



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor ar y Gorchymyn Arfaethedig ynghylch
Plant sy'n Agored i Niwed
The Proposed Vulnerable Children LCO Committee**

**Dydd Iau, 10 Ebrill 2008
Thursday, 10 April 2008**

Cynnwys
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National Assembly for Wales (Legislative Competence) (Social Welfare and Other
Fields) Order 2008

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi 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

Nerys Evans	Plaid Cymru The Party of Wales
Lesley Griffiths	Llafur Labour
David Melding	Ceidwadwyr Cymreig Welsh Conservatives
Karen Sinclair	Llafur (Cadeirydd) Labour (Chair)

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

Sarah Beasley	Clerc Clerk
Lewis McNaughton	Dirprwy Glerc Deputy Clerk
Kathryn Potter	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 11.15 a.m.
The meeting began at 11.15 a.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Karen Sinclair:** I welcome everyone to the meeting. I will go through the housekeeping rules. In the event of a fire alarm, you should leave the room by the marked exits and follow instructions from the ushers and staff. No fire alarm test has been forecast for today. Mobile phones and pagers should be switched off—my fingers are crossed that mine is. We operate through the media of English and Welsh, and headphones are available for instantaneous translation or to amplify sound. Do not touch the buttons on the microphones, because it can disable the system, and our friend in the booth will be very cross with us.

11.16 a.m.

Gorchymyn Cynulliad Cenedlaethol Cymru (Cymhwysedd Deddfwriaethol)
(Lles Cymdeithasol a Meysydd Eraill) 2008
National Assembly for Wales (Legislative Competence) (Social Welfare and Other Fields) Order 2008

[2] **Karen Sinclair:** The purpose of the meeting is to decide on our approach given what has happened. We know that there are substantial changes to the LCO as it is now laid, and we need to ratify what our way forward will be. During our informal meeting, which was very useful, we have looked at the best way forward. Because of the dates and the timelines, things are very difficult. The deadline by which the Business Committee wants us to report back has been set at 13 April, and the Welsh Affairs Committee does not meet to scrutinise the LCO until 8 May. I believe that I am reflecting the consensus by saying that there is little point in bringing Gwenda back at this point to talk to the committee about the changes to the LCO,

but that it would be a good idea for us to grasp the opportunity to ask the Welsh Affairs Committee whether we can join it in its scrutiny of the LCO as it now stands. I think that that is a fair reflection of what we have decided as the way forward. Does anyone wish to add to that?

[3] **David Melding:** I agree with that. We should seek to have a joint meeting with the Welsh Affairs Committee. We should lay our report, based on the draft that we were able to scrutinise, noting that the revised draft has been substantially changed. There are many areas that we were not able to scrutinise in that respect, and that work will have to be done, if at all, by the Welsh Affairs Committee. However, insofar as the revised draft has taken up some of the issues contained in our recommendations, we should comment on that. I am disappointed by the lack of response to several of the recommendations, and I would also like our report to make reference to that, so that the Assembly knows the full views of this committee.

[4] **Karen Sinclair:** We all feel disappointment about that, David, and it should definitely be recorded.

[5] **Nerys Evans:** Yr wyf yn cytuno â'r hyn a ddywedwyd. Mae'r drafft newydd wedi cael ei newid gymaint fel ei bod yn amhosibl inni wneud sylwadau arno. Yr wyf yn cytuno â David bod angen inni ychwanegu yn ein hadroddiad pa mor siomedig yr ydym nad yw'r Llywodraeth wedi derbyn ein gwelliannau i'r drafft. O ran y ddadl am wahardd taro plant, yr wyf yn siomedig bod y ddadl wedi dod lawr i pa Fesurau y gallwn eu creu o'r Gorchymyn, yn hytrach na chynnwys y Gorchymyn ei hun.

Nerys Evans: I agree with what has been said. The new draft has been changed so much that it is impossible for us to comment on it. I agree with David that we should add to our report our disappointment that the Government has not accepted our amendments to the draft. On the debate about the banning of smacking children, I am disappointed that the debate has come down to what Measures we can create from the LCO, rather than the content of the LCO itself.

11.20 a.m.

[6] Cawsom wybod ar ddechrau'r broses mai trafodaeth ynglŷn â pha mor eang fyddai'r Gorchymyn oedd hon yn hytrach na thrafodaeth ar y Mesurau a allai ddod yn ei sgîl. Hoffwn inni roi rhywbeth yn yr adroddiad sy'n dweud ein bod yn siomedig bod y ddadl wedi dod i lawr i Fesurau penodol a'r materion rhwng San Steffan a'r Cynulliad ar hynny.

We were told at the beginning of the process that this was a discussion on how broad the LCO would be rather than a discussion on the Measures that could be brought forward as a result of it. I would like us to put something in the report that says that we are disappointed that the debate has come down to specific Measures and the issues between Westminster and the Assembly on that.

[7] **Karen Sinclair:** I am content that we include that in our report. Is everybody else content with that?

[8] **David Melding:** I am content but I would like to say that, on the physical chastisement of children and whether the Assembly should have competence over that, I speak as an individual rather than on behalf of my group.

[9] **Nerys Evans:** Nid yw'n fater o fod o blaid neu yn erbyn gwahardd cosb gorfforol; mae'n ymwneud â chael y pwerau i benderfynu ar hynny yn y Cynulliad. Cytunaf gyda David. Mae'r rhan fwyaf o grwpiau yn rhanedig ar y pwnc.

Nerys Evans: It is not a matter of whether we are in favour of banning physical chastisement; it is about having the powers to decide on that in the Assembly. I agree with David. Most Assembly groups are split on the subject.

[10] **Karen Sinclair:** I think that it is fair to say that it has been, for many years, the clear will of the Assembly and a clear aspiration of ours to be able to deal with smacking. So, the report will reflect that and we can take that with us when we go to the Welsh Affairs Committee.

[11] **Lesley Griffiths:** It is vital that we have a joint session with the Welsh Affairs Committee. That is vital for the process of these LCOs, not just this one. It is a shame that we cannot discuss our report, because of the timelimes; when that committee is scrutinising it, it will be the new draft. However, it is vital that we have that joint session.

[12] **Karen Sinclair:** I agree. Does anybody want to add anything? I see that they do not. I suggest that we agree a report, ideally, because of the timelimes, out of committee. We can do that by written report and we can bounce it around. We will then have to let the committee secretariat make arrangements for when we can sit in and join the Welsh Affairs Committee's scrutiny. Is it only meeting once to look at this or are there going to be a number of meetings?

[13] **Ms Beasley:** As we understand it now, it is only planning to meet once, but, of course, its members could agree to meet again.

[14] **Karen Sinclair:** Okay. We will need clarification on that and on the date. We will get that fairly shortly, I would think. On that point, if everybody is content, I will formally close the meeting.

*Daeth y cyfarfod i ben am 11.22 a.m.
The meeting ended at 11.22 a.m.*