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Y Dirprwy Weinidog dros Blant  
Deputy Minister for Children



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Ein cyf/Our ref: LF/HL/19/10

Angela Burns AM  
Chair  
Finance Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

8 October 2010

Dear Angela,

### **Proposed Rights of Children and Young Persons (Wales) Measure**

Thank you for your letter of 4 October 2010 and I am glad that my officials were able to provide you with responses to your questions.

I set out below my response to the specific questions you raise in your letter and I look forward to appearing before the Committee on 14<sup>th</sup> October to explain my proposals in detail.

#### **1. Training – development and opportunity costs**

The funding required for developing the relevant training packages has been estimated as a one off cost of up to a maximum of £180,000 over two years. This funding has been factored into the DCELLS budget and I do not anticipate that this one off cost will impact on any programme activity. My officials will of course be investigating how these costs can be reduced for example by using web based programmes however, at this stage I have provided a cautious estimate based on similar training programmes and previous development work carried out within WAG.

The “opportunity costs” referred to in the Explanatory Memorandum take into account the costs of training staff in order to ensure that the “due regard” duty is complied with. These opportunity costs relate to the time taken to train staff, who will either be undertaking work to ensure the “due regard” duty is discharged appropriately, or to manage individuals who will have to undertake the work in complying with the duty.

The majority of staff will receive some degree of training in respect of the UNCRC over the next two years. As a minimum this will be general awareness training, while those involved in policy and legislation development will receive much more detailed training on the UNCRC and on compliance with the due regard duty.

The opportunity cost for this training has been assessed as £290,000. Once initial training has been completed, future training will in the main be limited to induction training for new

staff and any refresher training required as part of developing skills for policy and legislation development.

The intention is that once developed and piloted, the training material will be incorporated into the core training scheme of the Welsh Assembly Government, so that UNCRC training will form part of a wider package of training offered to staff to assist them in their work developing policy and legislative proposals for Ministers.

From 2013, no additional ongoing opportunity cost has been identified for staff to attend training on UNCRC. Managers are required to consider the training requirements for their staff and will need to allocate appropriate priority to the UNCRC training in light of the legislative duty. Any additional staff time required for training on the UNCRC will be built into ongoing workforce planning, as a normal part of business, along with other mandatory training. Current training on policy development and assessment tools, such as Policy Gateway and Inclusive Policy Making, will also take this into account and reference the training available on this Measure.

As such the overall ongoing opportunity cost of this additional training for WAG is expected to be minimal post 2013, taking into account the small number of staff that will need new entrant or refresher training. As such, this is deemed a low risk in terms of the likelihood to produce 'unexpected consequences' that would impact on WAG's ability to carry out its current business.

## **2. Publish and consult on the Children's Scheme**

The RIA and my letter to Committee outlined the estimated costs associated with providing a central policy implementation Team within WAG.

One of the primary tasks of the Team will be to develop, consult and publish the Scheme. As such the development costs are included in the central team staff allocation.

In the main these costs reflect staff time as the implementation team will be leading on the consultation. They will of course be working with local partners and children and young peoples groups such as youth forums, youth councils, school and college councils and voluntary organisations, which work with specific groups of children and young people to ensure that we get as wide a range of views as possible.

As well as face to face contact, they will be using web based tools to seek the views of children and young people.

Consultation processes based on best practice are well developed in WAG and we are keen to utilise all available communication tools to best advantage. New communication mediums can reduce costs and we will explore these options in all new WAG consultations with the aim of limiting costly and potentially unwelcome printed options.

We intend to make these mechanisms as cost effective as possible and utilise existing mechanisms (e.g. the Welsh Assembly Government's Participation Project Your Voice Your Choice) and current networks wherever possible.

## **3. Potential extension of Measure duties to encompass young persons from 18-24**

Your question asks why we have not undertaken an assessment of the costs of extending the Measure to 18-24 year olds, particularly as, under Assembly procedures, the cost implications of subordinate legislation are not automatically considered by the Finance Committee.

The costs of extending the Measure to 18-24 year olds have not been estimated because we do not currently have a proposal on which to base an assessment of cost, as a consequence it is my view that it is premature to set out such an estimate and any assessment we undertook at this point could be misleading. The consultation exercise proposed will inform and influence the options for extension that are subsequently developed. Work will then be undertaken on any costs associated with each option. At this stage, as none of these options exist it would not be appropriate to pre-empt the consultation process.

Let me reassure you that the proposed Measure contains adequate safeguard for scrutiny of this issue.

The Welsh Ministers are required to set out in the children's scheme their proposals for consulting on this matter. Following consultation the draft scheme will need to be laid before and agreed by the Assembly.

A consultation then needs to take place on the specific 18-24 issue. Once an analysis of the responses to this has been completed, Ministers will consider their options and the costs associated with these options in the usual way.

Ministers must then publish the draft order and consult upon it before an order can be made.

I remain of the view that section 7 already allows sufficient opportunity for scrutiny of any such order to be made.

#### **4. Implications of the proposed Measure for external bodies**

The Proposed Measure places a duty on Welsh Ministers only and not on public bodies. Any strategic decisions that are taken by Ministers will need to comply with the "due regard" duty, and the potential for giving greater effect to the UNCRC and its 58 substantive rights and obligations through those decisions will have to be weighed up against other factors, including the availability of resources.

Therefore Ministers will receive advice on a case by case basis on the specific issues relating to each decision. It is at this point that any financial analysis regarding costs will need to take place.

I have examined the evidence provided in response to both the consultation on the proposed measure and to the Committee by external parties including the WLGA. The WLGA stated in their evidence that they are satisfied that any impact of the measure on Children and Young People's partnerships will be minimal given that they are already under a requirement to have regard to the UNCRC and the seven core aims under existing statutory planning guidance. This was supported by evidence from Children and Young People's partnerships themselves

On this basis and through the examples we have developed to demonstrate how strategic decisions will impact further down the chain, it is clear that the appropriate place to take into account any impact on external organisations, if any exists, will be through options put to Ministers as part of the Assembly Government's compliance with the due regard duty.

The impact on external bodies will depend on how due regard is given in each specific strategic decision and needs to be taken into account at that level.

## **5. Changes to outcomes in Wales**

The whole purpose behind the duty to have due regard to the UNCRC is to embed consideration of the Convention in WAG policy development and decision making. The intended outcome is that children and young people's rights become a standard consideration in all policy development and decision making by Welsh Ministers. The intention is that there will be an impact on children and young people from 0-18 as the principles of the UNCRC help influence how policy is developed and services are subsequently delivered.

In addition in my letter to the Legislation Committee No. 5 on 2 August 2010, I also set out the key elements of evaluation and indicative evidence relating to improved outcomes that result from a rights-based approach.

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'Huw Lewis', written in grey ink.

**Huw Lewis AM/AC**