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Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Ein cyf/Our ref LF/GT/10/10

Mr Mark Isherwood AM
Chair
Legislation Committee No.5
National Assembly for Wales
Cardiff Bay
CF99 1NA

29th March 2010

Dear Mark,

Proposed Carers Strategies (Wales) Measure

Thank you for your letter dated 14 March 2010, detailing concerns expressed by Barnardo's Cymru during Legislation Committee No.5's scrutiny meeting on 10 March 2010.

Before responding I should explain that I am not absolutely sure of the full reasoning behind the points that Barnardo's are seeking to make and I presume that if you consider it necessary the Committee will seek its own legal advice.

My understanding is that Barnardo's have been questioning the implications of Article 5 of the United Nations Convention on the Rights of the Child and Article 23 of the United Nations Conventions on the Rights of Persons with Disabilities, particularly in relation to parents with impairments. Concerns have been raised as to possible conflict between these Conventions and the validity of the proposal that addressing the concerns of young carers should be undertaken through a variety of different ways.

Having taken legal advice and considered this matter, I do not share the concerns that I believe have been raised by Barnardo's. The Committee will know that the scope of the proposed Carers Measure covers both carers and the persons they care for. Section 1 sets out the definition of a carer for the purposes of the proposed Measure and that definition includes carers of all ages, including young carers. Section 2 sets out clearly the scope of the strategies which are to be prepared in relation to carers. Young carers will be embraced within the strategies set out in the proposed Measure. Barnardo's may wish the scope of the proposed Measure to be different or greatly extended but that is a separate matter and I do not support this view.

In addition, my present thinking is to require relevant authorities to include a separate chapter in the strategies that cover young carers. This can be achieved by making specific provision for this in Regulations to be made under section 5(1) of the proposed Measure

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As I have made clear during discussions about the scope of the proposed Carers Measure, it is not my intention that it should seek to address every concern that young carers may have. Barnardo's have suggested that supporting young carers by making additional legislation in relation to vulnerable children is inappropriate. However, I do not think that I have suggested that the powers contained in the Vulnerable Children's LCO are the only way of addressing the needs of young carers. What I have said is that the nature of the needs that young carers have should be addressed in a variety of different ways. That could include using the powers in our Children and Families (Wales) Measure (which was made pursuant to the Vulnerable Children LCO); through approaches associated with our policies to address child poverty; through the Children and Young Persons Strategies or, if necessary, in another Measure using the powers in the Carers LCO.

The first proposed Carers Measure is about relevant authorities working together to put in place and deliver strategies to consult with and provide information and advice to all carers, regardless of age and background, when they interact with services. That is what carers and carers organisations have told us is very important to them. It will not address all the concerns or needs of young carers and it will equally not address all of the concerns and needs of adult carers. However, what it will do is meet the needs of young carers to the extent that they, like adult carers, need appropriate and timely information and to be consulted about services both for themselves and the person they care for.

I have also noted that Barnardo's appear to be concerned that "under the proposed Measure", there is a risk that a child of a disabled parent being considered a vulnerable child simply because of that child having a disabled parent. I am aware of nothing in the proposed Carers Measure which might lead to such a situation occurring.

In summary, I am satisfied that the proposed Carers Measure does not conflict with Article 5 of the United Nations Convention on the Rights of the Child or Article 23 of the United Nations Conventions on the Rights of Persons with Disabilities as suggested by Barnardo's.

Yours sincerely



Gwenda Thomas AC/AM