



**Cynulliad Cenedlaethol Cymru  
Y Pwyllgor dros Gyfiawnder Cymdeithasol ac  
Adfwyio**

**The National Assembly for Wales  
The Social Justice and Regeneration Committee**

**Dydd Iau, 21 Medi 2006  
Thursday, 21 September 2006**

**Cynnwys**  
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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 o'r Cynulliad yn bresennol: Janice Gregory (Cadeirydd), Mick Bates, Edwina Hart (y Gweinidog dros Gyfiawnder Cymdeithasol ac Adfywio), Mark Isherwood, Huw Lewis, Leanne Wood.*

*Swyddogion yn bresennol: Richard Collins, Cyfarwyddwr Polisi, y Comisiwn Gwasanaethau Cyfreithiol; Paul Davies, Cyfarwyddwr Cymru, y Comisiwn Gwasanaethau Cyfreithiol; Karen Eveleigh, Gwasanaethau Trin Camddefnyddio Sylweddau; Joanne Jordan, Cyfarwyddwr, Uned Diogelwch Cymdeithasol; Geoff Marlow, y Gyfarwyddiaeth Dai; Dr Emyr Roberts, Cyfarwyddwr yr Adran Gyfiawnder Cymdeithasol ac Adfywio; Anne Stephenson, Cyfarwyddwr, y Gyfarwyddiaeth Gymunedau; Sanjiv Vedi, yr Uned Sector Gwirfoddol; Linda Whittaker, Cyfarwyddwr Tai.*

*Gwasanaeth Pwyllgor: Dr Virginia Hawkins, Clerc; Claire Griffiths, Dirprwy Glerc.*

*Assembly Members in attendance: Janice Gregory (Chair), Mick Bates, Edwina Hart (the Minister for Social Justice and Regeneration), Mark Isherwood, Laura Anne Jones, Huw Lewis, Leanne Wood.*

*Officials in attendance: Richard Collins, Policy Director, Legal Services Commission; Paul Davies, Wales Director, Legal Services Commission; Karen Eveleigh, Substance Misuse Treatment Service; Joanne Jordan, Director, Community Safety Unit; Geoff Marlow, Housing Directorate; Dr Emyr Roberts, Director, Social Justice and Regeneration Department; Anne Stephenson, Director, Communities Directorate; Sanjiv Vedi, Voluntary Sector Unit; Linda Whittaker, Director of Housing.*

*Committee Service: Dr Virginia Hawkins, Clerk; Claire Griffiths, Deputy Clerk.*

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

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

[1] **Janice Gregory:** Good morning and welcome to the Social Justice and Regeneration Committee. It is the first meeting of the new Assembly term and I am delighted to welcome you all back. We have received apologies from Sandy Mewies, who is unfortunately not able to attend the meeting today. I am sure that the committee members would like me to pass on our good wishes for Sandy's quick return to full good health.

[2] I will start with the usual housekeeping issues: if anyone has a mobile phone, a BlackBerry or a pager, please make sure that it is switched off, because they interfere with our sensitive recording equipment. I ask Members not to touch the buttons on the microphones, as this can disable the system, as you know. Please also ensure that the red light on the microphone is showing before you start to speak. Interpretation is available on channel 1 on the headsets, and, as usual, the verbatim feed is on channel 0. Before we start what will be a lengthy meeting, as it happens, I plead with you all, although it is the first day back, to be as succinct as possible. If you do so, I am sure that we will get through this full and hefty agenda by 12.30 p.m..

[3] You will be aware that I wrote to the Minister earlier this week, asking for a report on the social justice elements of the Assembly's annual equality report. Unfortunately, due to

time restraints, I propose to circulate the Minister's response, when received, to Members. Should there be any issues requiring discussion, they will be dealt with in the opening remarks of the committee meeting on 19 October.

[4] There is no fire drill today, so, if the fire alarm sounds, we will be expected to leave the building, following the directions of the ushers. I prepared a paper to note on committee activities from the last meeting and that was included in the Members' briefing.

9.33 a.m.

### **Cofnodion y Cyfarfod Blaenorol Minutes of the Previous Meeting**

[5] **Janice Gregory:** We now move on to ratify the short minutes of 6 July. Does anyone have any comments? I see that you do not.

[6] At this point, I ask anyone who has any declarations of interest to make them now. We have all been here long enough to know that we need to make any declarations of interest, but I will ask anyway.

*Cadarnhawyd cofnodion y cyfarfod blaenorol.  
The minutes of the previous meeting were ratified.*

9.33 a.m.

### **Adroddiad y Gweinidog Minister's Report**

[7] **Janice Gregory:** I ask the Minister to introduce her written report. As you can see, it is, as always, a comprehensive report.

[8] **The Minister for Social Justice and Regeneration (Edwina Hart):** Thank you very much, Chair. I have a couple of oral updates. In terms of the 2006 budget planning round, committee members will recall the discussions of the 6 July meeting about the inescapable pressures in my portfolio as part of the 2006 budget planning round, and the subsequent letter from the Chair on 10 July outlining the committee's agreement to my priorities. Following discussions over the summer recess, Cabinet has considered the draft budget for 2007-08 onwards. Once the draft budget has been published and debated in Plenary, I will return to committee with a paper for its consideration. This paper will set out the details of any additional funding made available and other adjustments, revisions and technical, presentational changes.

[9] I would like to inform the committee of two transfers within the Social Justice and Regeneration main expenditure group that I and the Finance Minister have approved. A sum of £336,000 from the stock transfer community mutual budget expenditure line transfers to the regulation inspection programme BEL. This will cover the cost of the programme of inspections of housing associations in Wales in 2006-07. A sum of £21,314 in the Welsh housing quality standard's capital BEL transfers to the Bridgend training centre capital BEL to pay for a minibus to enable trainees at the construction training centre near Maesteg to visit sites and employers, which I think is important.

[10] I also need to report to you on the transfer of the Supporting People grant into the revenue support grant settlement. Recently, I have had correspondence with the Welsh Local Government Association, which has requested that the Supporting People grant be transferred

to the revenue support grant and that the grant be distributed according to the social services adult services formula. At present, the distribution of SPG largely affects the approach of each local authority in developing services prior to the implementation of supporting people in April 2003. This money is now invested in services that support very vulnerable people across Wales, and I am concerned to avoid damage to these services in the handling of this matter. It is essential that redistribution by formula for Supporting People in Wales should be able to reflect the range of needs associated with supported housing. It is worth noting that, in England, work has been ongoing for some time to develop a formula based on need. This is the second attempt to establish a meaningful formula, which demonstrates the complexity of the task. My officials are tracking this work, and they will brief me on whether I should consider a formula to adapt to Welsh circumstances in due course.

[11] There is a very complex relationship between the services funded by Supporting People grant and by Supporting People revenue grant, and to undertake the redistribution of SPG without taking into account the distribution of SPRG would, I think, result in further inequity in funding. In view of that, to redistribute the grant without very careful consideration and an appropriate formula, would be detrimental to vulnerable service users across Wales. Any redistribution should be based on a sound formula that recognises the needs of existing provision and addresses the implications of the two funding streams. At present, I do not wish or intend to transfer the Support People grant into the revenue support grant settlement.

[12] With regard to the voluntary code of practice for employers and the draft refugee inclusion strategy, further to the paragraphs on both of these consultation documents in my written report, it is anticipated that these consultations will now commence in early October. This is due to the need to incorporate textual changes and to prepare the documents for publication and translate them into Welsh and the appropriate minority ethnic languages. I will keep you updated about progress on this particular matter.

[13] I also thought it would be opportune to speak about sprinkler systems in schools. Members will be aware of the fire at Coedpenmaen County Primary School in Pontypridd on 11 September. This school would probably have survived serious damage had sprinklers been installed. I am committed to the use of sprinklers in schools and other buildings. We have already funded a pilot study into sprinklers in schools in Swansea and Port Talbot, and I have recently agreed to another two schools joining the study, in Newport and Prestatyn. Currently, fire precautions in existing schools are covered by the Fire Precautions (Workplace) Regulations 1997, as amended. Sprinklers are not mandatory as part of the regulations, but they can be installed as an alternative or compensatory feature. Fire precautions in new-build and refurbished schools are set by the Approved Document Part B 'Fire Safety'. This document is currently under review, and it is expected to be issued in April 2007. The current draft Approved Document Part B includes a note on the provision of fire precautions in schools, and it refers to Building Bulletin 100—BB100 is referred to—and the Department for Education and Skills' guidance on managing against the risk of fire in new and refurbished schools. This document is also to be consulted upon, and it is undergoing review. It is also due to be issued in England and Wales in April 2007.

[14] BB100 contains reference to the installation of sprinklers in new-build schools as a fire-engineering solution, but it does not make them mandatory. It suggests that sprinklers are a solution where identified by a risk assessment. The recommendation, however, of the Wales fire and rescue service advisory committee, which advises me on the development and implementation of policy, is that sprinklers should be integral to building design. As you know, building regulations apply to England and Wales, and they are not yet devolved to Wales for us to set our own building standards. I accept the Wales fire and rescue service advisory committee's recommendation, and I will proceed to see how I can implement it in Wales in terms of the fire safety agenda.

[15] Chair, if Members wish, I can send out the notes that I have read out for the committee to have a record of them.

[16] **Mick Bates:** Thank you for your update and report, Minister. The report was extremely comprehensive, ranging over many crucial issues. I wish to question a little your budget alterations, and particularly on the Supporting People programme. As you say, it is a complex area.

9.40 a.m.

[17] I wonder what role you see the committee playing in the monitoring of what happens with the development of a formula; you seem to indicate that a formula based on need is something that we are aiming for. What role do you foresee us playing in that, and when will you update us on progress, so that we can monitor what is happening?

[18] **Edwina Hart:** I think that Emyr said that the first meeting was on Monday.

[19] **Dr Roberts:** Yes, we had the first meeting on Monday.

[20] **Edwina Hart:** In terms of the discussions about how we can take this issue forward, I am happy to update the committee regularly if it wants an input into this particular issue. I am particularly concerned about the Supporting People grant. There is a drive within the Welsh Local Government Association for it to be transferred into the revenue support grant. I am particularly concerned about what will happen to the most vulnerable people if this transfer occurs. What services are being provided is historic and it is important that they continue to be provided. Unless I have that type of certainty that we can get an appropriate formula to do something about it—I appreciate that we have an agreement with local government about transfers into the formula, but at the end of the day the most vulnerable people are more important than any agreements that we may have with local government about how we deal with the financial arrangements. That is the basis on which we are taking the discussions forward.

[21] It is worth noting that England is on its second attempt at this, which shows how complex it is to do by formula arrangements. Many organisations would be very concerned if we were to change the arrangements across the range of services. The officials who attend these meetings will brief me, and I will update the committee on the areas that we might consider and how we will proceed. There is an openness and transparency issue in terms of how we deal with this, as the outside world is watching what we do on Supporting People. Some of the projects will fold unless we get this right.

[22] **Mick Bates:** Thank you, Minister. I am grateful that you will bring that back to committee. Finally, on the budget, during the recess there was much talk about the costs incurred by our police forces in their battle over amalgamation. Can you provide an update about the quite substantial costs that were incurred by our forces in preparing their case against amalgamation? Your work as Minister, and the work of this committee, was admirable and we all realise that the battle—if I can call it that—is not yet over, but the substantial cost may be reflected in any future round of discussions over the Home Office's view on amalgamation. Can you give us an update on that?

[23] **Edwina Hart:** We have had the initial skirmish, if I can put it that way, and the committee, after meeting with the Minister, will understand the difficult situation that we are in regarding some of the issues surrounding police forces. I do not think that this is off the agenda, but, unfortunately, the forces have incurred many costs in undertaking their preparatory work. I would be delighted to update you on what we think will be our final

figures, because we do have them. The police forces have requested that reimbursement and I can understand how they feel. Some of the work that they have done will prove to be particularly useful, because they will agree on a collaboration agenda in Wales to take other work forward. But, we were already doing that. The four Welsh police forces have always collaborated very well on a number of issues. There will be more collaboration now, and they have undertaken some worthwhile work which will take it forward. I can give you an update on those issues; I am due to meet the chief constables in due course, and I regularly meet the police authorities on a quarterly basis, and it forms part of our discussions.

[24] This issue has taken time that might have been better spent elsewhere, looking at policing issues that were relevant to Wales. They were forced to look at structural issues. The Home Office must understand—I hope that it does, because it met with the committee—that there is a role and function for us in Wales in terms of what happens with the police, irrespective of whether it is devolved to us or not. The other key service deliverers in that area are involved with us. The Assembly is the major player at this particular party, and not the Home Office. The Home Office may have control over the purse strings and the policy, but the reality on the ground is that the police forces' involvement with the Assembly is key to how they will function in the future, particularly on issues around community policing.

[25] **Mick Bates:** Thank you for those words, Minister. On that particular issue, if figures are available, could the real figures that you had submitted be circulated, as various figures have been bandied around?

[26] **Edwina Hart:** We will ask for the figures that we understand are available from the police authorities; those will be the figures that they have agreed on.

[27] **Mick Bates:** On the written report, I have a few questions about the rural homelessness research. This links into the social housing issue, so I will combine the two. I am very interested in work being undertaken, but I am still very concerned that we do not seem to be building enough houses. That seems to be the crucial issue here. I draw your attention to the Spotlight on Offsite event that took place in Cardiff yesterday. Lots of technical advances are being made in the construction business at the moment that reduce the cost of houses to make them more affordable. Is it possible to circulate some information, possibly from yesterday's event, organised by the Mtech Group, the lead in offsite construction, to housing associations? In terms of the cost of build now, I know a builder who has built houses for £69,000 and that is all because of advances in building techniques. We spend an awful lot of time trying to assist people into the affordable housing market and the construction industry is making these massive advances in reducing the costs of build and if that could be coupled with a more open planning system to make planning authorities use sites that are—the Minister smiles; 'His usual thing is coming', she thinks—outside and adjacent to the very expensive land dedicated in their local development plans, which I refer to in planning as 'rural exceptions' in my case, or in urban areas where land is available, we could begin to resolve the issue that has gone on for far too long now. Figures this week show that fewer houses are being built now than under a previous Government. There is a serious issue there. I would like to hear the Minister's views about how we could resolve all the issues that go with homelessness.

[28] I will briefly refer to point 4, about the Ceinws work. On the transfer of the land in that community, I welcome the comments that you have made, but I am still awaiting the transfer and legal documents that will complete it. Leanne usefully raised the issue under point 7 of how community land trusts can operate. I again raise the issue that we, in Ceinws and in Castell Careinion in my constituency, are all set to build but, at the moment, we are bogged down with legal problems. Is it possible, Minister, that the expertise that you have here and within your department could be used to assist these groups so that the affordable housing toolkit that we talk about becomes the legal impetus to make things happen?

[29] On the home energy efficiency schemes, items 10 and 11, I welcome what you said about it being possible to calculate the carbon that is saved by HEES, but why we are not doing it then? As I have said before, I would love to see climate change embedded into our policies. If we can produce what the figures—the 60,000 households that have been helped and so on—mean in terms of carbon reduction and, given the Government’s responsibilities for sustainable development, that would be a very useful step.

[30] Again, I welcome what you have to say in item 11 about looking for ways to put renewable energy systems into that and microgeneration, but smart metering has been shown to be one of the most effective ways of allowing people to see what energy they are using so that they then turn off unnecessary things. In Italy, for example, where they have introduced smart metering throughout, there has been a 5 per cent saving.

[31] Briefly, on item 13—there are so many items here—I welcomed your comment yesterday about the integrated risk management plan. Can you give us any more details about when the consultation will be completed? Do you intend to bring that to the committee? I will leave it there.

[32] **Edwina Hart:** On the house-building issue, my officials have been positively engaged with various groups about the issues that you raised. I would be very happy to arrange for the head of housing to meet Mtech Group representatives and she might be able to link in to the consortia with the housing associations that we are developing, to see if that would help. I am sure that it would be entirely appropriate for those discussions to take place, if that would help. We are aware of the developments on the construction side in new build areas because my officials are appraised of it and attend many events. We are mindful of that and want to encourage best practice if we can.

9.50 a.m.

[33] You are speaking about the transfer of land and we have had quite positive responses about how some transfers are now going, particularly in Gwynedd I think that you said. So, we are happy to help, if there are any problems on the legal side, to chivvy or do anything else. I will ensure that officials take the lead on that.

[34] On the carbon point, I suppose that people have been doing readings of their houses. They did a reading of the Wales Millennium Centre to show how much energy is used there. That is a valid point to consider in terms of HEES. I have also read about smart metering, which makes a tremendous difference when people can see what they are using. I am happy to pick up those points.

[35] The integrated risk management plans come to me. It is a ministerial responsibility, as far as I am aware. I have to assess whether they are in line with the regulations and rulings on which we have all agreed. In certain areas, the priority has been fire and because we have changed ‘times’ to ‘incidents’, that should have an impact on the plans. Therefore, it is important that I look at those aspects to ensure that the plans take into account all that we have said that we want to see in terms of fire. I will have the plans in by the end of October. It would be over-hopeful of me to say that I would report to the November meeting, but I will certainly report to the committee at the meeting just before Christmas on what action I intend to take with regard to some of the plans, if they are not satisfactory.

[36] **Leanne Wood:** I am sorry, Chair, but I have quite a few points to raise on this report. There is quite a lot of information in there. On point 2, social housing cycle research, there are particular problems in rural areas, for the reasons that you have outlined in your report. Would you be prepared to look at other authorities that cover rural areas in England, such as



Cornwall and the Lake district, to see what measures they have taken to address this problem and to see if there is any way of intervening in the housing market to try to stop house prices from rising so rapidly? House prices are rising much quicker in rural areas than elsewhere.

[37] The other factor that will impact on homelessness is the employment market. I can understand that this study looked at the relationship between house prices and homelessness, but if we continue to lose jobs at the rate that we have seen in some parts of Wales in recent months, do you think that that will have an impact on homelessness? If so, what can be done to try to mitigate that?

[38] On point 8, on the home information packs, it is strange that this has been stopped. One of the good things about the home information packs, and we have discussed this in committee a number of times, was that the packs were going to include some information on linguistic issues for the people who move in to areas where Welsh is a community language. Can we now take it that that information will not be available or do you have plans to make it available in some other form?

[39] On point 11, the home energy efficiency scheme, I first of all welcome the proposals on renewable energy inclusion. Mick has already mentioned that. There is a big problem here, because the targets will not be met. The target was to assist 95,000 households by 2007 and I understand that that was a 2003 manifesto commitment. The home energy efficiency scheme has received an average of 1.8 per cent increase in budget between 2004 and now and did you ever think that that would be adequate to deal with the problem that was already in existence in 2003? Gas prices have gone up by 91 per cent, electricity prices have gone up by 58 per cent and bills have gone up by £541 million, yet the Welsh Assembly Government has spent a total of £11 million a year on this matter—a total of £54 million. Was that expenditure ever going to bridge the gap?

[40] When will we see the 'Living in Wales' report? I also challenge the Welsh Assembly Government's estimates of the numbers of people who have fallen back into fuel poverty. The Government says that the figure is 30,000 people, but the Centre for Sustainable Energy says that it is more likely to be nearer 300,000.

[41] On item 14 on refugee and asylum-seeker issues and, in particular, the new asylum model, I have received representations from organisations that have quite a few concerns about this new model. The timescale for submitting the applications is short. Some cases will be fast-tracked within 11 days, which will potentially cause big problems for people in terms of seeing lawyers and getting hold of documents that they need to support their case. A point was made that the target to reduce the time from two months to one month will only work if there is sufficient flexibility within the system to allow that to work.

[42] The discontinuation of the statement of evidence forms could mean that people do not have the time to reflect and think about how they want to present their case and to present it in written form. So, under the new asylum model, there will be no written evidence and no guaranteed legal support, and people could be going into their substantive interview without having had time to prepare their case or being aware of what to expect. I think that that is a particular problem when we are dealing with particularly vulnerable people.

[43] The Refugee Council has asked for flexibility guidelines to be introduced and enshrined in policy. Apparently, there is a flexibility document already in existence for fast-track cases, which is okay, but it is open to interpretation and it fails to mention torture or gender issues. It also fails to mention the need for greater flexibility when dealing with women's issues, for obvious reasons, which I need not to go into.

[44] There are also concerns about the timescales. March 2007 seems quite unrealistic

when their own internal advice documents have not yet been updated to include the new asylum model, despite the fact that this has already been rolled out in some areas.

[45] On the issue of unaccompanied asylum-seeker children, if local authorities are responsible for looking after these children, why is it so difficult to get hold of the numbers? I would have thought that they would have been fairly easy to obtain.

[46] On the disadvantaged groups development fund, would you consider adding problematic substance users as a group? I am aware of a number of groups that are trying to work with substance users to try to get them to change and turn their lives around. Some of these groups could benefit from being able to attract these kinds of grants.

[47] I now move to paragraph 27 on extra prison places in England and Wales. I am concerned about this because the prison population has rocketed since 1997. For women prisoners, I suppose that we could say that it has exploded. I welcome the fact that there will be some exploration of the diversion of women offenders with low-level psychiatric problems, but surely those with the greater needs require the most attention. There are so many women in prisons who just should not be there. Over 80 per cent of these women have mental health or drug and alcohol problems. I just think that it would be very useful if this committee could say that, while we need a women's prison in Wales, we are concerned at the high numbers of women going into prison needlessly.

[48] On paragraph 28 about housing sex offenders at HM Prison Prescoed, I can understand why the issue has caused such media concern and local opposition, but I think that we need to bear in mind the reason for open prisons. For people who have spent a long time in prison—life prisoners or people serving long sentences—open prisons are really important in order to provide that halfway house between an institution and liberty. I just hope that, during this debate, that factor is not lost and that we are careful not to call for the closure of open prisons, because they perform an important role. Of greater concern to me is the news reported the day before yesterday that Napo—the probation officers' union—has said that prisons and probation services are now in crisis and are potentially unable to offer sex offender treatment programmes and programmes to tackle domestic violence in prisons. That situation is particularly acute in London, but would the Minister be prepared to look at the situation in Wales and report back to committee? I understand that the situation is exasperated by the financial situation that the National Offender Management Service is in. There is a deficit there and it is further exasperated by the recent Home Office freeze on spending. So, could you let us know how that is impacting in Wales?

10.00 a.m.

[49] On the all-Wales school programme, I am sure that you are aware, Minister, of the report that came out recently by the advisory council on alcohol and drugs, which looked at the effectiveness of drug programmes in schools. It suggested that some programmes can make substance misuse rates higher than they would have been without such an intervention. So, I ask that you consider that report before handing out £300,000 to the programme, especially in view of the fact that the committee is about to conduct a review into the whole area of substance misuse prevention work. That is all that I have to say, thank you, Chair.

[50] **Janice Gregory:** Thank you, Leanne. Minister?

[51] **Edwina Hart:** I will go backwards on these points, because it will be easier for me in terms of my memory. I have read 'Pathways to Problems', which is the advisory council's report on the misuse of drugs, dated September 2006. I will discuss with officials whether I feel that it has any implications for us in Wales. I was particularly interested in some of the things that it has said. My favourite, of course, would be the suggestion to ban alcohol

advertising and such issues, which I will continue to pursue with the UK Government. I also read *The Guardian*, so I am aware of what Napo has been saying and of the report about the alleged shortfalls in cash as regards NOMS. I am happy to look at whether this has had any impact on the Welsh prison service, and we will have a word with the prison service in one of our regular meetings and report back.

[52] On open prisons, I have never said in the course of any debate that I want to see their closure, because they do have a role. My correspondence has simply been on the basis of my legitimate concerns about convicted sex offenders, who are serving life sentences, fleeing from an open prison, which did cause consternation within the community concerned. This raises the whole issue of how you deal with sex offenders, and you can obviously understand the concerns within that community, which is why I thought it important to write to the prison Minister.

[53] On paragraph 27, the points that you made about why people should not be in prison—particularly some women—were made in my correspondence to the Minister. So, there is an opportunity now not only to look at building more prisons, but at how we deal with the prison service, what alternatives there are and what we should be doing, especially in terms of people with mental health issues. All of that has been included in my correspondence. It is important to put a marker down, because I am particularly concerned that there is no prison for women in Wales, and that women are placed totally outside Wales, which presents difficulties in terms of receiving visitors and maintaining contact with their children and families. So, it is important that there is a prison building programme element—although we would like not to have a prison building programme because we would like to see a reduction in numbers—so that there is a women’s prison that is accessible for women in Wales.

[54] On your point about disadvantaged groups, that issue is out to consultation, so the points that you made can be included in the consultation document as it stands, if you want to put that in as a suggestion. It is largely focused on new groups, but if anything comes in from consultation, I suggest that people include some comments on that.

[55] On paragraph 14, there are issues on the new asylum model, which I am aware of, but it is entirely a Home Office matter. I have these discussions within my group, and we meet regularly with the Refugee Council and others, and we put across some of our concerns about the issues that you raised. The legal services issue is particularly important, and the Legal Services Commission has indicated that it will be working on that. There might be an opportunity to raise this question with the commission today and to ask how it intends to provide help and assistance in terms of any of these difficulties.

[56] On the numbers, I will make inquiries about children, and I share your concerns about gender issues in this regard. I was reading the other week about rape as a method of torture and all these issues that are affecting countries across the world. That clearly needs to be taken into account when people are making applications for asylum. So, we need to look at those issues, but I can assure you that, with the help of all the groups that I chair in terms of this particular agenda, we regularly raise matters at an official level and I write on behalf of these organisations on these various points when I need to do so.

[57] On your other points, I am pleased that you welcomed the renewable energy issue. Much more money has gone into the home energy efficiency scheme budget. There are issues relating to the ‘Living in Wales’ report, but most of them are on the cost of fuel. I am always hopeful that targets will be met because, budget-wise, the necessary commitment has been made on HEES, which has been an enormously successful project in many ways. Do you want to add to that, Emyr?

[58] **Dr Roberts:** Yes, I have two points. It might be helpful to the committee if we wrote something on the HEES budgetary situation. As the Minister said, a sizeable amount of money has gone into that.

[59] We have held the 'Living in Wales' survey back because of the increase in fuel prices. The figures produced from that survey are no longer accurate in terms of the numbers living in fuel poverty. We are trying to include more accurate figures because of the relatively recent increase in fuel prices. That is the explanation for that.

[60] **Edwina Hart:** On point 8 on the information packs, there was an interesting about-turn on these issues. I was none too chuffed to discover that from other sources, given the considerable correspondence on this and the interest in the committee. As Leanne indicated, the good thing about the pack was that it informed people about communities, which is quite important in terms of people moving to areas. We will have another look at this to see whether it would be useful to agree with larger estate agents and local authorities whether there should be some type of publication that people, moving into those areas, could access so that they can have a feel for the issues that exist. That is worth pursuing.

[61] **Dr Roberts:** On that, my understanding is that the packs will go ahead, but that they will not include the house conditions survey element.

[62] **Leanne Wood:** But they are not compulsory, are they?

[63] **Dr Roberts:** No. We will clarify what is going into the packs.

[64] **Edwina Hart:** I do not think that they are compulsory.

[65] On social housing, I am aware of what goes on in Cornwall and the Lake District, and we are more than happy to give further consideration to any of the points made in the work that we can do. There is a problem with me intervening in the housing market—I am afraid that the housing market is the housing market. It is a question of capitalism, people wanting profit, second homes and buying for let. It is already boiling over and I am not certain that your suggestion of giving everyone £5,000 will help it not to boil over any more in real terms. There are issues around the housing market, but we are doing what we can in terms of affordable housing. However, there are many more issues that we need to tackle in terms of further publicising the shared equity arrangements and other issues.

[66] **Ms Whittaker:** In Wales, we have increased the homebuy grant for rural areas by 50 per cent. That has not been done in England. It makes a considerable difference when people are looking to buy their first home in rural areas, although there are often no properties to buy.

[67] **Edwina Hart:** You also made the point about employment markets. Employment statistics are good. However, there is a concern about interest rates if the situation boils over and people cannot afford their mortgage repayments. That would impact on certain areas and we are keeping an eye on that. They may decide to raise interest rates, but those are still low compared with what some of us were faced with years ago in terms of mortgages continuously rising.

[68] On rural areas and housing, I am meeting with rural local authorities later this year to discuss homelessness to see whether we can get a better grip on what they regard as being probably worse figures than the statistics that we see. That suggestion was raised in a question from Rhodri Glyn Thomas in the Chamber. So, we are moving forward on that point.

10.10 a.m.

[69] **Mark Isherwood:** Some reference was made earlier to the police situation. When we met Tony McNulty, he explained that he would write to all police authorities and chiefs asking them to submit their proposals for meeting services without a formal merger between September and November this year. I know that north Wales has already sent in its submissions—I do not know whether other regions have; you may be able to tell us. Will we have an opportunity to review that at this committee, or is that considered by the Home Office to be a non-devolved matter?

[70] In terms of Supporting People and the statement that you made, you seemed to be referring to adult mental health services primarily; is that correct?

[71] **Edwina Hart:** No.

[72] **Mark Isherwood:** I thought I heard you say that the WLGA had made that reference in the context of—

[73] **Dr Roberts:** Perhaps I could just explain. There are several issues in terms of the adult mental health services grant that are not directly related to the Supporting People grant.

[74] **Mark Isherwood:** Okay. However, I wondered about the linkage with the current review of day-care provision for service users, as various groups are expressing concerns, and how that is being factored in.

[75] Moving on to the written report, under rural homelessness research, you refer to the Chartered Institute of Housing Cymru report's being published shortly. It has been published; I got a copy last night and I commend its recommendations for consideration to everyone here. It has also produced a DVD, 'Making the Case for Housing', which I also commend. This is to lobby in the context of the comprehensive spending review. Although it is primarily based on the English situation, it includes some examples from Wales. It makes the point strongly that this is not just about achieving decent or quality home standards, but about wider and sustainable regeneration goals, which are important.

[76] During August, I met the rural housing enabler in north-east Wales, along with a local builder from a small, family firm, which, at its own expense, has developed an affordable housing model on a 70:30 basis for rural infill, whereby the builder would retain a 30 per cent equity stake in perpetuity subject to section 106—restricted resale to local people—and the purchaser would pay £20 per week ground rent. They will write to you, Chair, if they have not already done so, so that the committee can be better briefed on that. However, I believe that it is the first scheme of its kind in Wales, although there is a similar scheme in England. It is one other tool in the toolkit, which deserves consideration. In that context, they also asked me to examine the availability of private land. I wrote to the Country Land and Business Association and got a positive response saying that it wants to participate positively in this agenda. We are talking about pockets of land as small as three quarters of an acre. The Country Land and Business Association made an informed submission to the Environment, Planning and Countryside Committee when it took evidence on technical advice note 2. We might find that it would be a useful ally, as will—as I have mentioned before—the churches. Although we cannot influence the primary legislation on charities law, perhaps in discussions with you, Kay, we could make that point, as I believe that the churches hold a lot of land in Wales.

[77] You briefly mentioned the homebuy scheme, and rural homebuy in particular. Notwithstanding your comments on the 50 per cent being unique, the figures that we have previously considered in the committee, which I submitted, show that, last year, the number of houses purchased had fallen to 205. I submitted that report to every Member; it was produced by the Members' research service. So, we can see that in that context.

[78] In terms of the social housing cycle research, I note that a report has been published this week by the Joseph Rowntree Foundation, which I hope that we can take on board in this context. I was reading about it this morning. It notes that there is inadequate affordable housing, an increase in repossessions, and that one-third of working households across the UK under the age of 40 cannot afford to buy. That indicates the scale of the problem. The Chartered Institute of Housing report on house price to income ratios, which has had some publicity over the summer, shows a generally worrying position across Wales with some particular hot spots, often in some unexpected counties, and I wondered how the Minister might be focusing on those hot spots, in particular.

[79] In terms of Gypsy/Traveller accommodation, we have the seminar next Monday in Llandrindod Wells. Concerns have been raised with me by local authorities, which are undertaking a needs survey at the Welsh Assembly Government's request. The authorities are looking at the grant being offered by the UK Government to build new sites as well as to regenerate existing sites, and say that it would appear that in Wales the equivalent grant would exclude new sites. There is concern that the authorities will be producing a needs report that they will not be able to deliver on. What consideration has been given to that?

[80] I welcome your announcement on equity sharing with mortgage lenders and the joint working with the Council of Mortgage Lenders. Again, it is another tool in the toolkit that might be very helpful. Are you aware of what consideration has been given to its impact on the ability of the borrower to pay in the context of the mortgage code? It says here that lenders will be able to charge for their share after five years. If it is the borrower who has to pay, then under legislation relating to the mortgage code, the lender, at the outset, now has to gauge the borrower's ability to pay that mortgage. How is that being factored in, given that the situation five years down the road is an unknown quantity? I have not been aware of that sort of arrangement before. Clearly, the restrictions on resale mentioned there are common in similar schemes.

[81] On home information packs, I am pleased to see that you are pursuing clarification on this. I have two points. I have raised concerns in the past that the cost will fall disproportionately on people with lower incomes, because of the levels of commission involved. The other point is about the legal duty of care. If a purchaser is relying on professional advice in the pack that was produced for the vendor, under current case law in other contexts in relation to mortgages and housing valuations, the duty of care has been seen to apply to the purchaser/borrower rather than the surveyor, unless that person could be deemed to have professional knowledge. What third party duty of care might apply in these circumstances and what consideration has been given to that? I suspect that case law might end up applying a duty of care to the purchaser, although the reports were produced for the vendor.

[82] Jumping ahead to refugee and asylum seeker issues, while answering questions on Duracell, Andrew Davies raised the point that a lot of the employees in factories in places such as Wrexham now come from the immigrant worker population. What consideration has been given to the impact on them in these sorts of circumstances and also on the wider provision of services? I know the problem for local government is not that it does not welcome these people, because places such as Wrexham have launched a scheme to overcome public misconceptions about this issue, but there are housing, school and health service provision issues. I know that this is more of a UK Government funding issue, but how are we driving that forward?

[83] In terms of excess winter deaths, you make reference to the factors for the relatively high number of excess winter deaths not being well understood in the UK. This is a matter that I have raised before with the First Minister in the Chamber, because Age Concern has

called for this very research. I know that you refer later to research into the health impacts of the scheme, and I am sure that you are looking there at households that have already had it, rather than households that might have it. I urge you again to consider, with your colleagues in the Welsh Assembly Government, pursuing some form of investigation, answering Age Concern's call, so that the wider causes are understood and thus can be addressed.

[84] Jumping forward again, to the 'Walking the Talk' report on the engagement and empowerment of communities in the Communities First context, first, I thank you for arranging a meeting between your officials and a county councillor a couple of weeks ago. A number of issues were raised, and I will not highlight them in particular here, but one was the training issue and the understanding of the people participating in the partnerships at committee level of what empowerment really means. Often, there was a concern that they were still trying to control the agenda, rather than trusting local people. There was also a concern over the degree of the audit trail and, when local authorities submit their figures, whether those figures are checked, as errors and mistakes can be made. In addition, when schemes are authorised, is there an audit trail to ensure that the funding goes to where it was intended and produces the outcomes that were originally focused on?

10.20 a.m.

[85] In terms of extra prison places in England and Wales, I note that the report quite rightly makes reference to the placement of women outside Wales. What consideration has been given to the placement of young adults outside Wales? I have mentioned before that, on my prison visits, this concern has been raised with me. Also, with regard to young offenders in custody in Wales, in certain regions, there is no local place for them, meaning travel over long distances. That is a particular problem in my region.

[86] Finally, in terms of the all-Wales schools programme and personal support in custody projects, I again commend the 'Don't Touch—Tell' report, and not just the one we heard about from DangerPoint—the same day, we had a presentation by CAIS and other stakeholders, down the corridor, on the work that they are doing in primary schools, which is very effective, as well as the work that Choose Life is trying to drive forward at secondary school level and I wondered how, perhaps, in Wales, we can incorporate those good-practice models into these programmes.

[87] **Edwina Hart:** Thank you for your comments on what you consider to be the good-practice models. I will, of course, be considering the whole issue of education in schools, as it is important that we get this right. Various groups and organisations think that they have it right, but we have to look at what happens in terms of its impact on children and what positive good it does in particular areas.

[88] On prison places, I will be meeting Rod Morgan again next week, as I am very concerned about young people and their placements, and there is a section in my youth justice report on the issues to do with placements in Wales. I feel that we need to look at young people, and women in particular, remaining close to their communities.

[89] On your points on Communities First, and the training issues, these issues of evaluation and about people knowing what they can do and so on, have been raised. We have actually already started work to strengthen the audit trail so that we can have a proper audit trail and know that the money is going to the projects for which it was designated. I am hopeful that we will make improvements in terms of how we dealt with matters, particularly in that area.

[90] On excess winter deaths, I take your point, and I would be happy to take up in discussions how we deal with this issue in terms of the report that we are hoping to undertake

and the further research.

[91] On refugee and asylum seekers, I have started discussions with Derek Vaughan of the Welsh Local Government Association, because its members are concerned about the impact on education and the other services that they provide. For example, housing becomes an issue when the families come in. We have an ongoing dialogue, which I find particularly useful. Obviously, even though the policy is a UK Government policy, it does impact on us when it comes to our budget in terms of health and education, and it is important that we look at the requirements of these various groups. However, in the main, they are coming into this country and picking up employment, doing jobs that, sometimes, nobody else wants to do, such as meat packing and such processing jobs. As Andrew Davies has indicated, employers consider them to be valuable to the economy.

[92] On the home information pack, I am not sure about the legal duty and what will happen with that. We will make further inquiries about this, as I have a funny feeling that you are right about where this will ultimately fall, and it would be nice for us to find out some further information on that.

[93] On the Council of Mortgage Lenders position, can you help with Mark's point, Linda?

[94] **Ms Whittaker:** Yes, certainly. We have been talking to the CML about the multiples of income that it currently allows to make it more affordable. We are concerned about this, as there is obviously an element of risk being taken away from the funders, where there is a 30 per cent or 50 per cent equity from us in terms of home buying. Whether we will follow the same route in terms of having funders doing the 25 per cent share in Wales or not has not yet been decided: we are in discussions with the Principality and the CML, but that has not been decided yet.

[95] **Edwina Hart:** So, it is a matter of watch that space in terms of reporting back.

[96] On Gypsy/Travellers, we have not yet set the terms of the grants that will be made available in Wales. So, you could make that point to Sue Essex, if you want, or we can pick up those issues in this committee.

[97] On social housing and the Joseph Rowntree report, we are acutely aware of the issues raised, and they will figure in our considerations. However, you mentioned homebuy and the numbers involved; I set up the scheme, and the numbers are not my fault—the scheme is there. I do not mind taking the blame for things for which I am responsible, but I do not want to be blamed for things for which I am not.

[98] Thank you for your comments about the rural housing enabler and private land. It is welcome that people are interested in looking at the land issues—as Mick says, there are many people prepared to give small packages of land to help with this particular agenda. I will make the keynote speech at the Chartered Institute of Housing conference on 24 October about the case for housing and so on; if members of the committee wish, I would be delighted to circulate my speech which incorporates my views on this agenda.

[99] In my area of responsibility, we are very concerned about the Supporting People agenda. The points which you raised do not concern my area of responsibility—they are probably better raised with the Minister for Health and Social Services.

[100] On the question of the police, it is not a matter for me in terms of what you want to do as a committee. I will be meeting the police and I can make the figures available to you—I am sure that the police will have no objections to sharing with you, as a committee, as they will



with me, their proposals for greater working together. It is a matter for the committee if it wants to take any matters further forward to the Home Office. I appreciate that Mark says that it is not a devolved matter, but we must understand that it might not be devolved in terms of what the law says, but the Assembly has a stakehold in the practice of policing in terms of what we want, whether it is in terms of Communities First areas or the problems that are raised with us, and the linkages to other services such as community safety partnerships, which are directly funded by us. So, it is up to the committee to decide. When I circulate information from the police, you may wish to do a further report to support the police authorities or take evidence on how they could move forward in trying to work together—it is entirely a matter for the Chair and the committee.

[101] **Janice Gregory:** I am happy to go along with that suggestion.

[102] **Leanne Wood:** Are we within our rights as a committee to demand that the Home Office pays that money back?

[103] **Edwina Hart:** I think that you could demand, but I do not know whether or not you would get very far. If we were to be honest about this, the Home Office had this work undertaken and it thinks that it is worthwhile, although it has not proceeded at this stage. Some of that work, that they were forced to undertake, will be worthwhile. It will perhaps be even more worthwhile in some parts of England, where there has not been the level of collaboration that there has been between the Welsh forces. They make a valid case as police authorities, because they must justify their police precept. At the end of the day, they are between a rock and a hard place on precept issues. We say that there is enough money in the pot and that we do not want them to increase the precepts unjustifiably, as that is not fair on council tax payers. It is a question of balance. You have met the Minister for Police and Security; correspondence would be welcome, outlining any concerns that you have, but perhaps it would be more appropriate when we have seen the police plans.

[104] **Janice Gregory:** Let us see those first; we could meet outside of committee if we cannot include it on the agenda. We can certainly make some representations. Is everyone happy with that? I see that you are.

[105] **Laura Anne Jones:** Minister, I want to thank you for including, in item 28 of your report, the problem of housing sex offenders at Her Majesty's prison at Prescoed, which is where I live. I also thank you for listening to the concerns of people in that area. I know that David Davies and I have written to you, as has the mayor and many of the residents, who are very concerned about the situation. As Members will know, two sex offenders serving life sentences recently escaped and were recaptured. It was a very scary time for everyone in the Usk region. People felt that they were the prisoners in their homes and children in the area—I live in Llanbadoc, which is where Prescoed is—are still scared to go out. That is no way, as you have rightly highlighted, for people to live. There needs to be some type of policy review by the Home Office into this. I know that it is not your field, but it would be much appreciated if you could continue to make representations on our behalf. Thank you for what you are doing, but it would be much appreciated if you could keep pushing Gerry Sutcliffe.

[106] **Edwina Hart:** I am happy to update the committee on any further correspondence I may have. I intend to take these matters up with John May, along with other issues. It is quite sad because the community has had quite a good relationship with Prescoed as an open prison over the years, for as long as it has been there. More people accept that there is a need for open prisons, because some people do not need to be behind bars as it were, but it is unfortunate that certain groups were located in Prescoed open prison. It raises all sorts of issues, but they are issues that are outside our control in terms of discussions, because the correct balance has to be kept. However, I will be pleased to update you.

[107] **Janice Gregory:** Thank you all very much for that. That now concludes the Minister's report.

10.30 a.m.

### **Adroddiad Blynyddol ar Gamddefnyddio Sylweddau Annual Report on Substance Misuse**

[108] **Janice Gregory:** As a committee, we are asked to note the fourth annual report, which you will find in your papers at annex 1. That provides information on the progress on implementing the Welsh Assembly Government's substance misuse strategy, 'Tackling Substance Misuse in Wales: a partnership approach', over the last 12 months. It is important that, when considering the items in these papers, we reflect on where we were when the Minister took this over in 2002. I will say no more than that, but we can recognise that there has been significant progress in this area and that has been with the help and support of partners and stakeholders. Minister, I ask you to introduce the paper.

[109] **Edwina Hart:** In the introduction to the paper, I have drawn Members' attention to the key changes that we faced when substance misuse was transferred and I am pleased that you have alluded to them, Chair. I had the aim of demonstrating where we have made substantial progress in this area. I have acknowledged that it is progress, because, at the end of the day, there is still a lot more to be done on this agenda. Even though we have had substantial budget increases and the work is going quite well, there will always be issues to address in this agenda. You require this degree of honesty when you are talking about substance misuse. There is no point playing politics with this issue because we are talking about people's lives and it is very important that we get the right strategies in place.

[110] There were no structures to support partnership or joint agency working before, and today we have multi-agency partnerships in place in all local authority areas. These partnerships are delivering a three-year local substance misuse action plan. We can criticise some of the partnerships, we can say perhaps that it is not all working as we would like in terms of the plan, but we do have some excellent examples now of regional and national multi-agency working, such as the drug intervention programme, the transitional support scheme and the many capital projects that our funding has supported.

[111] We also have to be honest about the budget situation. It has grown by over 600 per cent, and it was poorly funded before and no guarantees were given beyond one year. At least now the guarantees are given. Evaluation and monitoring was virtually non-existent when we started, and now we have a comprehensive performance management framework in place. The report that I am presenting today coincides with the publication of the first annual report of the Welsh national database for substance misuse.

[112] We also had difficulty in getting staff and retaining them because, as we have to acknowledge, this is a very difficult area to work in and it is underestimated by other people. There have been significant increases in funding and having the funding streams for three years has helped the recruitment and retention of staff. The implementation of the drug and alcohol national occupational standards initiative is beginning to have an impact in this area of work.

[113] There was no central guidance available to us as an Assembly—it seems like only yesterday. We have worked very hard with the stakeholders and experts in the field as we acknowledge that we are not necessarily the experts in the field. We have undertaken an ambitious programme of developing and implementing policy guidance, for example the substance misuse treatment framework and guidance on the development of local action

plans. We cannot feel complacent, but when I go out and about now, particularly with the stakeholders, I feel that there is a sense of optimism about the work that we have undertaken.

[114] In the last discussion on my ministerial report, we mentioned the all-Wales school programme. I feel strongly about that programme and I want to ensure that it is right. The key issue for us is that the programme helps to ensure that our children and young people understand the risks of substance misuse and that they, therefore, make informed choices, as it is about making a choice somewhere along the line. You have to educate children about choice and how you make and risk-assess those choices.

[115] It has been widely accepted in many research studies that it is extremely difficult to identify the key factors that can influence a young person's life choices. The measures that we can bring to bear can aid and assist, because there are so many different factors in that area. Think about who you are influenced by in your life: your parents, your siblings and your friends. Life events affect you, do they not? The divorce of your parents, death and so on can take you to a place where you make a decision that you would not have made a week before. That is what occurs.

[116] The report on the evaluation of the all-Wales schools programme, which is on the website, says that the immediate effects of the programme are articulated across the board. Many people said that they valued the information provided and it is quite important that they have information. It does impact on them. The report also looks at the long-term benefits and acknowledges that they are ambiguous and that is why I have asked for a much longer study to be undertaken. It is important, when we are talking about education, that we try to do the best that we can to get the best long-term impact, because there are so many different views on this agenda and on how you should deal with it. I feel that the best thing is to have a system that gives the information fairly and squarely, but encourages young people, through logic, to make choices and to understand that even if something has happened in life, that does not stop you from making the right or wrong choice. This is quite a difficult area, so I will stop there and take questions.

[117] There are a lot of issues in the report, particularly on access to rural services. Alcohol is an increasing concern, which it must be, when you see what is happening out there. You have to look at the whole issue, at what is happening with children and young people who are homeless and at what is happening in general. I would be pleased to take any questions on what I think is quite a substantial report, which moves this agenda forward.

[118] **Laura Anne Jones:** I want to touch on something that you just said about the influences on people, particularly young people. We are now living in an era when the media is also a big influencing factor on what young people do, how they dress, whether they take drugs and whether they think that too much alcohol is okay because they have seen a famous person crawling along the kerb. They are influenced by the media, whether we like it or not. Although we should not have to do it, if you could get some famous people on board, people who are young people's idols, who have been through experiences like this and have come out the other end, that sort of thing might help.

[119] **Edwina Hart:** It is useful to have positive role models in terms of this agenda, to see people who have gone through difficult situations and learn how they came through it, how they have changed their lives around and acknowledge the difficulties that they have been through. I think that that is part and parcel of it. Leanne referred to the use of people who have been drug users or alcoholics in substance misuse programmes—that has quite an impact on young people when they see it. It is not just in our agenda. Do you remember when we had the young homeless scheme with the Shelter project, which was peer education? It had quite an impact. I saw at first hand in the schools that these were people who the children would have scurried past on the street, when they were kneeling on the floor, huddled up, drinking a

cup of coffee, but these were the people who had come to talk to them. They thought, as youngsters, that they could never get to that position, but the young person said, 'My parents split up and I did not get on with the parent with whom I lived'. This is exactly what happens in this agenda and it is important that there are role models out there. Sometimes it is not just the famous ones who can make a difference—you need the assistance of people who have come through it, the ordinary people who are driving the buses or teaching children in school.

[120] **Mick Bates:** I have just a few questions on issues that you have mentioned: you mentioned the misuse of alcohol. Do you have plans to create a separate strategy for that? Secondly, you made reference, as does the report, to access to services in rural areas. It requires a lot of joined-up thinking to ensure that the transport systems are there, that the access meets demand, and that the recruitment and retention issues that you mentioned earlier are addressed. What discussions have been held with other Ministers to ensure that the rural issues are well covered and that everyone is working to the same goal? The reduction in transport grants, for example, can influence accessibility. That often isolates people even further in very small communities. Given the work that you just mentioned, I would make reference to this report, which reflects the work of personal support workers. There is excellent work in there, which covers all these issues. However, what are you doing to resolve the access issue in rural areas?

10.40 a.m.

[121] **Edwina Hart:** We have looked at services in rural areas. If you look at my report, you will see that the drug intervention programme has created 24 new treatments, which are all within local communities where there is easier access. So, I take your point about community transport and those wider links on that. Our capital programme, which is in appendix 2 of my report, has supported a tremendous amount of issues to improve access in rural areas. You have minibuses to transport people to treatment centres; mobile treatment units, which, I think, are quite successful; the outreach mobile bus; and the mobile dispensing bus. These are very creative examples. We do this with our partners, but, at the same time, there is hostility sometimes towards some of the initiatives that we undertake. Sometimes, people do not want this bus in their community and they do not want people to be treated in this way. When we are talking about access, I think that we have to be quite strong so that people understand that, in certain communities, the only way to ensure access is to take facilities out there. Sometimes, we have to stand up to the nimbyism that exists, if we are to deal with some of these issues. Also, we have been very good in terms of community pharmacies, by increasing the number that are providing necessary services, because community pharmacies are excellent in providing these types of services. I think that that has been well looked after.

[122] On alcohol, we have an integrated strategy at present. I think that we are right in that regard. I have never met a drug user who does not drink. There are issues around all of these linkages. It is a drug. I think that our strategy has been stronger because we have had those linkages from day one, unlike England and Scotland. I may need to think about how I feature alcohol perhaps more prominently in the discussions on the strategy, because alcohol is the substance that is now having the most devastating impacts on communities. We now collect data on referrals for alcohol, as well as drugs, and I think that we are the only part of the UK doing that. So, we are also starting to get the statistical information on it, which is useful. I have updated you, in my report, about the development of an alcohol model within our new treatment framework, which is very important.

[123] However, it is up to the partnerships to decide how much they fund on the basis of their local assessments. It is important that we note the cost and the division between the drug and alcohol issues in terms of what is being spent. There is a need for a cultural change on some of these issues. In my opinion, that change needs to be led by Government, but

advertising and licensing are not devolved. There are issues on which I need to continue to press. The same party may be in power in Westminster and Cardiff, but that does not mean that I should not voice the legitimate concerns that we have as Members about alcohol advertising and some licensing issues. There is no doubt in my mind that alcohol has serious implications. Even if you are only an accountant—I would not particularly want to be an accountant—you would only have to look at the cost benefit analysis of putting in some money first, would you not, in terms of what you could do with some of these issues? When you look at the health costs of alcohol in the long term and the damage that alcohol causes in families in terms of domestic violence, the breakdown of relationships and homelessness, you will find that it is important that the strategy focuses quite strongly on alcohol. However, we also look at our spending patterns with regard to alcoholics, and what more we can do. In terms of educating children about alcohol, telling children not to take cannabis, cocaine and so forth is much easier than saying that they cannot have a gin and tonic, because it is seen as the acceptable side of addiction because they see people drinking. To get the message across about how much damage that can cause and what can happen to people is very important, in terms of alcoholics speaking. It is very important that we get that integrated approach.

[124] I am sorry to sound so much like a minister in the pulpit this morning, but I feel quite strongly about the alcohol issue. Everyone has spoken about drugs, but they do not realise the damage that this is causing day after day within families and communities.

[125] **Janice Gregory:** Thank you, Minister. Leanne?

[126] **Leanne Wood:** I welcome what you have just said about alcohol because that was one of the key issues brought out by the advisory council's report—that a lot of targeting and effort is going into drug prevention, but not into alcohol prevention. Because it is legal, there is an issue around alcohol being more acceptable and less frightening than drugs. When we talk about a certain older generation of people who have never come into contact with drugs, we see that they can be scared to death of any issues around drugs without perhaps fully understanding what the issues are. The more that we talk about these issues as politicians, the more that we will get around this problem.

[127] I welcomed your statement on the all-Wales programme on the best way to approach education in schools, and who delivers that is key, as is what is said. I understand that the abstinence-based programmes tend to work less well, but that is perhaps something on which you would be prepared to give us more information, after considering the advisory council report.

[128] On prevention, I welcome the work that you are doing on the psychological and psychosocial interventions, which is absolutely key in terms of prevention. Do you plan to put any resources into those kinds of treatments? I am thinking in particular about introducing therapy before people develop a problem with alcohol or drugs. From my experience of working in probation and with Women's Aid, a number of people whom I have met ended up addicted to substances as a result of former abuse that they never got to grips with. I have mentioned this to you on countless occasions, Minister, but it is key when we talk about this.

[129] On the drug testing on charge, what happens to the information if people are not convicted? Is that information stored on a database and who would have access to that information? There is an important civil liberty issue on that.

[130] Finally, while I welcome the progress that has happened since you took over the substance misuse issue, in the original substance misuse report in 2001, I understand that there were a number of targets on issues such as reducing the numbers of young people who ended up developing problems with substances. Can you tell me what has happened to those targets, and is progress towards those targets being monitored? Are the community safety

partnerships working towards those targets and is monitoring possible given the lack of baseline data from 2001. Will you be continuing with those targets or will you ditch them?

[131] **Edwina Hart:** I will go back a stage, because I forgot to say that the all-Wales programme obviously covers drugs and alcohol, which is important.

[132] What you said about abstinence-based programmes is interesting. I had quite an interesting discussion yesterday about hostels for the homeless and whether or not they are allowed to inject in them. There are discussions about whether, if you do allow them to inject in them, there is a better success rate and you get them referred, and all those type of issues. I do not know what research there is into abstinence-based programmes or whether we have anything at an official level that we could circulate. Is there anything on that, Jo?

[133] **Ms Jordan:** There is limited research on it. It works for some people; it is a matter of personal choice. Different types of treatment work for different people, and there has to be a choice available for people to access the services that they feel most comfortable with.

[134] **Leanne Wood:** Can I just be clear on this? I was talking about abstinence-based programmes in terms of education. I am talking about the 'Just say no' message.

[135] **Edwina Hart:** Sorry; we thought that you were talking about it in the context of adults. The choice is quite important.

[136] In terms of therapy, I think that you are right, because I think that professionals can identify at a very early stage whether somebody is in danger of going over that line into alcohol and drug abuse. Sometimes, in companies, people are given counselling and things have happened in terms of company doctors, and I think that work has been done on that in the private sector. However, it is not routinely done within the public sector, but I will ask officials to make some enquiries about anything that might be happening elsewhere and to report back. That is quite an important point, because when someone is on the edge—and this is particularly relevant in terms of the work that we are doing with Women's Aid—workers might be able to identify at a very early stage whether they have concerns about somebody's habits; they may not be an alcoholic yet, but perhaps, at that stage, there should be some sort of system in place.

[137] **Ms Jordan:** There is also the role of general practitioners in this.

[138] **Edwina Hart:** Yes. So, I will explore that, because there might be some useful avenues across my portfolio that I could consider to try to tackle the point that you are alluding to.

[139] In terms of drugs testing on charge, to be frank, I do not know the answer to this. Would you like to come in, Jo?

[140] **Ms Jordan:** I am sorry, Leanne, but I missed the point that you were trying to make there.

[141] **Edwina Hart:** She asked whether, when you do the drug testing on charge, the records are kept, even if it does not proceed anywhere. She wanted to know what happens in such cases.

[142] **Ms Jordan:** If you are charged with an offence then, yes, those would be kept by the police.

[143] **Edwina Hart:** Even if you are not convicted later on.

[144] **Ms Jordan:** As far as I am aware, yes, but I will check that.

10.50 a.m.

[145] **Edwina Hart:** We will check on that, but you are also talking about people who are sometimes charged and then nothing proceeds to court. What then happens to their records?

[146] **Ms Jordan:** I doubt that the data would be different from any other police data that are kept on those people who have been arrested previously, but I will check that for you.

[147] **Leanne Wood:** On that point, we know that information on a high percentage of black people, for example, is kept on other databases because such information is kept after they have been stopped and searched. There is a range of issues of concern around this. So, if you could give us note on that, I would be grateful.

[148] **Edwina Hart:** I am happy to make enquiries on that. Leanne is right: we have not had reliable data in the past. However, we have it now so we can use data collection to consider any targets and issues. It is fair to say that we need to measure against the original targets in a reliable way—

[149] **Ms Jordan:** That is impossible—

[150] **Edwina Hart:** Yes, it is impossible, and I am honest about that. Since I have taken this issue over, we have tried to get reliable data that we can use as a measurement, because nothing existed before. However, the important point is that we are now taking it forward.

[151] I was thinking about the expenditure shared between drug and alcohol treatment as a result of this expenditure. If you look at 2003-04, we spent £1.1 million on drug treatment and just £160,000 on alcohol treatment. Those are ballpark figures. In 2004-05, £1.4 million was spent on drug treatment and £555,000 on alcohol treatment, and yet, in 2005-06, £2 million has gone into drug treatment and around £800,000 into alcohol treatment. So, those figures are increasing. Once I have the 2006-07 figures, I will provide those to the committee. That is showing substantial progress in terms of the spend and balance afforded to these issues, which we must get right.

[152] **Leanne Wood:** Do you have any news or information on the safe-injecting facility?

[153] **Edwina Hart:** Yes, I had a meeting this week about this. I discussed with the various interested parties how we could possibly take some of these issues forward. It was an exceptionally constructive meeting. The position of the Home Office must be clarified in writing to me. I have also indicated that I will discuss this issue with the senior police officers because nothing can be done in this area without the police's agreement. I have also had several examples of what has happened abroad and how the police have dealt with those situations, so I need to get that checked out. I have agreed with the parties concerned that it will be a slow process in terms of what we have to check out, and I would not want to divert any existing resources into it. I will have to look at the budgetary considerations to see whether there will be any new money. However, I will get back to the interested parties in the new year for further discussion to see how we can progress on that, looking at what is happening elsewhere, particularly in Scotland.

[154] **Mark Isherwood:** I will start by saying that I know many accountants and they are very nice people.

[155] I have circulated the feedback from the DAWN conference in June, which involved

all the voluntary and public sector agencies working in this field in north Wales. In that conference, they broke up into seminars involving service users and providers. So, this is straight from the horse's mouth. I hope that everyone received copies of this document. Several issues were raised in the document that indicate that we still have quite a walk before we get to the top of the mountain. I will mention some of them, but there are far too many to go through today.

[156] There is concern that service users tend to get a better standard of service if they have been through the criminal justice system than if they have not, so those who have not offended are asking for comparable access to treatment and support. Substance misusers are fearful of reporting overdoses in case of police intervention, which calls for better communication between emergency services and drug users. Much focus was aimed at drug-related service. This endorses the point that there should be as much, if not more, focus on alcohol-related services. So, it is interesting that they picked up on that strongly themselves.

[157] There is a lack of provision and support for those exiting detoxification. They have had their detoxification, but there needs to be more rehabilitation to continue with the process of rebuilding their lives. There is a reluctance to ask for help from social services—

[158] **Janice Gregory:** I am sorry to stop you, Mark, but could you please address your comments to the report? That document has been circulated to Members; we cannot go through it. Please address your comments to the Minister on her report and not on what happened in the conference in north Wales.

[159] **Mark Isherwood:** There are useful recommendations on housing, training and employment, some of which involve London and some Wales. You comment on pharmacists in the report, which is encouraging. Like many people, I have visited many pharmacists operating schemes where there has been no Nimbyism, as no-one knows about it because it works so well and there is no trouble for anyone. With regard to the issues around the proposed vending machine in Colwyn bay, how will you respond to the concerns raised about supervision and the wider support services that are required? To my mind, it is better than nothing, and I know that there was a lot of local objection to a proposal for a more formalised needle exchange. How can we drive that forward to ensure that supervised treatment can be built into the project?

[160] There is concern about a fall in the number of detox beds and the number of beds in general as well as about the fact that our services are progressively being contracted to England, because Wales will no longer pay for them, particularly through the local health boards. What action has been taken to address the problems of people with post traumatic stress disorder and associated drug and alcohol problems? I know that a project is being consulted upon at the present time. I am not sure whether you are aware of this, but what support are you giving to this, and how can we provide a nationwide reach rather than just something in one region of Wales?

[161] In terms of the issue of abstinence, we need a broad menu of provision of maintenance and abstinence services—noting that abstinence is often the final stage based on a referral from a maintenance-based service provider. How can we ensure that there is better balance and integration between maintenance and abstinence support?

[162] I have already made comments about education and prevention in schools, so I will not repeat them.

[163] My final point is on drug-related deaths. You include figures from the Office for National Statistics, which show a reduction to 2004. I have been told that drug and alcohol-related deaths are forecast to have doubled between 2003 and 2006, so, I do not think that we



should become over-confident, given that the needs in the community still appear to be growing across the piste.

[164] **Edwina Hart:** I saw the report of the conference from CAIS, which was also kindly circulated to me. I would like to make one thing quite clear: our money is not targeted in the direction of the criminal justice system; we just target people with problems related to the misuse of alcohol and drugs. I appreciate that other projects, which may be linked to Home Office funding, might be targeted that way, but the National Assembly does not spend its money in that way.

[165] I know that there has been some controversy in north Wales, particularly, as I understand it, about the needle exchange vending machine. It will cost about £10,000. I saw the machine when I was in the police headquarters with the chief constable; he took me down to the basement in order for me to see the machine. I fully support the community safety partnerships that are providing needle exchange facilities in their areas. We must do that. Schemes such as that which is planned for Colwyn Bay are, therefore, important in reducing the risk of spreading, for example, hepatitis and HIV. I do not think that people recognise how serious a problem this is among this community and this population, and how easily it can be transferred elsewhere. It is not only a benefit for the individuals concerned but for their families and the wider community. We must always bear this in mind. We are not users or abusers of things, but we must recognise that there are such people, and that they need help. This type of thing will, ultimately, reduce the long-term cost to the health service of treating illnesses such as HIV and hepatitis. It is important. I know that there has been local opposition, but we have to bear in mind that there is little provision available locally. People have been quite upset about it, but sometimes you have to recognise that there is a greater good. Even though none of us like things in our own back yard—there is an element of Nimbyism in all of us—we have to try to do our best to ensure that we have the necessary service provisions. The chief in Colwyn Bay is trying to bring in something that was trialled originally in Australia. The machine is on the back of the police building. The concern is, as people have told me, that potential users of the machine will be worried that a CCTV camera will be there, monitoring them when they are doing the needle exchange; they are worried that their picture will be picked up and that people will look for them when there are burglaries and so on. So, there are two sides to the story, but it is important that we support any innovations that are taken on a local level like this.

11.00 a.m.

[166] I will speak about beds, because the things that have been said about treatment places when these discussions occur in committee have been starting to niggle me a little. I have been quite honest in saying that we had little data and information when we first started and I took over the portfolio. That is why we have been so careful to record how many additional treatment places are being created as a result of the additional funding, and that is why I considered it appropriate to establish a Welsh national database, to get the proper information. We now have information about what we are doing in terms of places and how it is going. In north Wales there are 476 places, with 325 created under the drugs intervention programme, up to 791. That is quite a lot. On treatment places created between 2003 and 2007, we are now up to 8,036, so I think that we are doing a good job in terms of the places available for the type of treatment that we require.

[167] If we look at drug-related deaths—do we have any future forecasts on drug and alcohol-related deaths at all? I have not seen anything; nothing has crossed my desk to indicate that they are going back up at all.

[168] **Ms Jordan:** No, we have nothing to indicate that they are going back up.

[169] **Edwina Hart:** Officials will search to see if there is anything. If you have seen anything in particular, Mark, we will consider it. However, it is important to recognise that we are doing the job for more people than before, and it would be nice if someone would say, 'It is very good that you have created these places and the work is moving on'. It has been good that, as an Assembly—and, I must say, in this committee—we have concentrated on difficult issues like this, and that we are prepared to put our money where our mouth is. If Members are concerned about the issue of alcohol and resources, I am more than happy for them to make the point elsewhere, if they wish.

[170] **Janice Gregory:** Leanne, do you want to make a brief point?

[171] **Leanne Wood:** I just wanted to make a point about the increase in drug-related deaths. I am not sure about new cases due to alcohol, but I understand that there has been a recent problem with a particularly pure batch of heroin—I am not sure about Wales, but certainly in England and Scotland. I do not know whether you could look at that.

[172] **Edwina Hart:** We will make some inquiries.

[173] **Janice Gregory:** As the Minister said, if anyone has any evidence that they want to provide her, she will be more than happy to have a look at it with her officials.

[174] **Mark Isherwood:** I come back on the point that this report concluded that all four subject matters have an impact on each other. I agree that your particular portfolio is restricted to part of it, or to half of it, because there is housing as well, but this is a clear example of cross-departmental working. As is said in the report, it is a question of synergy, we must get them all right or none of it will work. So, I hope that I can take that forward on that basis. With particular regard to detox beds, you and I both know that there has been a reduction in Welsh detox beds, certainly in my region, and they are now being contracted to England.

[175] **Edwina Hart:** In terms of alcohol, we are doing a lot of work. You are right about cross-departmental working. We have been having meetings—and I can see Geoff Marlow now—and pursuing with the health department the need for GPs and others to deal with drug users and, of course, homeless drug users. So, we do a lot of cross-departmental working and we are now seeing the fruition of some of that work, which we talked about in the committee. In terms of the alcohol agenda, we are doing a lot of preventative work, which is important. On the issue of beds in north Wales, perhaps my officials have something to say.

[176] **Ms Jordan:** There has been an issue for some time with the local partnerships in north Wales. There was a decision to decommission some beds that they were block purchasing from Hafan Wen, but that has been subject to a review and we have insisted that they do a full assessment of the needs of the area. That is still ongoing and is not all concluded yet, so we have pulled them back from decommissioning the beds, and said, 'We need to be sure that you've done a proper assessment of what your needs are in north Wales, before you decide to take the money away from that provision'. That is still ongoing, so, we are working closely with partnerships in the area.

[177] **Mark Isherwood:** I was told at the Eisteddfod that the first reductions from December have gone ahead. Has that been pulled back as well?

[178] **Janice Gregory:** Mark, we cannot have a dialogue in this way; we are well over time now. I suggest that you speak to Jo Jordan outside during the break. That concludes that item.

11.04 a.m.

## **Is-ddeddfwriaeth Secondary Legislation**

[179] **Janice Gregory:** Does anyone have any comments on this item? Rack your brains, as I would hate for the Business Committee to pick us up yet again on another piece of legislation. Will Members just confirm to me that they know what the legislation is and that you are happy for us not to scrutinise it? I see that that is the case. That is great, thank you very much. We will break now; it is 11.05 a.m. and we have run over by 20 minutes, so I ask you all to be back by 11.20 a.m., please.

*Gohiriwyd y cyfarfod rhwng 11.05 a.m. a 11.24 a.m.  
The meeting adjourned between 11.05 a.m. and 11.24 a.m.*

## **Strategaeth Troseddwyr Ifanc Cymru Gyfan All-Wales Youth Offending Strategy**

[180] **Janice Gregory:** I was about to say thank you all for returning on time, but, unfortunately, the Chair was late. My apologies. I ask anybody who has switched on a mobile phone, BlackBerry or pager during the break to switch them off now. For our visitors in the gallery, it was remiss of me not to welcome you to the Social Justice and Regeneration Committee meeting. There is no fire drill today, so if the fire alarm sounds, we will be asked to leave the building in a safe manner. Please follow the ushers' instructions. Headphones are provided for members of the public and Members. You are able to access the proceedings, as I am sure you know by now, through the medium of Welsh and English.

[181] I remind everyone that we are running severely late. I do not want to curtail any discussion, but be mindful of the fact that we are running late. I will ask the Minister to introduce the paper.

[182] **Edwina Hart:** I am pleased to introduce the paper, which confirms the progress that has been made in 2005-06. Fairly challenging objectives for reducing and preventing youth offending have been proposed for 2006-07; I have now agreed to them. One issue that the committee has previously raised with me is the concern about the lack of juvenile secure accommodation, which follows on from our discussion about prisons, the Prescoed position and the whole secure accommodation issue for young people in Wales. The committee will be aware that I have been worried about this, because only about 50 out of 200 people sentenced to custody in Wales serve their time at any time in Wales. The present arrangements were completed in March 2006, and my officials are currently working with the Youth Justice Board for England and Wales to agree on the option that we can take forward most effectively. I am hopeful that there will be some progress in terms of increasing capacity in Wales this year. The needs of children in north Wales is currently being considered in that context. I am meeting Rod Morgan next week and I hope that we will make further progress on that particular agenda.

[183] **Janice Gregory:** Thank you, Minister. Is everyone content, or are there any questions? Mick?

[184] **Mick Bates:** I have just a couple of questions. I would like to hear more details about the way in which Communities First, the youth offending teams and the community safety partnerships will work together. I have raised the issue before, and I think that we have some great deliverers but there possibly needs to be a more focused integration between them to ensure that it is an effective use of public money.

[185] **Edwina Hart:** We have some effective on-the-ground arrangements that are

delivering across that agenda. In terms of the teams that are out there, they are very strategic and they look to do much joined-up working. I perhaps would not have said that four years ago, but the issue that you have previously raised in committee is taking place on the ground, and all we can do is encourage it. It is refreshing to work with the youth justice board and others. They are signed up to our agenda, as are other partners, that we are definitely making progress in this area. If you have any examples that indicate that there are problems about working together, it would be something that we would be prepared to take up and deal with.

[186] **Mick Bates:** I will send you details of the problems of which I am aware, particularly about access issues. The other issue is about the evaluation of the schemes. When will the evaluations be available and completed?

[187] **Edwina Hart:** Which strands?

[188] **Mick Bates:** Looking back at my notes, in December 2005 details were given about the Assembly-funded project ‘personal support work for young people in custody’—

[189] **Edwina Hart:** It began in December 2005 and it is programmed to last for 12 months, so we are extending that to December 2006. The final evaluation will probably be done in January 2007 for presentation, or somewhere within that timescale. January might be a little optimistic—it might be more like February. Once the evaluation is completed, we will consider the roll-out of all of that. I would be happy to share that with the committee in the new year.

[190] **Laura Anne Jones:** In reading the strategy, I was reminded that my mother used to work in Usk prison when I was growing up, when youth offenders were held there, teaching them about health and social issues. She said that it was so rewarding, because the people whom she taught changed and came out with more knowledge from all the education that they had received in that facility. They came out with more confidence and enthusiasm, if they had qualifications behind them, to go out into the wider world. Education is key in these facilities; they are more likely to learn in a facility like that, bizarrely, because they cannot bunk off or whatever. How would you look to expand that?

11.30 a.m.

[191] **Edwina Hart:** I agree, because it is not just about literacy and numeracy issues. It is about fending for yourself when you come out and the skills that you need for that. We should not only be considering youngsters in prison; it is probably across the board. Some come from deeply difficult backgrounds in terms of not having any parental or family support—that is how they got into the system in the first place—and they have had no-one to show them how to live independently, how to manage their money, how to make a meal or do anything. I agree with Laura that that is the function. If you are an institution, you need to have that widespread training—not just in numeracy and literacy—to live alone, to do things on your own and to be confident in doing that. When you come from certain family backgrounds and you have done things with your parents, you take for granted what you can do, and you do not recognise that a significant number of young people do not have that background to bring them out into the world. Your mother must have had a very positive experience teaching there. It must be wonderful doing something when you see such a positive outcome in terms of what people have learned and the fact that they probably have not re-offended, which would also be good news.

[192] **Mark Isherwood:** I will just make four quick points. Each one is about linkage, I suppose, with other departmental areas. We have discussed—and I will not mention the relevant evidence again today—evidence supporting linkages with learning needs in the past. Is there any evidence in your department to identify what these linkages might be in Wales

and how we can drive that forward cross-departmentally?

[193] I saw a report—I forget which one, but it could have been by the Joseph Rowntree Foundation—publicised this week about children in care and low educational attainment and linkages with other life problems. Again, it is not directly within your brief, although parts of it are, but how can we build that in?

[194] On the benefits system, particularly for 19 to 24-year-olds—I will be raising this further when we talk about homelessness—there are concerns that where, with support, young people, particularly in foyers or hostels, are wanting to access the education system, they are then finding financial problems, which can often cause further problems.

[195] Finally, on hostels and the ability, often through social housing grants, to provide not only accommodation but life-skill training as well as broader basic-skill and advanced-skill training as part of the project, while some schemes have been very successful in being able to do this, others have not. Should we be setting standards in that area?

[196] **Edwina Hart:** I thank Mark for his points. Educational attainment is one of the areas in the education system that we have had quite a lot of discussion about. Educational sector arrangements in Wales are significantly different to those in England and there are a lot of issues around education that we have explored in terms of what people come out with. Are they better qualified? Do they do things? It is a concern and I have taken matters up with the Minister for Education, Lifelong Learning and Skills to see whether we can get more work undertaken in that area. There is no doubt that we need quite a rescue mission in terms of people who are in secure accommodation and where they are in terms of their abilities. However, I can assure Mark that this has been talked about across portfolios and has been the subject of discussions with Rod Morgan. I do not know whether you want to add anything about what we have done specifically.

[197] **Ms Jordan:** A number of things are included in the report from last year and this year. Education colleagues work very closely with us in the delivery of the strategy and they are involved in all our discussions with the youth justice board around what more we can do in terms of providing better education and training provision for these young people, while also recognising that quite a number of these young people go to places outside Wales and, therefore, the Assembly does not have control over those education programmes.

[198] **Edwina Hart:** That is an issue for us, namely what they do in terms of education there. I would be interested to hear Mark's points later about benefit system issues in this context—although, obviously, it is not applicable for every institution—as well as further comments that he is going to bring up on social housing grant, under another agenda item. I will pick up on that.

[199] **Janice Gregory:** Thank you; we will move on.

11.34 a.m.

### **Y Comisiwn Gwasanaethau Cyfreithiol Legal Services Commission**

[200] **Janice Gregory:** I invite the witnesses to come to the table. Members may remember that it was a suggestion from the Minister that prompted us to invite our colleagues from the Legal Services Commission. I thank you all for taking the time to come to committee and I will now introduce you: Richard Collins is the director of policy, Tom Jones is the commissioner for Wales and Paul Davies is the director for Wales. I hope that I have got your

titles correct; I am sure that I have got your names correct, but I am not quite sure about your titles. I advise Members that they were going to use a PowerPoint presentation. I do not know whether they heaved a huge sigh of relief that they were not able to use it, but, because of some technical difficulties, it has not been possible and I thank the presenters for their understanding in that. The secretariat has now produced a hard copy of the presentation—thank goodness for photocopiers. I do not know who is going to lead. Minister, are you going to start?

[201] **Edwina Hart:** I am interested in the work of the community legal service. At ministerial level, I meet the director and commissioner for Wales every six months and I think that it is fair to say, Tom, that we have developed a good working relationship. It is important that we discuss what is going on in the light of some of the changes.

[202] As you know, an internal review has been undertaken on structures and processes within the commission and we lobbied hard for the new structure to retain an office in Wales, which we thought was important. I know that Members will agree that that was an important issue. For the office to remain in Wales would be first class for us. It is important that the commission can respond to the Welsh policy agenda as well as to what might be happening over the border. It is important, and Tom will know that I will continue to lobby for a strong and properly resourced Wales office. We do not just want a building that has the title of the organisation on it and a little sign saying 'Wales office', for us then to find that there is only one receptionist and one person in the background. What we really want, as we go through the process of devolution and as more legislative powers come here, is a strong role and function. I am pleased to say that we have had an excellent relationship concerning all the issues that we, as an Assembly Government, have wished to raise, particularly with Tom. Of course, Tom used to chair the voluntary sector partnership council, so I have been lucky that I have had him at both organisations.

[203] **Janice Gregory:** Thank you for that background information, Minister. Richard, I understand that you are going to do the—my apologies, I see that Tom is going to speak first.

[204] **Mr Jones:** Richard will do the presentation and deal with the detail and I will just make a few introductory remarks. May I make them in Welsh?

[205] **Janice Gregory:** Yes, indeed.

[206] **Mr Jones:** Gadeirydd a Weinidog, diolch am y gwahoddiad i ddod yma heddiw a diolch yn arbennig i'r Gweinidog am ei geiriau caredig. Nid oeddynt yn ddim llai na'r disgwyl, gan fod perthynas dda rhwng swyddogion a Gweinidog y Cynulliad a'r Comisiwn Gwasanaethau Cyfreithiol.

**Mr Jones:** Chair and Minister, thank you for the invitation to come here today and a special thank you to the Minister for her kind words. They were no less than I would expect, because there is a good relationship between the Minister and Assembly officials and the Legal Services Commission.

[207] Mae comisiynu gwasanaeth cyfreithiol yn un o'r conglfenni pwysicaf i gymdeithas ofalu fod hawliau pobl llai ffodus yn cael eu diogelu ac i geisio ymosod ar ddiethrio cymdeithasol. Felly, mae'n naturiol fod y £2 biliwn o arian cyhoeddus sydd ar gael ar hyn o bryd i gefnogi pobl llai ffodus yn cael ei wario. Mae'n rhan o ymrwymiad gwasanaeth a chymdeithas sifil. Mae'n bwysig dros ben ac yr wyf yn falch fod hynny yn dal i ddigwydd yng Nghymru a

Commissioning legal services is one of the most important cornerstones for society to ensure that the rights of less fortunate people are protected and to try to deal with social exclusion. Therefore, it is natural that the £2 billion of public money that is currently set aside to support less fortunate people is spent. It is part of the commitment in terms of service and of civil society. It is extremely important and I am pleased that it still happens in England and Wales. We have a

Lloegr. Mae gennym wasanaeth sydd yn esiampl dda ledled y byd.

service that is an exemplar across the world.

[208] Yn naturiol, er nad yw'r cyfrifoldeb am wasanaethau cyfreithiol wedi ei ddatganoli, mae'r cleientiaid, y bobl sydd angen y cymorth hwnnw, yn Gymry a phan drafodir eu problemau yn gyffredinol, mae ganddynt broblemau sy'n gofyn am gefnogaeth y gwasanaethau iechyd ac addysg ac—fel y cyfeiriasoch ato yn yr eitem flaenorol—mae ganddynt broblemau digartrefedd. Mae'r atebion i'r problemau hynny i gyd yn rhan o gyfrifoldeb y Cynulliad, felly mae'n naturiol bod y comisiwn cyfreithiol yn cydweithio'n agos gyda'r gwasanaethau iechyd, addysg a thai ac yn y blaen. Mae'n rhesymeg synhwyrol dros ben. Mae'r comisiwn yn ceisio gofalu bod y gwasanaeth sy'n cael ei gynnig o'r safon uchaf a bod gwerth i drethdalwyr yn y broses. Mae newidiadau mawr yn arfaethedig. Oherwydd y newidiadau mae goblygiadau gweinyddol, fel y soniodd y Gweinidog. Dychwelwn at hynny.

Naturally, although the responsibility for legal services has not been devolved, the clients, the people who need that support, are Welsh and when their problems are discussed in the round, they have problems that need the support of the health and education services and—as you mentioned in the previous item—they have homelessness problems. The answers to all those problems are within the Assembly's remit, so it is natural that the legal commission should co-operate closely with the health, education and housing services and so on. It is very logical. The commission is trying to ensure that the service provided is of the highest quality and that there is value for money for taxpayers in the process. There are some huge changes in the pipeline. Due to those changes, there are administrative implications, as the Minister said. We will return to that.

11.40 a.m.

[209] Bu ichi gyflwyno fy nghydsiaradwyr, a hoffwn nodi bod Paul Davies newydd ei benodi yn swyddog cenedlaethol Cymru. Felly, yn hytrach na bod yn swyddog rhanbarthol, mae'n swyddog cenedlaethol, a chredaf fod hynny'n gam i'r cyfeiriad cywir. Er mwyn ei gefnogi, bydd dau swyddog polisi yn cael eu penodi i sicrhau bod y cydweithrediad sydd rhwng Anne a'i chydswyddogion yn datblygu ac yn dyfnhau fel y symudwn ymlaen i'r dyfodol. Dychwelwn at hynny yn nes ymlaen.

Further to your introduction of the speakers, I would like to point out that Paul Davies has just been appointed to the post of national officer for Wales. So, rather than being the regional officer, he is now a national officer, and I think that that is a step in the right direction. Supporting him will be two policy officers who will be appointed to ensure that the collaboration that exists between Anne and her colleagues develops and deepens as we move forward to the future. We will return to that later.

[210] Yn awr, hoffwn wahodd Richard i roi ei sylwadau ac i esbonio sut mae'r berthynas rhwng y Cynulliad a'r Comisiwn Gwasanaethau Cyfreithiol yn datblygu i ofalu bod strategaeth y CGC yn cael ei gwireddu yma yng Nghymru.

I now invite Richard to make his comments and to explain how the relationship between the Assembly and the Commission for Legal Services is developing to ensure that the CLS strategy is implemented here in Wales.

[211] **Mr Collins:** I will be talking primarily about the CLS strategy and, in particular, within that, our work on legal advice in social welfare areas of law, because that is the area on which we have spent the most time working with colleagues in the Welsh Assembly Government, and it is an area in which there is a very clear and strong link between what we are trying to achieve and what I know that the Welsh Assembly Government is trying to achieve. However, that is in the context of what is a time of huge change for legal aid. It is a system that has many strengths and successes, but it is under pressure, not least in terms of

resources. Therefore, the Department for Constitutional Affairs commissioned an independent review by Lord Carter of Coles, which is now out for consultation, which really ranges across the way in which we procure the whole of legal aid services, in terms of CLS and the criminal defence service. We are engaged in consultation on that at present. Ministers will be making decisions on the Carter review towards the end of the year. Obviously, I am happy to take any questions that you have about that wider context, as well as the community legal service.

[212] I will just talk you briefly through what we have put in the format of a presentation. As I said, there are some very positive stories within legal aid at present. In Wales, we provided over 50,000 acts of advice in social welfare areas involved in legal help in 2005-06, which was up over 10 per cent on the previous year. We have CLS Direct, which is our telephone advice service, which is now performing very strongly in Wales and providing services in English and Welsh. We are seeing a very large increase in calls to those services. Again, expenditure on these services within Wales has increased recently.

[213] We have contracts with 260 solicitors' firms and 13 not-for-profit agencies. We are particularly proud of the relationship with the NFP sector, which is something that the commission very much pushed along with the sector. Some five or six years ago, we did not do business with not-for-profit agencies. It was important for us that we brought them into legal aid because they have particular skills and expertise in providing advice, particularly in the social welfare law category. One of the issues that the CLS strategy is seeking to address is this one of coherence within the system. Few of the suppliers that we have, even within the not-for-profit sector, provide advice to their clients across the whole range of social welfare law. We set out a chart, which gives an illustration of that. There are five particular categories that we talk about when we talk about social welfare law, namely debt, welfare benefits, housing, employment and community care. You can see from this table that, while we have quite a few agencies and solicitors providing one or two categories, we have very few providing four or five, which, in terms of the client's experience, can prove difficult.

[214] In looking to how we take this forward, particularly in Wales, working with colleagues in the Welsh Assembly Government, we are very much informed by a major piece of research that we have conducted in England and in Wales, called 'Causes of Action'. It has shown us, broadly, that the way in which services are provided is not really focused on the needs of clients. We see, in this area, that clients tend not to experience one problem; they experience problems in clusters. Therefore, we are trying to move towards matching the clusters of problems that people experience in their lives to the way in which those services are provided to them. As I said, this means integrated services provided across the range of areas in which people experience problems. It should also be seamless. One thing that the research shows us is that when clients are referred to a number of different providers, there is a referral fatigue, if you like. They will go to the first one, and they may go to second, but they will not go to the third. That is a real problem for us because we want to ensure that people access these services.

[215] We want to move towards a new approach for planning and purchasing these services, which is heavily based on the way in which clients experience these problems. We came out and said that very clearly when we published the consultation and then the final policy document, 'Making Legal Rights a Reality—the Legal Services Commission's Strategy for the Community Legal Service'. We believe that this is a strategy that is determined to make these services more focused on clients and more co-ordinated and cost-effective. We will begin to use the information that we get from providing these services to identify what the root causes of problems are, and to feed them back into the system.

[216] There are three key strands for us. The first is the acts of advice and assistance and the direct help that people provide; the second is education and information for people on what they can do about their problems and how they can access services; and the third is



strategic action to try to get to the root of some of these problems. The Legal Services Commission has a particular responsibility for specialist legal advice and, therefore, the CLS strategy is focused on that. We will be using and continuing to grow CLS Direct as an advice service, but also as a sort of triage mechanism so that people can call and perhaps be referred to a face-to-face service. They might be provided with all the advice that they need, or they might be provided with information or a link to another advice helpline.

[217] In terms of purchasing face-to-face services, we are looking to develop what we have defined as community legal advice centres and networks. We have tendered for the first of those in Leicester and Gateshead, and we have been discussing with colleagues at the Welsh Assembly Government how we might move forward with that policy in Wales. The concept is that they would be free, accessible and independent and provide quality assured service, and would also provide seamless and integrated services, from general advice through to specialist legal advice, across the whole range of particular legal categories. Wherever possible, they would be jointly commissioned and funded. We are not the main provider of advice in England or Wales, as the Big Lottery Fund, local authorities and many others provide advice. We want to work with those other funders to join up the way in which we commission services to make them more effective for clients.

[218] We see the centres as probably being mainly applicable in urban areas. They are single entities with a single contract, and that is what we are piloting in Leicester and Gateshead. The networks are probably more applicable in dispersed communities in rural areas, and we will be looking to bring together a number of agencies—probably with a contract with a lead agency within that group—to cover and provide a network of services across a particular area.

[219] We are focusing on providing education and information through CLS Direct, and we are doing a lot of work with the public legal education taskforce on that. We are also focusing on strategic action, by using the information that we get back from providers to identify what are the causes of people's problems and feeding that back into those agencies. Often, it is other parts of Government that are causing problems for people, in terms of failure of services or not providing services well.

[220] We are working with the Welsh Assembly Government and with local government in Wales, and at the moment we are exploring options for how we can take forward the CLS strategy in a way that chimes in with policies in Wales and those from the Welsh Assembly Government. The commission is developing a joint paper with the Assembly Government on that, which we expect to publish later in the year for consultation.

[221] In addition to the work in developing the centres and networks, we have been looking at the way in which we manage and govern legal aid in Wales. We welcome the close contacts that we have with officials at the Welsh Assembly Government, and the contact between the Minister and people such as Tom. We will also be creating a new Wales committee, which will be chaired by Tom, and that will much more specifically bring together the funders of legal and advice services in Wales to provide for this more co-ordinated approach.

11.50 a.m.

[222] **Janice Gregory:** Thank you very much for that interesting overview, which was not at all marred by the fact that you did not have access to PowerPoint on our wonderful flat screens. Mick has indicated that he wants to ask a question, but do any of you want to add something to the presentation? Tom, would you like to add something to Richard's presentation?

[223] **Mr Jones:** No.

[224] **Janice Gregory:** Who will lead on the answers?

[225] **Mr Jones:** If the questions are technical and complicated, Richard will answer, but I will answer the ones relating to accountability and governance.

[226] **Mick Bates:** Thank you for your attendance and the presentation. I hope that the failure of PowerPoint was not down to the system here not working, because I have personal experience of using PowerPoint in a debate here and it worked well. I am sure that the committee Chair will check on whether the failure to use PowerPoint here will be overcome when guests want to use it in the future. We will make a note of that.

[227] I am pleased that we have the office in Wales. With this process of devolution, does the overall funding increase follow devolution or is it a flat-line funding system?

[228] **Mr Collins:** Funding within legal aid is probably the most complex issue that I have to deal with; it makes my head hurt. We have an overall budget for services within England and Wales, and, generally, much of legal aid is demand-led. So, the money flows where the need is, particularly, for example, in criminal defence services and public law children cases, where we have DCA requirements to make the services available. Therefore, we meet the need and the money goes where people require it. On the social welfare categories and the sort of issues that I have talked about, the money is pretty much deployed to where it has been spent in the past, because it used to be very much a case of legal aid being spent where providers chose to set up and provide services.

[229] In the context of what Lord Carter is proposing for the social welfare categories, we will move more towards an explicit funding mechanism for those categories, with the allocation of budgets within the total budget that we have available, which is currently £195 million. Therefore, when we take that work forward, we will want to talk to colleagues in the Welsh Assembly Government about whatever funding formula we apply to ensure that we have the appropriate allocation for these services in Wales.

[230] **Mick Bates:** For the sake of clarity, what proportion of the £195 million is spent in Wales?

[231] **Mr Collins:** Last year, we spent £11.5 million from that budget in Wales on advice.

[232] **Mick Bates:** So, what would be the process for negotiating an increase in that amount based on need, for example?

[233] **Mr Collins:** The key will be this process, as I said, of moving towards a funding formula and ensuring that that formula is correct. The starting point will probably be to look at other formulae that Government uses to identify the proportion of clients who are eligible for legal aid in different parts of the country. It is early days in terms of that because we currently have the old way of doing it.

[234] **Mick Bates:** Within the context of the new proposals, which I believe include such things as fixed fees, best-value tendering and so on, and even the restriction of contracts to preferred providers, will the Wales implementation paper, 'Making Legal Rights a Reality in Wales', pay proper account to the differences in approach to policy development and implementation in Wales by involving all stakeholders, including advice providers, in designing advice services to meet local needs?

[235] **Mr Collins:** A number of strands come together there. On the CLS strategy, which

we have been working on for some time, when we introduce community legal advice centres and networks, the process that we have developed is an open-tendering process where we are able to say, with the other funders, 'This is the particular area in which we are seeking services; these are the services that people in this area need', informed from causes of action, and bring together the knowledge of local authorities in England with regard to what is going on in that particular part of the country. It is empowering for providers, because we are saying, 'These are the services that these clients need; this is the amount of money that we have available. You come back to us within this open and transparent tender process and tell us how you can best deliver the services to meet those particular needs.' So, in that sense, it very much enables providers who understand how to deliver the services on the ground to come back within an open and transparent process to tell us how they intend to deliver those services to best meet the needs of their clients. There is that clear involvement. However, in terms of some of the other proposals that have come up in Lord Carter's review, particularly for criminal defence services, there is more open-market based competition, including on price, which is something rather different. As I have said, the Department for Constitutional Affairs is consulting on that at the moment and consultation closes in the middle of October. I think that it is important that the Welsh Assembly Government engages with DCA around that, especially if there is a sense within this body that there is a conflict between those sorts of proposals and other issues within Wales.

[236] **Mick Bates:** You raised some interesting points. Can you give a timetable for that process, because I am quite concerned about some of the proposals with regard to driving down this competitive tendering, almost, from services that are well-established and which have delivered effectively at the local level?

[237] **Mr Collins:** Lord Carter's review refers to this particularly in respect of criminal defence services. Broadly, the timetable is that the consultation will close in the middle of October and then Carter sets out a programme of activity that will lead to what is described in the report as best-value tendering. So, it is tendering on quality, capacity and price. Therefore, price would be included. That best-value tendering would commence in 2009.

[238] **Mick Bates:** Thank you for that. I will move on to governance specifically, if I may, Chair. Historically, the community legal services national forum has brought together advice providers, funders and policy makers, and it has been a successful operation. Should not the new CLS governance structure in Wales include a national forum involving all representatives and all key stakeholders?

[239] **Mr Jones:** The current providers' forum will, hopefully, continue in some way. The Minister has kindly provided support to draw together some of the research work done by that forum in the couple of years before the CLS strategy was reviewed. Initially, the committee will be made up of commissioners of services, because, as Richard said, there will be a tendering process somewhere in that, which has to be transparent and equally fair to both the private and the not-for-profit sector. However, out of, say, a cycle of four meetings per year, the intention is that one of those meetings would be specifically with providers, which would then, hopefully, address the issue of connecting with the views of providers with regard to how they wish to see things being taken forward. In addition, and this is even more difficult but is also probably more important, there would be a meeting—which I need to try to work out—with client representatives. How that will work will be the challenge, because getting clients to explain their needs and their confusions about processes will be difficult. However, there are advocates in mental health fields and there are some charities who work directly on behalf of clients as advocates as opposed to being commissioners and providers of advice. So, that would be the other part of the triangle. So, you have the main commissioners meeting together twice a year and at least one meeting a year with the forum—if it continues—and one with clients' representatives.

[240] **Mick Bates:** There was an 'if' there; you said, 'If the forum continues'. What timetable is in place and what part will this committee play in that process? That last bit is probably for the Minister, but what is the timetable?

12.00 p.m.

[241] **Mr Jones:** I do not have a timetable; I have no contact, currently, with the forum, so I am not up to date with what is happening there. We hope that the committee will be in place, subject to being able to persuade all the key players identified as stakeholders, including Welsh Assembly Government officials, by the end of the year. That is our hope. If the forum continues, as I hope that it will, then we will be able to engage with it fairly soon after that.

[242] **Mick Bates:** Finally, what have you discarded? I am well aware that all this involves substantial changes in the process, and I am slightly concerned about the process of governance and the inclusion of current deliverers. How will you ensure that the quality of the service that exists now is retained during this period of change?

[243] **Mr Jones:** I would like to make one point before Richard comes in; there is a concern in that the current contracts come to an end at the end of March, which is barely six months away. We need to be careful, and the commission is committed to making certain that the best of the organisations that we are working with now are encouraged to continue with some sort of contractual arrangement until we get to 2009-10, when we will be working with what we call preferred suppliers only. So, there is a wish within the commission and an expectation outside as well, regarding the contracts as they change. From next April, if the current plans are carried forward, there will be a single contract for which solicitors and not-for-profit organisations will be able to tender. So, quite a big change will face not-for-profit organisations, but the early indications from the discussions that we have had so far are, as I would expect, that the sector is willing to change, so long as we adhere to good principles of compact adherence and best practice in how we help them. As I said, the critical point will be between December and March of the coming year to make certain that we are able to spell out clearly what any temporary arrangements would be following April. We all want to work with sustainable organisations; we cannot work with sustainable organisations if there are a lot of uncertainties, so we need to bear that in mind.

[244] **Mr Collins:** Tom has pretty much answered the question, but it is key for us that, in this period of rapid change, providers stick with us. We recognise that there is a huge amount of change for them and that it is a challenging time, not just for the not-for-profit sector, but also for solicitors' firms. We are spending a lot of time engaging with them. For example, recently, Vera Baird, who is the Department for Constitutional Affairs's Minister for legal aid attended a meeting in Cardiff with the not-for-profit agencies that we work with and with providers. The key message from the not-for-profit agencies was not one of real concern about the change of contract or some of the changes in payment arrangements, but rather, 'Work with us to manage the transition'. That is what we are committed to doing.

[245] **Mr Jones:** A point that is worth emphasising is that we do not wish to provide poor advice to clients. In both the private and the not-for-profit sectors there are excellent people providing advice and there are some who do not provide as good advice. We need to be careful that we do not keep everyone in the system, which is then a drag on the budget and means that less people are helped and that they are not helped as successfully. We wish to help people through that process and encourage people to improve their quality. We will be using the peer review process to identify good performance and to encourage better performance.

[246] **Mick Bates:** I wish you all the best in that process and we all hope to be well informed throughout it.

[247] **Huw Lewis:** I was concerned about the distribution of resource as regards the level of need. First of all, regarding Wales as a whole in the UK picture, in terms of how funding might be allocated, would you like to say something or give us a bit of background on how Wales as a whole gets a share of the UK resource? Is there any recognition within that of the indices of deprivation, for instance, which usually mark out Wales as being a more needy area? In addition, within Wales, in terms of how resources and access points are distributed within our borders—let us take for instance the debt advice work, on which I know, from my own experience, that you have done great work, it is clear that the people who are hardest hit, as usual, are the people in the most deprived circumstances. Do we have a recognition, or will we get one, of the need to put resources where the need is greatest, in terms of advice work and other things?

[248] I understand that there is a Welsh CLS policy document; I do not think that it has been done yet. Will there be a recognition of trying to move towards a best fit, if you like, of need, as regards resource?

[249] **Mr Collins:** There is a lot of history in legal aid, which we are trying to change to make things such as the way in which we fund services much more explicit and much more linked in to need. As I said, much legal aid is still demand-led; we spend £2.1 billion a year on legal aid, and over half of that is spent on criminal defence services, and that is absolutely demand-led. The one bit of the budget that is hard-capped for us and which is much more amenable to explicitly allocating is the legal help budget of, this year, £195 million, and that is still in a position where the money largely goes to where it has historically been spent and, historically, where providers have chosen to provide services. I do not think that that is the best way to allocate resources, and the two things that we are seeking to do are, first, through the centres and networks and the commissioning of those, working with the organisations that understand patterns of local need—which I see, primarily, as bodies such as the Welsh Assembly Government and local authorities—to commission services where we are saying to providers, ‘Well, you have chosen to operate in a number of different places in the past, and you have decided what sort of services you want to provide’. We are now saying that we wish to commission services that are directed at the most needy people in this area and that give them the range of services that they want. That is part of the process, and I think that that will help a lot.

[250] The second issue, again, is that of having a more explicit funding formula, which Carter has recommended, and which we are keen to move to. It will be difficult to achieve, because there are several different formulae, and if you shift from a current pattern of spend to a new one, you will always get winners and losers—it is a bit like changing the old rating system. That is therefore something that we need to work with partners very closely on, with our DCA Ministers back in London and with Welsh Assembly Government colleagues, to make sure that it works effectively. However, that must be about targeting resources to the parts of the country where people most need these services. We recognise the fact that there are higher levels of deprivation in Wales, and that there are many areas where you have a very dispersed community. There is good evidence to suggest that the cost of providing services in rural areas is, possibly, as high or higher than in London and some of the big city centres, and we need to take account of that.

[251] **Edwina Hart:** I want assurances. I understand that, as an organisation, you are under budgetary pressure from your own department. I hope that that will not adversely impact on the resources that you will make available to Wales, given our needs as a nation. I was interested in your comment that you wanted to discuss the local need with organisations such as ours, the National Assembly, WAG and local authorities. Well, in fact, our need is a national need, and the Assembly, of course, is a national governing body, and not a local authority. It is important that you recognise the role and status of the Assembly and its

organisational role in Wales, and the interest that it takes in these particular matters.

[252] Also, I am very concerned about the liaison and role that you have with local authorities. It is important that they are integral to your discussions in formulating services for Wales, and I want the necessary assurances that the type of dialogue that we would expect, and which we have with local government, takes place between you and them. I am also very concerned about any funding formulae that might emerge. I am aware that my officials have given you plenty of information about the deprivation indices and so on, and we would like to see a formula that reflects our need here, because the figures that you give probably equate it with the normal Barnett share. However, there is recognition that some of these areas require more than a Barnett share, and would expect to have more than a Barnett share.

[253] **Mr Collins:** I apologise for the incontinence of my language. I believe that Wales gives us probably a better opportunity to get these services right than England does, because we do not have the opportunity to work just with local authorities; we also have the opportunity to work with a national government as well. As I say, it is very early days for funding formulae. It is something that Lord Carter has, for the first time, quite explicitly proposed, and a lot of work will need to be done in developing those. We have not yet started the process, but in the early stages we will need to come to talk to colleagues here about it.

12.10 p.m.

[254] **Mr Jones:** We have an important challenge in the way in which we work with local government, because providing the advice centres and networks will be a joint commission. In other words, when you ask what size moneys will be available, we will know what ours will be. It is partly based on historical spend, but the amount that a grouping of local authorities will put in to complete the circle has yet to be sorted out. On the one hand, we must reduce administrative costs, as you rightly referred to, Minister, so we need to work and use best practice in managing contracts and so on. You make your savings with fewer small, itchy bitsy contracts and more strategic contracts. That is where some of the restructuring for the personnel will be involved. We have retained the capacity of the office, which is what I was concerned about in terms of having two new policy people: a country director and a person to oversee the Welsh-language scheme. We will need to take advice on how we should work. Should we work on an all-Wales basis and have single contracts for networks and centres? Should we work on a regional base, and get two, three or four local authorities to combine to provide advice? Much of the advice that will be required will not be available from a local citizens' advice bureau or a local solicitor, as they do not have the expertise that Richard talked about, to provide the client with a quick answer to their problems before their problems multiply. So, we may need to look at provision and at how that is done. Traditionally, Wales is meant to be good at working together vertically, between the not-for-profit and the private sector, but we need to get local government to work together, and we need to get these organisations to work on a regional basis. Our current preference is for a regional approach. In some instances, such as mental health, it might mean taking a national approach, but that is part of the consultation that will follow when the Wales joint community legal service strategy is put in place. We will need to have a clear commitment from local government as to whether it is prepared to work jointly or singly, and we will need to discuss the pros and cons of all the alternatives with it.

[255] **Mark Isherwood:** The wealthy have less need of this type of advice because they have a greater ability to pay, so the issue must be focused on those in the greatest need. However, there are many people just above that level who do not have the means to pay for advice. What consideration has been given to their needs in this process?

[256] Mick raised a number of pertinent points, which arose from a letter sent to all committee members by a major advice provider in Wales. We have not been authorised to say

who it is so I will not name it, but it has raised concerns about the proposed structural changes across the advice sector. This letter was sent to us only two or three days ago, so these are the concerns based on what it understands to be the situation currently. I am concerned by your responses. In Wales, with the Beecham review, ‘Making the Connections’ and so on, it is all about people working together. The centre prescribes common principles, but the plan is delivered collectively. The concern is that the approach that the Legal Services Commission has adopted in developing these proposals has been top-down, specifying what is needed by whom and by when, rather than working with the broader group to develop a plan in that detail. I am concerned that you seem to be saying that the advice providers would be invited to one meeting a year. I am encouraged that client representatives will also be there. That is good news. However, I endorse the view that the advice providers need a seat on the forum, and they should not have to rely on statutory stakeholders or those appointed by statutory stakeholders.

[257] There is also a concern that the move towards larger specialist providers coincides with a proposal by you not to continue to support the general help quality mark. Could you comment on that?

[258] There is also concern here about conflicts of interests. With proposing that local authorities play a central role, we all agree with the principle of localism and trying to take government as close to the people as possible, but there is concern that there could be conflicts of interest when local authorities run their own advice services, or when local authorities do not value the role of independent advocacy organisations. There are all sorts of local issues in all sorts of places with letting go and feeling threatened by the voluntary sector, often, rather than working constructively with it. It is about a process of change, understanding and training but, as the mindset is now—and I am sure that we all come across it regularly—that could be a barrier. How are you going to overcome that conflict of interest?

[259] **Mr Collins:** The people just above eligibility for legal aid have been a concern for the commission for a long time. In fact, one of the reasons why Lord Carter’s review was put in place was that the Government was seeking to get better value from the providers of the services so as not to have to continue to cut scope and eligibility on civil legal aid, which has happened over recent years.

[260] Community Legal Service Direct is available, as is our website, to people who are not eligible for legal aid, so they can go through the new triage system where they can be told that, even though they are not eligible for legal aid, a range of advice is available elsewhere. The work of the Department for Constitutional Affairs on the reform of legal services, the new Legal Services Bill, is seeking to get a more responsive legal profession that can provide services to people at a lower cost.

[261] In terms of working together, there is always a tendency to focus on formal structures, but we spend a lot of our time talking to these agencies. Certainly, Paul’s people are, almost daily, out and engaging with them, listening to them and understanding what they have to say. In Wales and England, we talk to the representative bodies at the national level. Therefore, the direction of travel and the policy is very much informed by their views. However, when it comes to commissioning services, there needs to be clarity with regard to accountability and responsibility. The commission is accountable and responsible for delivering legal aid, the money that is spent and the services provided, and the Welsh Assembly Government and local authorities have their specific accountabilities and responsibilities. Therefore, we believe that there is a need for clarity in terms of that, when you are deciding and commissioning services.

[262] That also goes to the issue of conflict. We want any process of commissioning to be absolutely clear, open and transparent. The local authorities that we have worked with to date

have also been keen on that. There is clearly concern out there about local authorities and their role within this, because, often, advice services challenge local authorities. I have seen the best local authorities be open about that and, where they are challenged, they use those to identify failures in their services. However, in taking forward the development of centres and networks, we need to take local authorities and providers with us so that we can demonstrate to them that this is an open process, that there is absolutely no way in which there will be any restriction on their ability to challenge a local authority on behalf of their client. We will work with only those local authorities that give us those sorts of undertakings. In some of the discussions that we have had with some authorities in England, we have been concerned about that and we have felt that, at this stage, we have not been able to move forward in a joint-commissioning way. So, it is at the forefront of our minds.

[263] **Janice Gregory:** Thank you. No-one else has indicated that they wish to speak, so all that remains is for me to thank you for your attendance. I am sure that the committee, like I do, looks forward to a regular progress update, which I am sure that we will have from Tom. You are more than welcome to stay for the last item, or you are welcome to leave.

12.19 p.m.

### **Adolygiad Polisi: Digartrefedd ymhlith Pobl Ifanc Policy Review: Youth Homelessness**

[264] **Janice Gregory:** Members, you will recall that, on 7 July, we decided to look at a scoping paper to support consideration of how the committee's review of youth homelessness may be taken forward.

12.20 p.m.

[265] The papers have been circulated and we have meetings scheduled for 8 November and 6 December. During those meetings, we will take evidence for the review, we will then agree the report at our meeting on 18 January 2007, and publish it as soon as possible afterwards so that we will have time for a Plenary debate on it, which we hope will be held in February.

[266] I am given to understand that three regional committees—South Wales Central, North Wales and the Mid and West Wales Regional Committee, of which Mick is Chair—will also consider youth homelessness issues. Of course, the Mid and West Wales Regional Committee will also look at the rural aspect of that. Mick, I understand that that will be on 17 November. Looking at my notes, all three will have met on 10 and 17 November. I am delighted to say that we will receive reports from those three meetings. They will be fed in to us as evidence. So, some good work will be done there with our regional committees.

[267] I am sure that you have already had a look at paragraph 5 of the annex, which gives us an idea of the types of issues that we can look at. For my part, I would like us to look at all five, but that is not going to happen. Expecting that would be far too optimistic, and I understand that. We need to focus on what areas we want to look at. I am happy for you to have more of a think about it, if you feel that that is what you would like to do, and come back to Virginia or me with your decisions, out of committee. Are you happy with that, Mark? There is quite a lot to take in and, because this will be a scoping paper that we will pass on to whatever committee comes after us next May, we need to get it right. We do not want to give it another whole load of work to take on. Have a think about it and come back to Virginia early next week. Is that okay with you, Virginia? If you want to have a chat with Virginia, that would be fine—or, indeed, we could discuss it now if anyone has a burning issue.



[268] **Mick Bates:** In view of the fact that there are only three of us left, could that information be circulated to all committee members? You have just offered us an opportunity to get back about the study.

[269] **Janice Gregory:** Perhaps we can précis the annex. Do you want me to run through the items quickly? No, that would just add to it. In reality, we can look at two areas of youth homelessness, three at most. It is such a huge, broad issue that if we try to do more, we will not do it justice. If we can do that, Huw, would you be happy with that? Are we all happy with that?

[270] **Mark Isherwood:** There is only one issue that I want to raise. It could be incorporated in many of the headings in the annex, but it was raised specifically with me this week. I attended a meeting at the Wrexham Foyer last week with a local training officer. He told me that a problem arises when young people try to access education. They are unable to because of problems with benefits. Although it is not a devolved matter, he raised this as a key factor in the foyer for the young people whom he is supporting.

[271] **Janice Gregory:** You mentioned that earlier, Mark. We cannot widen the review, because we can look at only what is devolved. I think that we all realise that benefits are a key factor, but that is a non-devolved matter. Have a chat with Virginia and see how we can work that creatively into our review. We have to understand that we can do only what we can under the terms of devolution; however, you can certainly feed that in. Are you happy with that?

[272] **Mark Isherwood:** Yes.

[273] **Janice Gregory:** Thank you all very much.

12.24 p.m.

**Papur i'w Nodi—Deddfwriaeth Ewropeaidd**  
**Paper to note—European Legislation**

[274] **Janice Gregory:** We have a paper to note on European legislation. I did not expect anyone to want to leap up to talk about anything in that document, but now you know that there is a paper to note.

[275] The next meeting will be on Wednesday, 4 October, which is when the evidence on the substance misuse policy review will be received. Thank you all for your attendance. As always, if you want specific briefings, the Members' research service is always happy to help. I also thank the members of the public who have attended today. I declare the meeting closed.

*Daeth y cyfarfod i ben am 12.25 p.m.*  
*The meeting ended at 12.25 p.m.*