As drafted, the definitions appear to capture a person employed to look after a child at the child's home, as well as a person who looks after children for short periods of time, such as after school. You adopt the terminology of the Children Act 1989, but it excepts certain individuals, such as parents, relatives and foster carers, and the definition of 'child minder' certainly excepts people who care for children in their own home. I know that, under section 13(4), you may make an Order to provide for exceptions, but why did you not think it appropriate to put the limited exceptions on the face of the proposed Measure? Is there any inconsistency in the meaning of the terminology used in this proposed Measure and that used in the Children Act?

Jane Hutt: As you say, section 13 of the proposed Measure allows for adjustments to be made to the legislative schemes for registration, and there is discretion to keep the definitions of 'child minding' and 'day care' found in Part XA of the Children Act 1989, but there is also the opportunity to make changes following consultation with stakeholders. So, an Order could make provision for a babysitter, for example, not to be covered by the definition, and it could ensure that childcare provided by relatives is excluded. So, we need that flexibility, but it is not appropriate for it to be on the face of the proposed Measure. Opportunities for regulation should be the result of further consultation. Mike, do you want to add any further clarification?

Mr Lubienski: The principal advantage of the mechanism of allowing exceptions to the provision to be made by Order is the flexibility that that provides. So, if it is thought advisable in future to adjust the age of children to whom this kind of protection applies or to account for certain sorts of exceptions, for example, with regard to difficult cases that lie on the borderline, an Order-making power is a far more flexible tool to use to do that. It enables consultation to go ahead with the sector on more specific issues, and adjustments can then be made. If it all has to be set out on the face of the proposed Measure, it is there not quite for all time, but in a far more rigid way, and it cannot be adapted to changing times and circumstances.

Jenny Randerson: Do you know of any evidence that suggests that the exceptions provided in the Children Act are not appropriate and have not worked out as planned? I recall that there was a great deal of discussion and controversy over those definitions when the Children Act came in.

Mr Lubienski: The only one that I know has caused difficulty, from personal experience, and is on the borderline is whether people are providing children's activities like sports coaching or stage school activities and so on, which last longer than the current period of two hours. So, there is a question over whether those examples count as care for children and whether those providing it need to be registered as child minders. That is the one example that I am aware of, from personal experience and practice, as it were, but I am sure that there are others.

Jane Hutt: As things develop for us in Wales, there will be the opportunity to have more flexibility. That is the key point.

Jenny Randerson: Are you planning to use section 13(4) to produce a nanny register?

Jane Hutt: No. ["Laughter."] I will go into greater detail on that if you wish, but the answer is 'no'.

I should mention the home childcare approval scheme, which came into effect in Wales in February 2007 and which applies to childcare provided in the child's own home. We contract Nestor Primecare Services Ltd to run that scheme. It is a voluntary scheme and, on Sandy's earlier important point, if you register with a childcare approval scheme, you can get financial support through the working tax credit. So, that provides an important opportunity.

Jenny Randerson: On registration requirements, you appear to restate the existing law, so why is that? Is your restatement in any way different from the existing law?

Jane Hutt: Under the Children Act 1989, as you probably know Jenny, the provision for child minding and day care is split between Part X and Schedule 9 to the Act. The provisions have been amended on a number of occasions, but they do not reflect the fact that the function of the registration authority has passed from the National Assembly for Wales to the Welsh Ministers. So, there is no difference other than that we are using this opportunity to tidy things up, to consolidate the law in a more cohesive way, and to present it in a better way.

Jenny Randerson: Okay, thank you. In relation to the provisions governing activities, you seem to have more extensive provisions than those under the Children Act 1989, and they appear to include procedures for dealing with complaints, the supervision of staff, keeping records and so on. Why have you extended the requirements?

Jane Hutt: We believe that it formalises existing good practice. To give you an example of why that will be helpful, it addresses the Care and Social Services Inspectorate Wales's concern that a child-minding assistant should not be left in sole charge of children. So, it is very much about taking that opportunity to ensure that we embed existing good practice in law. It also inserts a new requirement for regulations to tackle the procedures for dealing with complaints. There will be a consultation process before it reaches the regulation-making stage.

Jenny Randerson: Finally, section 79(b) of the Children Act 1989 lists the conditions that have to be met for someone to be qualified for registration as a child minder or a day-care provider. You have not taken the same approach in this proposed Measure. Why is that?

Jane Hutt: The view is that existing provision is quite unwieldy because there is this concept of a person being qualified for registration. A condition of that is that they have to be suitable to look after children, but someone could be suitable to look after children and not be qualified. The new provision to be made in regulation would set out a single set of criteria and we believe that it would be easier for both providers and the inspectorate to understand. So, again, it is taking the opportunity to learn the lessons of existing legislation and to clarify it.

11.50 a.m.

Val Lloyd: Minister, I have some questions on penalty notices. The explanatory memorandum tells us that the proposal will provide a new power to impose penalty notices in particular circumstances and also that there is a change to the time limit in which criminal proceedings must be brought. In most people's minds, penalty notices are associated with transgressions relating to parking and littering. Could you, therefore, tell us why it is considered appropriate to apply the practice to the field of childcare? What types of offences are considered suitable to be dealt with by means of a penalty notice? I will wrap up with my third question. Why has it been considered appropriate to extend the time for the bringing of prosecutions from six to 12 months, given that many would be of the view that offences relating to children should be dealt with as soon as possible?

Jane Hutt: The issue here is whether we can have a further enforcement tool that would enable registration authorities to respond more flexibly to breaches of regulatory requirements. That is the thinking behind offering a fixed penalty notice. It actually provides a kind of enforcement response instead of having to use longer-term methods of prosecution, which can be very expensive and disproportionate in terms of the issue at hand. We think that this is a more proportionate way of responding to any breaches in terms of enforcement. The kinds of things that could be considered appropriate for a penalty notice are very minor technical issues really, such as a failure to comply with requirements for keeping the records that regulations require—they are technically minor, but could be very important—and failing to provide information as required by the registration authority, and failing to fully comply with all the requirements of staff vetting. We would have to give further consideration to those breaches that should be suitable for fixed penalties before they are designated, as opposed to the longer term and current enforcement arrangements, which can include prosecution.

On the issue about extending the time for bringing prosecutions from six to 12 months, I think that, in most cases, it is possible to bring prosecutions within six months, but there are times when there needs to be a longer period of investigation or perhaps something has to be deferred because another prosecuting authority is involved, such as the police or environmental health. From the experience gained through practice, I think that six months is too short and sometimes you get a better outcome if you go to 12 months, which is also important for inter-agency engagement.

Jeff Cuthbert: My questions are on section 60 and play opportunities. You, like me, as a local elected Member, know that one issue that causes great controversy in communities is the removal of play equipment from local parks and recreational areas. Many local authorities have removed such equipment on the grounds that they are too costly to maintain, especially when health and safety requirements are considered. Do you feel that the proposed Measure addresses this issue? Will children and their families be consulted on what 'sufficient play opportunities' means to them?

Jane Hutt: This goes back to this very important new duty in section 61, requiring local authorities

'to promote and facilitate participation by children in decisions of the authority which affect them.'

That is crucial in terms of the duty to assess sufficiency in play opportunities. So, we have sections 60 and 61 answering both of those questions, in terms of assessing sufficiency and requiring participation. This is going to be so relevant to the point that you made about the removal of play equipment, because that does not always happen solely for health and safety reasons, and there are also parks and playgrounds that have never had enough or appropriate equipment. So, under sections 60 and 61, we cannot be prescriptive, but if they have a duty to assess sufficiency, then playgrounds are going to be at the forefront, and I am sure that play equipment and participation will follow.

Jeff Cuthbert: As you have referred to section 61, how successful do you think the current initiatives are in engaging children in local decision making? If you feel that they have so far been successful, why do you think that there is a need to place them on a statutory footing? Should the proposed Measure perhaps include sanctions against local authorities that are judged to have failed to deliver on this type of participation and involvement?

Jane Hutt: We see some signs of good practice in participation, particularly because this is embodied in article 12 of the UN Convention on the Rights of the Child. This good practice is not just through the local youth fora either, as school councils and local authorities have engaged in the development of their children and young people's plans. They have sought to engage young people. Clearly, it is patchy, but we believe that we have quite effectively promoted the participation agenda as a policy; we just need a much more strategic approach. To that end, we expect to make the development of local participation strategies a requirement, and the guidance to be issued under section 61 will consolidate the present position across Wales, ensuring that it is consistent. Of course, the proposed Measure will impose a duty in relation to participation, and that will take children's participation out of an educational context for the first time. Guidance will be issued under section 60 on how to interpret the duty, and we can also develop performance indicators as Welsh Ministers. That would come under section 4 of the Local Government Act 1999.

It is appropriate that play and participation has come at the end of the scrutiny session, because this is a very exciting and universal development in terms of our proposed children and families Measure. The issue of sufficiency in childcare has been dealt with, and that is now in legislation. Sufficiency in play, however, is a key point that young people made to the UN Convention on the Rights of the Child committee in Geneva. Young people say that access to play is one of the most fundamental areas of policy. In fact, the BBC is running a series of programmes about childhood, and on one of them, shown last night, children and young people put play and access to the outdoors as high up as being stuck behind a computer or a Nintendo at home. This is a crucial point, and we have to underpin it in statute.

Jeff Cuthbert: Given that structured play is an important aspect of the foundation phase—we talked about play equipment and play as an important activity for children—do you see our different approach to early years education creating extra demands for play equipment of the type that we are used to seeing in playgrounds and recreational areas? Given that we deliver education differently in Wales, do you see major implications for the child poverty strategy overall as a result of a different way of learning?

Jane Hutt: Those are great questions to finish this on, because the foundation phase stresses learning through structured play, but there are other dimensions such as outdoor learning experiences through the development of the forest schools. I have just come from one of eight conferences that are being used to promote teachers' and classroom assistants' understanding of the outdoor environment as a learning resource. They were literally there in their Wellingtons and they were going out into the woods. It is not just about the structure of the playground.

12.00 p.m.

We are evaluating the foundation phase and the impact of the curriculum on early years education, but the way in which the curriculum is developing is much more engaged with nature, the environment and opening up the opportunities for such activities. We are fortunate in Wales to have such an appropriate environment on our doorstep. It will develop more engagement of children in the outdoor environment, but that links to all of our policies for improving physical activity, and walking and cycling policy.

In terms of your point about tackling child poverty, Flying Start can target the most disadvantaged and vulnerable children, paving the way for a universal provision of the foundation phase. So, we will hopefully reach those children who are most likely to experience or be in danger of suffering child poverty before they get to that point. The all-encompassing universal experience of the foundation phase in terms of communication skills, learning skills and thinking skills are being picked up universally, but they will be particularly beneficial for those children who may not have had pre-school family and community experiences that stand them in good stead.

Val Lloyd: Minister, I have a final question and I feel that it is important for me to ask it, even though time is against us, because it relates to emergency protection and, in particular, registration. It is currently possible to apply to a justice of peace for an order to cancel, vary or remove conditions of registration, but under the proposed Measure only the cancellation of registration will be the subject of an application to a JP. Varying or removal of conditions, or the imposition of new conditions, will be by way of notice given by Welsh Ministers. Why are these changes proposed?

Jane Hutt: This is a very important question, because the change to allow conditions being imposed by written notice of the registration authority rather than by application to a JP through Magistrates' courts brings enforcement options in relation to childminding in line with the provisions for settings regulated under the Care Standards Act 2000. Therefore, it allows greater flexibility and a more proportionate response, where there needs to be, to situations in terms of the possibility of cancellation.

The legal effect of a notice issued under this new provision is exactly the same as for an order that comes from the Magistrates' court. So, although it sounds like more, it is not—it is exactly the same in terms of the strength of the legal commitment.

Val Lloyd: Minister, is there anything else that you wish to add, as we have finished our questioning?

Jane Hutt: I do not think so, except to say how important rigorous scrutiny will be in delivering the best possible Measure to deliver the aims of tackling child poverty, as Jeff set out, and also to ensure that we have stronger families in Wales.

Val Lloyd: On behalf of the committee, thank you for making time in your schedule to come back for a second time to answer questions, as well as to your officials for assisting.

Before I close the meeting, I remind Members that we will meet after recess on Thursday mornings; our next meeting will be on Thursday, 30 April. Thank you. I declare the meeting closed.

"Daeth y cyfarfod i ben am 12.04 p.m."

"The meeting ended at 12.04 p.m."