



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

**Pwyllgor Deddfwriaeth Rhif 2
Legislation Committee No. 2**

**Dydd Iau, 30 Ebrill 2009
Thursday, 30 April 2009**

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. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

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. This is a draft version of the record. The final version will be published within five working days.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Eraill yn bresennol
Others in attendance

Helen Barnard	Rheolwr Polisi ac Ymchwil, Sefydliad Joseph Rowntree Policy and Research Manager, Joseph Rowntree Foundation
Mike Greenaway	Cyfarwyddwr, Chwarae Cymru Director, Play Wales
Les Jones	Partneriaeth Plant a Phobl Ifanc Pen-y-bont ar Ogwr Bridgend Children and Young People's Partnership
Duncan Mackenzie	Partneriaeth Plant a Phobl Ifanc Merthyr Tudful Merthyr Tydfil Children and Young People's Partnership
Marianne Mannello	Cyfarwyddwr Cynorthwyol (Datblygu Darpariaeth Chwarae), Chwarae Cymru Assistant Director (Play Provision Development), Play Wales
Keith Towler	Comisiynydd Plant Cymru Children's Commissioner for Wales

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

Sarah Beasley	Clerc Clerk
Kathryn Potter	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Lisa Salkeld	Cynghorydd Cyfreithiol Cynorthwyol Assistant Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9.08 a.m.
The meeting began at 9.08 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Val Lloyd:** Good morning and welcome to this morning's meeting of Legislation Committee No. 2. Before we start, I would like to update you on the Proposed Learning and Skills (Wales) Measure, because this committee considered Stage 2 and, of course, Jeff chaired the committee meetings for Stage 1 of that proposed Measure. The Assembly voted to

agree the Proposed Learning and Skills (Wales) Measure on 17 March and the ‘as passed’ version of the proposed Measure has now been signed off by the Presiding Officer and the Clerk and the Chief Executive of the National Assembly for Wales and is due to be considered by the Privy Council on 13 May. I thought that you would be particularly interested in that, especially Jeff. Were you also on the Stage 1 committee, Sandy?

[2] **Sandy Mewies:** No.

[3] **Val Lloyd:** So, Jeff, this is thanks to you and the hard work that you did on the Stage 1 committee.

[4] **Jeff Cuthbert:** Thank you, Val. I will not forget that committee.

[5] **Val Lloyd:** I think that that proposed Measure had a very interesting passage. I joined the committee for Stage 2. You were also there for Stage 2, Jenny, were you not?

[6] **Jenny Randerson:** Yes.

[7] **Val Lloyd:** So, we do have an interest in it.

[8] In the event that the fire alarm should sound, please leave the room by the marked fire exit and follow any instructions from the ushers and staff. There is no test forecast for today. Please turn off all electronic equipment because, as you know, it interferes with the broadcasting equipment. The interpretation is available on channel 1. There will be some difficulty with the interpretation during the first session due to the videoconference. The amplification of the sound is on channel 0.

9.10 a.m.

**Y Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru)—Cyfnod 1 :
Sesiwn Dystiolaeth 3**

Proposed Children and Families (Wales) Measure—Stage 1: Evidence Session 3

[9] **Val Lloyd:** The purpose of today’s meeting is to take evidence from the Joseph Rowntree Foundation, which we shall do by video link, from Play Wales, from the Children’s Commissioner for Wales, and from representatives of the children and young people’s framework partnership. Our videolink is now up and running. Good morning, Helen.

[10] **Ms Barnard:** Good morning.

[11] **Val Lloyd:** We welcome you to the meeting. Thank you for agreeing to give evidence this morning. Would you like to say a few words about yourself to start?

[12] **Ms Barnard:** Yes. I am a policy research manager at the Joseph Rowntree Foundation. In particular, I manage our child poverty and education programmes. On the child poverty programme, we did some major work last year thinking about the goal of eradicating child poverty by 2020, and looking specifically at what needs to happen in a range of different policy areas if we are to achieve that goal. That was a UK project, but we felt a real need to do something more specific, to look at the three devolved countries to see what is needed in those contexts. In Wales, we commissioned Victoria Winckler at the Bevan Foundation to write a report on the evidence that we had gathered and the evidence that she was aware of in Wales, looking specifically at what is needed to contribute to the eradication of child poverty. You will see from our submission that I have drawn heavily on Victoria’s work, which we will publish in June. I am happy to share that work, if anybody would like to see it before publication. On publication, if anybody would like to follow it up, that is fine by

us.

[13] **Val Lloyd:** Thank you, Helen. We thank you for that offer.

[14] I will start the questioning. The proposed Measure is wide ranging and covers diverse areas of policy. Do you have any general comments about whether the key provisions in the proposed Measure are appropriate to deliver its stated objectives? Is it too broad to be effective?

[15] **Ms Barnard:** I am sure that you are already aware of this, but I should mention that I am really able to comment only on those parts of the proposed Measure that deal with child poverty. I do not have the evidence to comment on childminding and the other provisions.

[16] For the child poverty part of the proposed Measure, from my point of view, its effectiveness will depend almost entirely on what is in the strategies that follow from it. In some ways, it is therefore quite difficult to comment on what the proposed Measure will do specifically without knowing how the various strategies will be developed or what is likely to be in them. Our work suggests that four areas will be particularly crucial in making a step change in what is happening. Those areas are childcare, parenting skills, the kind of job opportunities available to parents, and the benefits and tax credit system. In a sense, from our point of view, the test of its effectiveness will be in the strategies that follow it to address those issues.

[17] There is another aspect to this, which is that one would hope that passing the proposed Measure will move child poverty up the agenda of the range of other authorities that are to be included in it. Insofar as it will persuade those other authorities that child poverty should be a part of their core business, I believe that that would make it much more effective than what has happened previously.

[18] **Gareth Jones:** Good morning, Helen. I am Gareth Jones, Assembly Member. You mentioned briefly the three devolved countries, as it were, and that particular relationship. My question is about any aspects of policy divergence—from England, specifically. Do you have a view or any research evidence to suggest that the proposed Measure will lead to significant policy or legislative divergence from England? If so, what are the possible consequences in relation to tackling child poverty?

[19] **Ms Barnard:** I do not think that there is much evidence for that; at least, there is not much research evidence on it, as far as I am aware. This question depends again on what the strategies contain. There is potential for some divergence between Wales and England, particularly if the strategies of the Welsh Assembly Government and other Welsh authorities achieve a real step forward in some of these areas. That could lead to quite a different situation, depending on what happens in England. In a positive way, that could lead to Wales being an example to England and the rest of the UK of what can be done on child poverty.

[20] Thinking about whether there are any potential dangers or risks in that, the only thing that comes to mind is if a local authority were offered some kind of free provision that could be accessed by people over the border. That could lead to some difficulties and, anecdotally, people have told me that that may have happened with the free prescriptions policy. However, that is becoming just as much of a risk between local authorities within each country, because action on child poverty is going downwards and is becoming more tailored to local circumstances generally. So, it is not something that I see as being a particularly big issue, but some things will need planning to make sure that there are no problems.

[21] **Gareth Jones:** That was to be my supplementary question, actually, to ask whether you could foresee any cross-border problems. Thank you very much.

[22] **Paul Davies:** Good morning. The proposed Measure aims to reduce inequalities in wellbeing between children and young people by giving additional support to those in need. Do you think that the legislation could have a greater impact if it made specific reference to vulnerable groups of children and young people most at risk of child poverty, such as homeless children, young carers, refugee and asylum-seeking children? Is there any research evidence to support setting that kind of approach out in legislation?

[23] **Ms Barnard:** To answer the last part first, I am not aware of any research that looks specifically at what would happen if that were done in legislation. There is a lot of research on the particular vulnerable groups. I feel two things about this. First, I can see where that would come from, in the sense that mainstream policies can quite easily overlook certain groups, or are not tailored sufficiently for them. However, there is a danger in putting specific groups in the legislation, because whatever list of vulnerable groups you came up with, it is likely that some would be left off. Once you start to think about it, you realise that there are very many vulnerable groups, some of which are very small. So, there is a danger in putting together any kind of list that it is highly unlikely to be comprehensive. I also wondered whether there was a risk that it could lead to diluting the focus on child poverty and to its being more about strategies for supporting particular vulnerable groups, rather than thinking about poverty as a central theme.

[24] If one started listing vulnerable groups and using that to make sure that the focus was, quite rightly, placed on them, my other concern would be that there are many children in dire need who happen not to fall into a specific group that can be defined in that way. So, there would be a concern for me that those children could end up being overlooked, in a sense. One could swing too far the other way, and by thinking about particular groups forget about the broader range of children who need support.

[25] **Paul Davies:** The broad aims for eradicating child poverty are set out in section 1 of the proposed Measure. Do you think that the aims outlined in section 1 are realistic and achievable, or are some more aspirational in nature, such as ensuring that all children will grow up in safe and cohesive communities? Should the aims be amended in any way?

[26] **Ms Barnard:** On first reading, some of them come across as being quite aspirational. I would have thought that, to have some teeth or traction, each aim would need to have a specific definition and indicator. For instance, there is a whole body of literature and understanding of what is meant by ‘decent housing’ and there are ways of judging it. However, I am not sure that that is the case for all the other aims, so I would have thought that one would want to have something sitting behind this that says, ‘This is how we will measure whether this aim is met, and this is how we will define progress’. The concern with some of the other aims, particularly section 1(2)(c) and (d), which talk about paid employment for parents—and I have talked about this in the submission, and we may well come back to it—is that they have quite an uncritical perspective of what paid employment can do.

9.20 a.m.

[27] Essentially, they seem to be saying that getting parents into any kind of paid employment is the aim, and it is assumed that that will be sufficient to help them out of poverty. However, that goes against what we have found with the research evidence and the direction in which the policy debate is moving in many places, namely the drive to reduce worklessness over the past decade, which has been successful, to some extent, has moved a lot of families from out-of-work poverty to in-work poverty, but it has done far less to get families out of poverty. So, rather than promoting blanket paid employment, there is a need to promote sustainable, good-quality employment and possibly to promote flexible employment.

A big issue that our research found is the lack of good-quality, part-time jobs for parents so that they can combine work with having a family. When looking at in-work poverty among families with children, you can see that a big part of the problem is that families are reliant on part-time work. Section 1(2)(d) on providing parents with skills is less problematic, but it is again about providing skills that will enable parents to get a particular kind of employment that they can sustain, which is important. So, that was the major issue with the aims that I felt uncomfortable with.

[28] Section 1(2)(e) talks about reducing inequalities, but I wonder whether that is a little unspecific, because one could reduce a number of inequalities without having any impact on child poverty. There are inequalities between genders, locations, ethnic groups and all sorts of different groups. So, you could make a lot of progress on them, which would be a good idea, but that would not necessarily help with child poverty. Therefore, perhaps that aim could be worded more specifically to ensure that it is tied directly to the overall goal of reducing child poverty.

[29] I am not sure why section 1(2)(k) excludes children under the age of 11. It mentions only 'young persons', who are defined elsewhere as being 11 years old and upwards, and that seems slightly odd. Essentially, that means that there is no goal for primary school-aged children to participate effectively in education, which seems slightly strange. I guess that that is a minor drafting issue and not anything major. So, those are just my thoughts about the aims.

[30] **Val Lloyd:** Paul, do you mind if I ask a supplementary question on this point? Helen, in answer to Paul's question, you talked about envisaging the need for a definition of indicators. Do you consider that that should be laid in guidance? If so, do you think that it should be statutory or non-statutory?

[31] **Ms Barnard:** I am not entirely sure, because I do not see myself as an expert on the legislative process, so I am not sure that I have the expertise to be that specific about it. However, thinking about a future Government in five or 10 years' time or whenever, there needs to be an agreed way to hold it to account and ask whether it has met those aims. I assume that that might well mean that something needs to go into statutory guidance, but I defer to your much greater expertise on the best way to achieve that kind of accountability and traction for it.

[32] **Val Lloyd:** Thank you for allowing me that interruption, Paul.

[33] **Paul Davies:** There is one final question from me. You make the point in your evidence that progress towards reducing child poverty has stalled, and you also say that the extent to which the proposed Measure will enable further progress,

[34] 'depends to a great degree on the contents of the new child poverty strategy currently being prepared by the Welsh Assembly Government'.

[35] With that in mind, do you think that the proposed Measure is explicit enough about what the strategy should contain?

[36] **Ms Barnard:** That is a really interesting question. At the moment, there are few specifics, which is worrying, but there is a danger of going too far the other way. There would be a danger if the proposed Measure were very detailed, because we are learning all the time about the causes of child poverty and what works to reduce it. So, there would be a danger of trying to put too much into a Measure when we might realise, in a few years' time, that we have slightly misunderstood how one tackles a particular question or the best strategies for it.

[37] I was wondering whether there will be a way of putting into the proposed Measure some sort of halfway house where one could, for instance, specify that the strategy should cover certain policy areas. There should be something stating how it would deal with income maximisation, education, employment and health, which could help to ensure that the strategy did not leave out major areas.

[38] I also wondered whether it might be possible to specify that the strategy needed to be explicit about what was expected in terms of reductions in child poverty from each of the actions that the strategy was suggesting, explicit about how that would relate to what the Westminster Government and local authorities did, and possibly also explicit about the resources that would be required, along with what was believed to be the benefits from using resources. Rather than almost trying to write the strategy into the proposed Measure in detail, I guess that I was wondering whether there would be a way of putting in some more general things, which would help to make sure that the strategy was comprehensive and specific, and that it dealt properly with the issue of resources.

[39] **Jeff Cuthbert:** Thank you for your written evidence. I am Jeff Cuthbert, the Labour Assembly Member for Caerphilly, which is just to the north of Cardiff, in case you are not familiar with the geography of Wales.

[40] **Ms Barnard:** Thank you.

[41] **Jeff Cuthbert:** These questions flow quite nicely from what you were just talking about. They are about defining material deprivation and median income in terms of a household, and whether you think, in terms of future regulations, that it would be a good idea to determine what we mean by those in order to ensure consistency across all local authorities in Wales, as opposed to leaving it up to individual local authorities. Do you think that there would be merit in doing so?

[42] **Ms Barnard:** Yes, I think that I probably do. As you say, having a definition that all partners are able to use and sign up to is clearly very important in terms of partnership working. Having something specified in the proposed Measure or the guidance would be a good way of making that happen. It would also help, potentially, with future accountability in the sense that, if something explicit is agreed at the beginning, it would be much easier to judge later on how much progress has been made than if there are a number of different definitions floating about that, in a sense, can be chosen, depending on the situation. I was trying to think whether there would have been a reason why it was not in the draft Measure, and whether there were concerns about putting it in. I do not know whether there is anything that you can say about what you think the downsides would be of including it. I found it quite hard to think of those.

[43] However, we would need to bear in mind the issue of uprating the definition of material deprivation in particular. Usually, it is done on a basket of goods and services and you basically ask families whether or not they have certain things or are able to do certain things. Something would need to be built in to enable that to be uprated according to how public opinion and normal life changed. Therefore, having a basket specified now would not necessarily be the right basket in 10 years' time. That was the only thing that I thought would need to be considered to make sure that one did not end up tied to something that became out of date; there would need to be something built in to make sure that it stayed up to date with normal life, as it were.

[44] **Jeff Cuthbert:** Therefore, essentially, do you think that, in principle, at least, a consistent approach would be the right way, provided that the calculations were accurate and reasonable and could be amended from time to time?

[45] **Ms Barnard:** Yes. Child poverty is such a complicated thing that having some sort of central agreed definition is probably useful in terms of developing policy, particularly when there are so many different partners involved.

[46] **Jeff Cuthbert:** Thank you. I will now move on to my next questions about targeting. Much of the delivery of the provisions of this proposed Measure will come through Cymorth and Flying Start, which are generally targeted programmes aimed at the more disadvantaged communities. Do you have any concerns about how the proposed Measure will address child poverty in families that do not live within those particular communities, but just beyond the boundaries, perhaps?

9.30 a.m.

[47] **Ms Barnard:** If the strategy was to rely entirely on those two programmes, there would be some real concerns. Research by Children in Wales suggests that there are more children in poverty living outside those disadvantaged areas than inside. More broadly, relying on programmes that are geographically targeted to deliver on a goal that is household-based will cause some problems. Everything points to the two programmes being very good, and doing an immense amount of good, but it seems highly unlikely that they will be sufficient in themselves to deliver on the child poverty goal. There will be families that do not fall within those criteria that really need support. We will come on to talking about childcare later, but Flying Start is focused on the pre-school age group and, even within those programmes, there are areas and groups of children that are not targeted but which will need something done for them. So I would assume that, for the delivery of the strategy, you will have to go outside those two programmes and their criteria to be effective.

[48] **Jeff Cuthbert:** They will have to be fairly flexible in that regard.

[49] **Ms Barnard:** Absolutely. That goes back to definitions and targets, to some extent. If you define the population that you are interested in, you then have to ensure that the services are delivered to all of that population in order to ensure that they are brought out of poverty.

[50] **Jeff Cuthbert:** My final question is about what we currently call ‘burdens’ on local authorities—the cost, in terms of finance and human and physical resources. The explanatory memorandum says that local authorities will face no additional burdens in implementing these duties in the proposed Measure. Is that right? Is it likely to be the case? Should there be more detail in the explanatory memorandum about the resources needed to make significant progress towards this end?

[51] **Ms Barnard:** ‘Yes’ is the short answer. Obviously, it will be for the local authorities to say whether they feel that they can deliver these aims within the resources, but it seems to me unlikely that it will be possible to make significant progress without using extra resources. When I read that, I was quite concerned—if it is trying to guarantee that there will be no extra burden to local authorities, that almost suggests that there will be no extra activity, and that nothing more will be done to tackle the problems. That is concerning because it seems clear that what has been done so far is not pushing forward progress in the way that is needed. Wanting more detail on resources is important. In a sense, I feel that it is part of a wider issue around the child poverty goal and the strategies, which one can see in the Westminster Government and in the Scottish and Northern Irish Governments as well as here—there has not been a proper facing-up to what resources will be needed to deliver on this goal. At some point, that has to happen—someone has to say that, if we want to create childcare, for instance, that enables lots of parents to work and promotes development, that will probably cost a lot more money, and there needs to be an open discussion about that. My feeling is that, in a sense, that is a nettle that has not been grasped anywhere, and this would be an opportunity for the Welsh Assembly Government to take the lead in trying to grasp that nettle

and talk honestly about what it might take.

[52] **Jeff Cuthbert:** If I may ask a quick supplementary question, I suppose that the other side of that coin would be that ‘no additional burden’ might suggest that a sharing of resources, or a reorganisation of the way that things are delivered, and perhaps closer working with the NHS, for example, could produce the desired outcomes without actually costing any more money. That is the other side of the argument.

[53] **Ms Barnard:** Yes, and when you look at what has happened locally in various places, it is clear that you can do a lot more when organisations are working in close partnership in that way. However, I still think that it does not seem plausible to eradicate child poverty, or get close to that goal, without more resources. That seems overly optimistic. If that is the belief, then it would be a good idea to publish the justification for that. What evidence do we have that this can be delivered on the same resources purely by working differently? If there is evidence for that, it would be very useful for everyone to know. However, at the moment, I do not think that anything has been cited that states, ‘This is the evidence that it can be done without any extra resources’.

[54] **Sandy Mewies:** Good morning, Helen. I am Sandy Mewies, and I am an Assembly Member from Flintshire in north Wales. You made particular reference at the beginning of your paper to the areas that you felt were lacking in the proposed Measure. You talked about sustainability and the quality of jobs, for example. So, I am going to look at those areas in particular. On the role of employment, you cite research evidence about high levels of sickness and disability and the relatively high proportion of the population who provide unpaid care in Wales. There is a very good record of caring in Wales, but it affects people’s employability. Do you consider that this situation is not provided for in the proposed Measure, as currently drafted? If that is what you think, should it be amended to make provision for that and, if so, how could that be done?

[55] **Ms Barnard:** It is notable, in reading the proposed Measure, that it contains nothing specifically about supporting carers and families who have high caring responsibilities to stay out of poverty. At the least, it would be a good idea to have something specific within the broad aims of the proposed Measure about supporting families, including carers, to get out of poverty. In a way, there are two sides to that: there is the additional support the carers need to be able to find and sustain employment, and there is the issue of support for families where the caring burdens are so high that it is not realistic to expect them to be in paid employment. It would seem to be a good idea for the proposed Measure to contain something about trying to achieve those two aims.

[56] On how that could be achieved, there is a large body of literature on supporting carers and caring in employment. One issue is what employers can do to support staff or potential staff who have caring responsibilities. The public sector could take the lead on how to employ people with caring responsibilities, how to support them and how to match their needs with the needs of the organisation. Finding ways to encourage and help private employers to support those people is also very important. However, we must also recognise that there are people for whom paid employment is very unlikely to be a solution, for any length of time. In order to eradicate child poverty, families in that position need support; they need enough support that they do not live in poverty while they are unable to work. At the moment, it seems to be the case that many families do not have that support, so they end up in poverty. There are much higher levels of child poverty in families with caring responsibilities than in families without. That clearly suggests that additional support is needed for those families.

[57] **Sandy Mewies:** You also mentioned high levels of sickness and the fact that many children in poverty are from families dealing with chronic disability and long-term sickness. Are you, perhaps, suggesting that the benefits system should be addressing those issues?

[58] **Ms Barnard:** There is certainly a big role for the benefits and tax credits system to address that better. One of the reports that we commissioned last year, which was one of the broader UK reports, looked specifically at support for families where parents either cannot work or go in and out of work, which is the situation for many people with health problems. That report was done by Martin Evans; he looked at the benefits system in a great deal of detail, looking at how it could be more supportive and at the areas where it needed to be improved. The Welsh Assembly Government obviously has far more limited scope to directly improve that, but there could be a role for it to argue very strongly that that needs to be addressed in order to achieve the joint goal of tackling child poverty. Again, that does not seem to be something that has been tackled head on; it has not been recognised that, if we genuinely want to eradicate child poverty, we need to do something to support these families and that that will cost money. We need to look at how much it would cost, how it could be delivered and when it could be delivered. My feeling is that that has not really been done anywhere in the UK yet.

9.40 a.m.

[59] **Sandy Mewies:** I will move on now to childcare. You have already touched on some of these issues with Jeff. The research evidence that you cite points to a shortage of childcare in Wales despite the Flying Start programme. You seem to be saying that artificial barriers are being created by such programmes, because there is a boundary where they end in communities. Are there additional childcare provisions that you think should be included in the proposed Measure to enable greater reductions in child poverty, and should the proposed Measure perhaps include a duty to roll out the childcare element of Flying Start in all areas of Wales rather than just in the communities in which they are delivered at present?

[60] **Ms Barnard:** For me, there are probably two questions there. The first is about what needs to happen in relation to childcare, and the second question is about what needs to go into the proposed Measure to enable that to happen? On the first, it is very clear that the Flying Start programme focuses specifically on pre-school children, and my understanding is that it only provides something like 2.5 hours a day of childcare even for that group of children. So, that will do a limited amount to enable parents to work. I have talked to various parents who have said that they managed to get jobs while their children were pre-school age, but that, as soon as their children went to school, they found that there did not seem to be any pre-school and post-school childcare in their area, so it was very hard to sustain those jobs. The research seems to show that there are particular issues for school holidays. There is very little childcare around in some areas in school holidays, and you see in the UK evidence a big spike in lone parents exiting jobs at the beginning of the summer holidays. It is probably fairly safe to assume that that has something to do with their not being able to get summer holiday care. We have not looked specifically at the other holidays, but I think that it would be fairly likely that there would be some kind of spike around the other holidays. There seems to be a very strong need for more childcare for school-aged children—namely wrap-around care in the holidays and, in term time, childcare before and after school—as well as more support for pre-school children. In the publication that Victoria has written—and I have quoted it in our evidence—there is a list of what could be done specifically in Wales to support more childcare. So, in a sense, the more of those recommendations that can be implemented, the better I would expect the situation to get.

[61] I am less certain on the question of what should go into the proposed Measure. I would defer to your expertise on what is appropriate to put into legislation. If more is to be put in, which is probably a good idea, the issue of resources has to be tackled at the same time. Providing more childcare is going to be more expensive—and that is a very basic issue—and there needs to be proper thought about how that will be funded, how far parents will be able to afford to pay for it, and what money may come in from the state in various

ways. One thing that was very clear in the evidence that we looked at on childcare last year was that you had both parents saying that they found childcare unaffordable and providers saying that they were having trouble staying in business. That seems to imply that there is something quite major going wrong in the funding of childcare and that the current system is not addressing that. The two things need to be looked at together: the provision of more childcare and more flexible childcare and the resourcing of that.

[62] **Sandy Mewies:** My supplementary question was going to be about wrap-around care for school-aged children and for the children of parents who work atypical hours, and you have answered that. You have reinforced the point that there has to be a very pragmatic and realistic look at the resources available to provide this consistently.

[63] **Mr Barnard:** There was something interesting in Scotland called the sitter service. This services was specifically for parents working atypical hours, because it is very hard for those parents to find childcare and it is hard for mainstream providers to give them the childcare that they need. I know that Scotland had this service, which provided care in parents' homes when they were out working unsociable hours, but I am not sure whether it has been continued. However, my understanding is that it was pretty successful when it was used, and it was quite an interesting model. I think that there may have been something within the Genesis Cymru Wales project whereby some areas tried something similar. I am not sure whether that ever took off elsewhere; my impression was that it stayed fairly patchy. The funding is time-limited for that programme. From what I have been told, that did seem to be quite a useful and interesting model to consider.

[64] **Sandy Mewies:** My final question is about benefits and tax credits. You have mentioned the importance of the Welsh authorities doing all that they can to encourage the take-up of benefits, grants and allowances that they administer. Is this something that you think that should be included in the proposed Measure?

[65] **Ms Barnard:** Yes. Within the strategy, it will be important to have a coherent income maximisation strategy. That would cover promoting the take-up of the Department for Work and Pensions-administered benefits. In relation to the system of support and advice for claimants and potential claimants, my impression is that that is still quite variable across the country. Some local authorities will have welfare rights advisers and so on, but other areas are fairly dependent on Citizens Advice or similar organisations. So, having a good system to help people to ensure that they are getting everything to which they are entitled is an important part of any child poverty strategy—in other words, promoting take-up. Regarding the benefits for which the Welsh Assembly Government has oversight, and which are managed by local authorities—housing benefit and council tax benefit, for example—it is important that everything possible is done to ensure that those are being administered effectively, and that claims are processed quickly. Doing all those things could make a big difference to a fair number of families, particularly where you have people who are moving in and out of work, whose situations are changing, and who encounter really big problems with the system not catching up with their situation. That is something where, whatever the current system, administering it better, where that is possible, could make a big difference to people. There is also the third group of benefits, which are under Welsh Assembly Government control, and which could, depending on the resources, be improved or targeted better. So, yes, it is quite important that that is part of the strategy.

[66] **Jenny Randerson:** I am Jenny Randerson, Liberal Democrat Assembly Member for Cardiff Central. Can you explain your reasons for thinking that the definition of Welsh authorities, which appears in section 12 of the proposed Measure, should be expanded to include further education colleges, the Sports Council for Wales and the Arts Council of Wales? Conversely, do you think that any of the bodies listed in section 12 should be removed?

[67] **Ms Barnard:** The reason for thinking that it should be expanded to cover those particular organisations is that what they do is central to tackling child poverty, for example the work that FE colleges do to enable young people to stay in education; to access qualifications and skills; helping young people to make the transition to employment; and also working with people who did not get the qualifications the first time round, but could get them if they had a second chance. All those things are central to helping young people in child poverty and, potentially, parents, to get work which could help lift their families out of poverty. So, they seem to me to be a central part of the child poverty strategy. The reason for mentioning the Sports Council for Wales and the Arts Council of Wales was that the role of organised out-of-school activities for young people and children is something that a number of practitioners have long felt is quite important, but there is now more and more research evidence suggesting that it can make a big difference. Work that we funded in 2007 looked at education and poverty, and there was some work looking specifically at out-of-school activities. That showed that children who could access sports or arts activities were not just gaining in confidence generally, they were gaining in relation to some specific issues about thinking of themselves as learners, learning how to relate to the adults involved in a much more positive way, and thinking of learning as a joint endeavour rather than something that is imposed on them. Some of those children were then able to take the development of their confidence and ideas back into the classroom and could access the formal education much better than they could before. So, there is a real sense now that the fact that children in low-income families tend to miss out on those activities may well be having a bad effect on their formal education and on what they come out with at the end as well as meaning that they have a less rich childhood. Because of that, making sure that the people who are delivering leisure activities or who are involved in developing those are thinking about children in low-income families and the way in which they can access those is very important.

9.50 a.m.

[68] I do not think that I would suggest taking anyone out of section 12, partly because I do not know enough about the detail of what all of these different organisations do. It was suggested by various stakeholders that we talked to that the Countryside Council for Wales was a slightly odd inclusion, because my understanding is that it is mainly concerned with nature and the countryside. However, I do not have enough knowledge of what it does to say that it should not be included. Again, if it is contributing to young people's opportunities to be able to undertake activities and so on, then it is a good idea for it to be thinking about the child poverty issue.

[69] The other issue that I was thinking of was transport. Local authorities are getting together in regional transport consortia, which is another group. Transport is crucial to enabling people to access both work and leisure. Making sure that whoever is involved in transport is within the Measure is also very important.

[70] **Val Lloyd:** Thank you very much, Helen. I have a final question for you. Do you think that there are any issues or concerns about this proposed Measure that you feel you have not had the opportunity to raise?

[71] **Ms Barnard:** I do not think so. You have been very thorough, so I do not think that there is anything that I thought was important that you have not covered.

[72] **Val Lloyd:** Thank you very much for your contribution and the clarity of your answers. The clerk will send you a draft transcript of today's proceedings for correction before it is finalised and published. On behalf of the committee, I thank you once again for your contribution. It is particularly difficult to conduct it by video link, but you have done it remarkably well. Thank you very much.

[73] **Ms Barnard:** Thank you for letting me do it by video link; I know that it is not easy for you either. I was very pleased to have the opportunity. Thank you.

[74] **Val Lloyd:** We are just waiting for our next witnesses to come in and make themselves comfortable.

[75] Good morning and I welcome our next witnesses. From Play Wales, we have Mike Greenaway and Marianne Mannello. Would you like to introduce yourselves before we begin?

[76] **Mr Greenaway:** I am Mike Greenaway. I am the director of Play Wales, which is the national organisation for children's play in Wales. We act as an advocate for children's play. If we have a mission, it is to see that the failures of society over the last 50 years are redressed and that children will be provided with an opportunity to play.

[77] **Ms Mannello:** I am Marianne Mannello. I am one of the assistant directors at Play Wales. My policy areas are play provision and development.

[78] **Val Lloyd:** Thank you very much. From what the witnesses have already said, you will appreciate that they wish to concentrate on play opportunities for children. I will start the questioning. The proposed Measure is wide-ranging and covers diverse areas of policy. Do you have any general comments about whether the key provisions are appropriate to deliver its stated objectives, or is it too broad to be effective?

[79] **Mr Greenaway:** If we can, as you mentioned, concentrate on the areas of the proposed Measure that impact on children's play, the proposal to consolidate current legislation in respect of day care and child minding and to embody provision to enable the Assembly to amend regulations and national minimum standards is useful because there are a range of ambiguities in the current regulations that need to be addressed. Certainly, the evidence in a recent consultation was that that is the feeling of the sector. In respect of section 60, we believe that it has the potential to achieve its objectives. However, we have some real concerns as to the way in which it is currently worded, particularly in respect of the inclusion of recreation. We believe that there is the potential for an unintended consequence if recreation is included. However, as to whether it is too broad, the answer is 'no'. I think that there is a general coherence; it is predicated upon an underpinning desire to address issues related to children's poverty, and not just economic poverty, but poverty of experience.

[80] **Paul Davies:** I want to look at the regulation-making powers in the proposed Measure. There are a number of sub-sections within the proposed Measure that give Welsh Ministers regulation-making powers that they can use to prescribe functions. Do you think that the proposed Measure achieves the correct balance between the powers on the face of the proposed Measure and the powers given to Welsh Ministers to make regulations?

[81] **Mr Greenaway:** Yes, we believe that it does.

[82] **Paul Davies:** Do you think that the proposed Measure should place a duty on Welsh Ministers to undertake consultation as part of the process of making regulations relevant to the proposed Measure?

[83] **Mr Greenaway:** Yes. I think that, to be frank, they need to be owned by the sector, but particularly in respect of the substantive issues.

[84] **Paul Davies:** I have one final question. It has been suggested to us that the definition of 'Welsh authorities' in section 12 of the proposed Measure should be expanded to include

further education colleges, the Sports Council for Wales and the Arts Council of Wales. Do you have a view on that or are you content with the bodies that have been included?

[85] **Mr Greenaway:** Given the contribution that they can make to creating an environment that is intended to alleviate poverty, there is a rationale that they should be included.

[86] **Jeff Cuthbert:** Thank you for your written evidence and your presence here today. The few questions that I am to ask are on the theme of play and participation. In your evidence, you say that you are a little concerned about the definition of 'play', in terms of it including general recreation, which as you said, could include sport or shopping, enjoyable though they may be—not the latter one; I hate that, but I certainly enjoy sports. Would you like to say a little bit more about your concerns around the definition of 'play' and any changes that you might like to see to that definition? I have a little supplementary question as well. As you know, the foundation phase is now coming in, which is based on structured play. Do you see that that will have an impact?

[87] **Mr Greenaway:** That is interesting. I will start and I have no doubt that Marianne will jump in as we go along. I think that this is critical and if you get this right, a lot will fall into place. I will start off with the foundation phase. It is an interesting question for us because we are being told by people in the field that there seem to be two definitions of play. The first is in the Assembly play policy and I will read it so that I do not get it wrong. It defines 'play' as:

[88] 'children's behaviour which is freely chosen, personally directed and intrinsically motivated. It is performed for no external goal or reward'.

[89] So, that is really saying, 'children's play is what they want to do'. The second definition is used in an education setting. Do not get me wrong: we are not knocking the foundation phase; this is about being clear about what we are doing. If I were a teacher in the foundation phase, using play as a vehicle for children's learning and their education, I might give the children a range of opportunities and say, 'There you are, you can take your pick', and that would be regarded as being freely chosen. However, when we talk about play being freely chosen, we are talking about children having a choice about who they play with and what they do in the broadest context. It could be that they choose not to engage. They have the freedom to come and go. The other bit is, I guess, the definition about it not being performed for an externally set goal or reward, but that it is just what children want to do at that particular time.

10.00 a.m.

[90] **Ms Mannello:** I will jump in at this point to add something about the foundation phase, if I may. There is no doubt that it will make, and has already started to make, a significant contribution to children's experience of school, play and exploration. One reason why we welcome the proposed Measure, and the inclusion of play within it, is that, currently, play opportunities outside the school setting are not of a quality to support children's learning outside school hours. So while they are in school between the ages of three to seven—and I know that there are moves within schools to support the transition to key stage 2 to give children more opportunities to explore, to play outdoors and to develop confidence—their opportunities within their communities do not foster that, and they do not back that up out of school time. That is of concern to us, and we see the proposed Measure as going some way towards addressing that.

[91] **Mr Greenaway:** As we were coming in this morning, I was talking about my daughter having to write an essay on fine art, and the influence of postmodernism and

feminism on the language of art. I thought, ‘This is just so arcane’. However, by the end of it, she was talking her way through it. We have exactly the same problem with children’s play, and exactly the same problem when we try to define something like ‘love’. The ambiguity and breadth of our language makes it really hard to put your finger on one specific thing.

[92] The difficulty for us at the moment is, if we include the word ‘recreation’, there is the potential for a local authority to say, ‘We have shopping malls, football fields and cricket pitches, so we are satisfying the requirement of sufficiency’. I am not knocking sport or shopping—although I would prefer it if it was not so expensive—but the situation is such that sport is well supported in funding and legislation, while play is not. We have evidence that, when the Assembly introduced the play grant in 2000, local communities were accessing it on a local level for organised football, for example, when funding was available through the sports council for just that. It was just that the play grant was an easier way of getting the funding, so that was used. It was because of the ambiguity at that time in how we defined ‘play’.

[93] Therefore, for the purposes of this proposed Measure, I think that it would be appropriate to have a definition. We know that the Assembly Government’s definition in its play policy is fit for purpose; it is something that the playwork sector uses as part of its underpinning principles. This is the definition of children’s play. It is something that has become widely accepted, and it distinguishes what we are talking about, compared to play in a school setting. Yes, it is complex. It is a challenge.

[94] **Jeff Cuthbert:** I will move on—

[95] **Val Lloyd:** Jeff, would you allow Jenny to come in?

[96] **Jeff Cuthbert:** Yes, of course.

[97] **Jenny Randerson:** Thank you. Is the definition in the play policy—I confess that I was not familiar with that definition—tight enough to exclude a local authority, for example, from saying, ‘We have plenty of computers, and using them is a recreational activity’? I cannot remember precisely the wording of the definition that you gave us, but if the definition is that it is something that is freely chosen and allows the children to come and go and so on, could that mean that a child could spend all his or her time sitting and watching a computer?

[98] **Mr Greenaway:** I am sure that Marianne will come in on this. It will probably be cheaper for a local authority to make space available than to provide computers. Therefore, I would argue that there may be a financial argument for the local authority not to do that.

[99] Interestingly, we have just produced a briefing paper on play and the screen. What we know, and what we are gaining more evidence of, is that, given the choice, while they will play with computers and watch videos, children want to play outside in the natural environment.

[100] **Ms Mannello:** That has been backed up by two studies of children, one by Funky Dragon, and the other, more recent one, by the Institute of Welsh Affairs, using small focus groups of children.

[101] **Mr Greenaway:** If we follow that through, and we link it to the right that children should participate in the decisions that affect them, one might conjecture that there will be a point at which the local authority will consult children and ask, for example, ‘Do you want a whole pile of video screens or would you prefer open space?’ Our expectation is that the response will be, ‘We want to play outside; we want freedom’. If there is a common theme throughout all of our talks with children, it is the loss of freedom. Marianne mentioned the

research recently undertaken for the BBC's *What are we doing to our children?* series. If there was one thing that came out throughout the work that was done with parents, grandparents and children, it was the loss of freedom to play.

[102] **Jeff Cuthbert:** My final question is about the duties placed on local authorities with regard to play provision. If this is just semantics, please say, but, in your evidence, you say that the proposed Measure will

[103] 'go some way in closing the policy gap'

[104] in relation to play provision. What bits are missing in your view or is it just a question of semantics?

[105] **Mr Greenaway:** No, it is not semantics, actually. As we went through this process, we found ourselves reflecting on our experience. We provided support to the play policy implementation group, which provided the recommendations that informed the Assembly Government's play policy implementation plan. There were several recommendations that, I am not saying have been missed, but have not been acted on. One was the need for a coherent public education and publicity campaign. It was recognised by the group that that was absolutely fundamental. Legislation is part of the process, but there are other issues. If we consider the cultural environment of the past 50 years, it has not been supportive of play. There was a time when it was not supportive of society either. In a world dominated by outcomes, where everything is measured and there is an inclination to stop doing what cannot be measured, play appears trivial and frivolous. Children have fun doing it, but if you ask them why they are doing it, the answer is 'Just because', and so it does not seem to be of such a level of importance in a world that measures everything by outcomes.

[106] What we know, and what I think that we are getting more and more evidence of, is that children's healthy development—their mental and physical healthy development—is predicated upon the opportunity to play, hence the need for some form of campaign that begins to redress societal perceptions. Part of that is the fact that the environment we live in is so risk-averse, although I believe that we are now making some headway. Some work that the Department for Culture, Media and Sport in England funded recently on managing risk in play provision, which has been signed up to by the Health and Safety Executive, is moving children's play provision away from the notion of risk assessments towards risk-benefit assessments, so it is not just a case of looking at what could happen that would be bad, but at what could happen that could be bad and what is good about children doing this and then balancing those.

[107] **Ms Mannello:** It is also about looking at what harm would come to children if certain opportunities were not provided for them, which is an approach that has been lacking for some time.

[108] **Mr Greenaway:** The challenge that we have is translating that on the ground. It is happening at a higher level, and there is clearly an understanding and commitment to try to do something, but it is a non-devolved matter and local authority officers have been working for a long time in a risk-averse environment, so getting them to change will be a bit of a challenge. I believe that the proposed Measure may well make a serious contribution towards that.

[109] **Jeff Cuthbert:** I think that you have just answered my supplementary question, but, just to confirm, am I right to say that you think that this approach—legislation—is necessary to make local authorities do what we want them to do?

[110] **Mr Greenaway:** Absolutely. It is a very significant piece of the jigsaw.

[111] **Sandy Mewies:** Thank you for your paper and for answering questions in the way that you have. You have already touched on one of the resources issues that I was going to raise with you. In your paper, you are saying that, in some ways, money is being spent that could be spent in a more clever way to achieve the objectives that you would like to see.

10.10 a.m.

[112] The explanatory memorandum itself states that the proposed duty on local authorities will not place any new burdens on them beyond those associated with the related elements of the Cymorth and Flying Start programmes. Do you have any concerns about the financial resources currently available to local authorities to fulfil their new statutory duty to secure sufficient play opportunities? In addition, do you agree with the explanatory memorandum, when it states that?

[113] **Mr Greenaway:** We do not believe that the proposed Measure will place any new burdens on authorities. It is an interesting question. I think that there is a moral duty on local authorities to provide for children, so, in a way, it is a semantic challenge, and I do not think that it needs to cost more. I will reflect for a moment on Rotterdam, which recently adopted what is known as 'the Rotterdam norm', which applies specifically to children and children's play. Part of that normalising process was to make a clear commitment that all public open space would be designated as children's play space unless a good reason can be given as to why children should not be playing there. That would be absolutely fantastic here and would cost nothing.

[114] We know that parents are reluctant to allow their children to go out, and children are reluctant to go out because the traffic moves too fast. It does not necessarily involve a major expenditure for a local authority to determine that traffic speed should be at 20 mph rather than 30 mph or 40 mph. However, the impact of that on children will be very significant.

[115] The Assembly Government has the community-focused schools initiative, which encourages the use of schools out of hours. We talked about this before coming in. There are still schools barricaded to prevent children from using them out of school hours. High fences are erected to stop children from using the premises. That would not cost any more money. I might argue that it will reduce vandalism once it becomes a legitimate use of school grounds, because it will not just be children who use the premises, but also parents. When there are more people out and about, we know that vandalism is reduced and anti-social behaviour is impacted on. I am not saying that that is why we should be doing this, but that would be one of the windfall benefits.

[116] So, the answer is that I do not think that it should cost the local authorities more money. If local authorities are in the headspace of thinking that they will have to put in more fixed equipment and pre-manufactured playgrounds, it will cost them more. However, we have been telling them that they do not represent good value for money; all children want is space and freedom to play.

[117] **Ms Mannello:** One can guess that local authorities will argue that they have inadequate resources to undertake the new sufficiency audits in particular, but that raises the question of how they currently ensure that the rate support grant and Cymorth resources for children's play are used to best effect. There is a need for those sufficiency audits outside the legislation, really, to prove, particularly in these financial times, that the current resources are put to best use.

[118] **Gareth Jones:** Mae'r ddau gwestiwn **Gareth Jones:** The two questions that I have sydd gennyf i'w gofyn yn ymwneud â both deal with play opportunities. As you

chyfleoedd chwarae. Fel y gwyddoch, yn yr adran hon, ceir cyfeiriad at ddigonolrwydd cyfleoedd chwarae. Yn eich tystiolaeth, yr ydych yn cymeradwyo cynnwys y gofyniad hwnnw. Yr ydych yn cyfeirio at awdit neu asesiad o ddigonolrwydd mewn perthynas â'r ddarpariaeth o ran cyfleoedd chwarae. A fedrwch ymhelaethu ar y pwynt hwn o'r awdit a'r asesiad yn enwedig? Sut ydych yn rhagweld hwn yn gweithio, a pha fath o broffion neu feini prawf a rowch i sicrhau bod unrhyw safonau yn cael eu cyrraedd?

know, in this section, reference is made to the sufficiency of play opportunities. In your evidence, you commend the inclusion of a requirement for a sufficiency audit and make specific reference to a sufficiency audit or assessment in relation to the provision of play opportunities. Can you expand on that point about an audit and any assessment in particular? How do you envisage that working, and what sort of tests or criteria should be applied to ensure that any standards are met?

[119] **Mr Greenway:** I think that the devil is in the detail here. This will be a real challenge. We have already referred to the Rotterdam norm about creating an environment in which children's play is supported. Over the past few months, we have looked at how we can judge whether an environment supports children's play. Within our sector, we talk about the 'affordances' that an environment will offer a child for play. In some settings, children's affordances are constrained; in other words, they are not supported in their play. In other settings, affordances are provided; in other words, children can play or they do not play—it is a neutral act. In other settings again, children's play can be promoted. To see a situation in which children's play is promoted, you could look at the example of Newport City Council. The signs that used to read 'No Ball Games' now read 'Play Ball Games'. So, it is promoting play in a range of settings, where it feels that that is appropriate.

[120] It comes back to looking at what we have traditionally seen as providing for children's play, and looking at it in a far broader context. It is not just about providing equipment; it may be about providing staff. So, on the sufficiency of staff numbers, our expectation is that a play worker whose function it is to facilitate children's play in a specific play setting or out on the street as a play ranger, which we are seeing more of, would be trained and qualified, which would contribute towards the sufficiency audit. The principle of sufficiency must embrace quantity and quality.

[121] I was talking to someone from the Audit Commission in England on Tuesday, who told me about the indicators of children's play that they have developed as part of 'Fair Play', the English play strategy. There is a fundamental weakness in that, because the indicators focus on specific activity or specific provision, and we need to be looking at sufficiency audits that are far broader than that. It is not just about playgrounds; it is about children playing on pavements, car parks, city centres, open spaces, and even derelict ground. Areas that we as adults might call 'derelict ground' are regarded by children as the best play spaces, because there is no-one stopping them from doing what they want to do. They play in parks and they play up trees. That is an interesting one for local authorities, because most of them cut the lower branches off their trees to prevent children from climbing them. If children were enabled to participate in decision making with local authorities, I have a fair idea which way they would vote if that branch-cutting policy were ever discussed.

[122] **Ms Mannello:** There is also the 'No Ball Games' sign policy.

[123] **Mr Greenaway:** The experience that we want the proposed Measure to result in and the sufficiency audit to encompass is, for most people, very rare. It may occur only when there is sufficient snow falling to stop the world from running as it normally does, and I am sure that everyone will have seen the number of children who went out to play in the snow. In addition, in a holiday park, where traffic, if there is any at all, is fundamentally restricted, you see parents letting their five and six-year-olds go off along the path to the shop to buy stuff and to move around freely, although they would never normally let them out by themselves.

That is the sort of environment that we are looking for. It is the sort of environment that I grew up in, and I was not honoured with a privileged existence; I was just an ordinary kid in the 1950s. We should be aspiring to move towards that.

[124] **Gareth Jones:** Diolch yn fawr. I Gareth Jones: Thank you. Moving on to symud ymlaen at gwestiwn arall, gan another question, while accepting and dderbyn a chydabod eich profiad ac acknowledging your experience and expertise arbenigedd yn y maes hwn, a yw'n bosibl i in this area, would it be possible for you to chi amcangyfrif faint yn rhagor o gyfleoedd estimate how many more play opportunities chwarae y bydd y Mesur arfaethedig yn the proposed Measure will provide? debygol o'u darparu?

10.20 a.m.

[125] **Mr Greenaway:** That is an interesting question, and I am taking my time thinking about it. I think that the answer is, 'Yes, millions'. If we change the environment, the impact on children will, in a way, be immeasurable and the number ceases to become important. If we change the environment, children will play. A recent UNICEF report put children's perception of their wellbeing way down, and a recent report by an English university has mirrored that. If this proposed Measure is introduced and is effective, think of the impact that it could have on children. Think of the children and the play opportunities that they do not currently have—being allowed outside because their parents will feel that they are safe. In a way, it is immeasurable, but I think that saying 'millions' would answer the question. *[Laughter.]*

[126] **Jenny Randerson:** Looking at section 61, I am going to ask you a question that I am sure you will agree with, given your comments just now. The section relates to the participation of children and young people in local authority decision making. Am I right in assuming that you would agree that there is a need for a duty to be placed on local authorities to promote and facilitate participation in decision making, and how do you think that that will impact on the provisions relating to play in section 60?

[127] **Mr Greenaway:** The initial answer is 'Yes, unquestionably'. Working on the basis that children's play is freely chosen, if I was doing a bad job as a play worker, the kids just would not turn up. From the outset, they are the decision makers. So, for us, the principle of participation in children's play is almost turned on its head. We are not encouraging children to participate in our agenda; what we are trying to do is support them by participating in their agenda. If there is one area in which local authorities should be involving children, it is in the direct, not the abstract, delivery of provision that will affect their opportunities to play.

[128] **Ms Mannello:** The decisions about play that matter most to children are the very locally based decisions, so perhaps those about the tree-cutting or about when the school gates open, who opens them, and so on. Being involved in some of the more abstract decisions around strategy and development is more difficult for them. I dare say that we would want to see local authorities participating with children and young people about decisions regarding their play without imposing on their play time to seek those views. Any sort of participation should be done in an arena that children have signed up to, and asking them questions about their play time should not impose on their play time.

[129] **Jenny Randerson:** In my area, the local authority now consults young people before it sets up a new play area, and I know that what it provides has changed quite significantly as a result. Would that be the sort of thing that you are thinking of?

[130] **Mr Greenaway:** Certainly, yes.

[131] **Jenny Randerson:** Do you think that the duties on local authorities in relation to play and participation should be subject to inspection? Do you think that there should be powers of enforcement for those authorities that fail to deliver?

[132] **Mr Greenaway:** I was looking at a report that was written about me when I started in youth work 30 years ago, which suggested that I might be slightly authoritarian, and I was offended by that. However, on this occasion, I would say, 'Yes, that is really important'. I do not think that we can afford for that power not to be provided. There is already a duty on local authorities, conferred by the Children Act 2004, to co-operate in the delivery of children's play provision. We have seen some evidence emerging that some local authorities are finding that a difficult process. The answer is 'yes'. To be frank, the proposed Measure needs teeth.

[133] **Sandy Mewies:** I was just listening to what you had to say and, like you, I was a child of the 1950s who went off for the day with a packet of jam sandwiches wrapped in a Sunblest bread wrapper and a bottle of water. That was it; I did not need a play worker with me, I just went wherever I wanted to go.

[134] **Jeff Cuthbert:** You still have the sandwiches.

[135] **Sandy Mewies:** I still eat the sandwiches. [*Laughter.*] I am just wondering, from everything that has been said here about the duty on local authorities and so on, whether there is a role for parents, carers or guardians in children's play. We have not mentioned that at all.

[136] **Ms Mannello:** The perception that parents and communities have about children and children's play has changed significantly since we had our jam sandwiches and bottles of water. It is important that parents understand the significant role of children's play, and the value that children get from play. However, we need to take on board their views. While their fears may not be evidenced in any particular research, their perceptions are real. What we know is that many parents are worried about their children being out and I think that changing that—

[137] **Sandy Mewies:** That is what I am really trying to get at: how do you tease it out?

[138] **Ms Mannello:** Changing the environment supports parents by giving them more confidence. The role of the play worker—you mentioned that you did not need a play worker—is often to help children and communities by re-establishing children within a community, to re-establish play space. There are many growing examples of that sort of provision throughout Wales, namely of peripatetic play workers who work for a limited amount of time in a particular area, and who identify parcels of land or bits of fixed playgrounds where children used to play. Their presence there, for a limited amount of time, helps parents to gain that confidence. It helps children, because there are many children who have a perception of feeling unsafe in their own communities. So, while it may be an initial investment, it is actually something that is sustainable, which communities can take on board. We have growing evidence of communities embracing and protecting that space, for example by asking dog walkers to be more sensible. The very fact that children are there reclaims that space. Any behaviour that might occur there that people do not feel happy with end up being diminished. As Mike said, when there are more people around, the sorts of things that scare us tend to disappear and become alleviated.

[139] **Sandy Mewies:** So, this proposed Measure could reassure parents as well as children, and reinforce the opportunities for real play, which is what you were talking about.

[140] **Mr Greenaway:** Absolutely.

[141] **Ms Mannello:** There is already, as Mike says, a role for highways departments in

local authorities in thinking more sensitively about road design and speed of traffic. If that environment changes and if roads are safer, that would go some way in supporting parents and children to feel more comfortable in their communities.

[142] **Mr Greenaway:** It actually goes beyond that. My children have grown up now and, over the years, they worked on our village play scheme. I have found it interesting that, from time to time, when they have been on the school grounds—not when the play scheme has been running—authority figures within the village have threatened them with anti-social behaviour orders. I know that it is an empty threat, but what that does is indicative of a perception that children's presence in our community, unless they are engaged in some form of gainful activity, is no longer legitimate.

[143] I will go back to talk about the snow: when it snows, the community that you live in—a village or a city—fills up with children, and you wonder where they have come from, because, when it snows, children being outside is seen as a legitimate activity. However, generally, unless children are going somewhere, for example if they are hanging around outside the Spar shop, someone will complain, although it is interesting that if adults are hanging around outside a pub, people do not complain as much because it is seen as being far more legitimate.

10.30 a.m.

[144] As I have said, the proposed Measure will contribute by being part of a jigsaw that changes how we as a society view children and their opportunities to play. You are right, though: parents and carers have a fundamental role to play, and it is actually a permissional role.

[145] **Sandy Mewies:** Thank you, Chair, for allowing me that digression.

[146] **Gareth Jones:** May I ask a question?

[147] **Val Lloyd:** Certainly.

[148] **Gareth Jones:** Thank you, Chair. We are giving a lot of thought to the 20 mph zoning of urban areas, primarily with a view to making accessing schools and so on safer. It has been hinted at that that kind of zoning could actually help in terms of play areas. There could be some danger in that, however, and we have to be specific about what we are after here because, even if vehicles are restricted to 20 mph, you do not want children running across the street or whatever. We have to be clear in our strategy as to what the 20 mph zoning could bring about. I tend to agree with you—I can certainly translate the vision of snow bringing everything to a standstill, and that is fine. Unfortunately, there will always be traffic, so we need to be careful in framing our definition.

[149] **Mr Greenaway:** In a way, it will be up if the Measure is passed as it is proposed. The sufficiency audit will provide local authorities with an indication of the actions that they need to take, if it involves children as we would expect it to do. The people who tell us that there are not sufficient opportunities for play are children. So, it only seems natural that the audits will involve children. Where the issue is traffic speed, then, yes, it poses a challenge to the local authority. It is then a matter for the authority to balance the needs of road users in their cars and other vehicles against those road users who are pedestrians.

[150] Had you asked me what my utopian vision is, then there is increasing evidence that shared use of roads and getting rid of pavements, making road sides much smaller, all contribute to reducing speeds and making the environment a nicer one to live in.

[151] **Val Lloyd:** That is another discussion for shared space, I think.

[152] Before I bring this part of the proceedings to a close, are there any issues or concerns about the proposed Measure that you feel that you have not had an opportunity to raise?

[153] **Mr Greenaway:** I was thinking about section 60(5), which specifically mentions legislation that applies to disabled children. The Assembly play policy refers to all children, and we would welcome the development of this paragraph because, while there may be a desire to mention disabled children, it really should embrace all children, regardless of any factors that may be used to discriminate against them. Apart from that, I have nothing else to add.

[154] **Val Lloyd:** Thank you. On behalf of the committee, I thank Marianne Mannello and Mike Greenaway of Play Wales. You will be sent a transcript of proceedings before it is finalised, so that if you feel that corrections are needed, you can do so. Thank you for your evidence and your attendance.

[155] We will now take a short break. Please return at 10.50 a.m..

*Gohiriwyd y cyfarfod rhwng 10.34 a.m. a 10.50 a.m.
The meeting adjourned between 10.34 a.m. and 10.50 a.m.*

[156] **Val Lloyd:** We will now move to our third set of witnesses. We have Keith Towler, the Children's Commissioner for Wales, Duncan Mackenzie from Merthyr Tydfil children and young people's partnership, and Les Jones from Bridgend children and young people's partnership. Will you briefly introduce yourselves?

[157] **Mr Towler:** I am Keith Towler, the Children's Commissioner for Wales. Thank you for the opportunity to be here to talk about the proposed Measure, and I look forward to the discussion.

[158] **Mr Mackenzie:** My name is Duncan Mackenzie. As you said, I work in the children and young people's partnership in Merthyr Tydfil. I am also the Chair of the newly formed all Wales association of children and young people's framework partnership support officers.

[159] **Mr Jones:** I am Les Jones, co-ordinator for the children and young people's partnership in Bridgend, where I have been since 2002. I am also here representing the association.

[160] **Val Lloyd:** Thank you for those introductions. I will ask the first question, which is to you all. The proposed Measure is quite wide-ranging and covers diverse areas of policy. Do you have any general comments about whether the key provisions in the proposed Measure are appropriate to deliver its stated objectives? Or, is it too broad to be effective?

[161] **Mr Towler:** The proposed Measure is broad, varied and complex, but child poverty is also all of those things. We need a Measure that will allow us to address the underlying issues that affect and impinge on child poverty; we need a multi-disciplinary approach. The key question is: does it provide a national focus? My hope is that it will, but it is a bit early to see. However, it is a welcome step in the right direction. It was interesting to hear Helen from the Joseph Rowntree Foundation say that Wales stands a good chance of taking some initiative at a UK level on child poverty. The proposed Measure may be broad, but it is a very good start.

[162] **Mr Mackenzie:** Without wanting to sit here and agree with Keith, it is a very broad proposed Measure but, as Keith said, it is a broad issue. The main thing that the proposed

Measure will provide is a bit more focus on poverty itself, which gets lost a little within the current set-up, with the core aims within children and young people's plans and other statutory guidance. Poverty has a heavy influence on all aspects of work and all the other core aims, such as extended entitlements and so on. The proposed Measure will provide more focus in terms of bringing poverty to the top of the agenda, rather than being something that influences everything else that we do.

[163] **Mr Jones:** I think that I can speak for children and young people's partnership teams around Wales that they generally welcome what is contained in the proposed Measure. The partnership teams have been very supportive of all the legislation and guidance that have come through over the last few years relating to children and young people. We have a system that could potentially produce great benefits for children and young people in Wales. Our members want the proposed Measure to work, and they want to be able to support it and work within it. If the way in which the proposed Measure is implemented supports the partnerships and single plans, that will be very good news for the children and young people's partnership teams.

[164] **Paul Davies:** I direct my first question to Mr Towler. The National Assembly committee and the Welsh Affairs Committee, which scrutinised the legislative competence Order on vulnerable children, recommended that the Government bring forward a Measure so that the office of the children's commissioner would be accountable to the National Assembly, rather than to the Welsh Assembly Government. What is your view of the fact that there is no such provision in the proposed Measure?

[165] **Mr Towler:** I am very much aware that both of those committees made that recommendation. This places me in somewhat of a difficult situation in as much as I would not want the scrutiny of this proposed Measure to be detracted by the independence of the children's commissioner. The offices of commissioners across the UK all have different powers. None of us are fully Paris compliant. The issue of Paris compliance is around the independence of Government, ombudsmen and children's commissioners. I have to say that, in practice—although I have only been the commissioner for just over a year—I have a good and appropriate relationship with the Welsh Assembly Government, which in no way impinges or tries to influence my work. The relationship works well.

[166] I will give you one quick example on budgeting. I have questions about whether I have sufficient resource for my office. The reason why this places me in difficulty in respect of this proposed Measure is that my funding, as a commissioner, comes through a Government department. If I were to argue for more money, I would be arguing for money from the pot from which we would hope that front-line services for children would be developed. That places me in a difficult position. I really would not want to be arguing for more budget for my office if I thought that, as a direct result of that, it would take away resources from the front line.

[167] I do not think that the issue is difficult in practical day-to-day stuff in terms of compromising the position of the commissioner. Not being fully Paris compliant presents me with a difficulty if I am thinking about resources and budget. As I have said, I do not want us to be distracted by that issue in relation to what this proposed Measure can deliver on child poverty. However, I would welcome a good debate about the status, independence and governance of the Office of the Children's Commissioner. I would not want us to be distracted by that today.

[168] **Paul Davies:** I will move on and look at the regulations in the proposed Measure and ask questions to all of you on that. There are a number of sub-sections within the proposed Measure that give Welsh Ministers regulation-making powers, which they can use to prescribe functions. Do you think that the proposed Measure achieves the correct balance

between the powers on the face of the proposed Measure and the powers given to Welsh Ministers to make regulations?

[169] **Mr Mackenzie:** I think that it does. As with all of these things, perhaps the devil is in the detail. The content and statutory guidance would be more likely to drive this one. For me, the key issue would be what will be your supplementary question in relation to when the Welsh Ministers use those powers, the process that they go through in terms of consultation or engaging partners before announcing or making those decisions.

[170] **Mr Jones:** It is difficult to comment on the balance because it is not a matter for partnership teams to comment on the details of the legislation in that way. However, I would endorse what Duncan says: what we are required to do will come out in guidance and we would be very keen to contribute to the development of that guidance.

[171] **Mr Towler:** I suspect that the reasoning behind this is to allow for some flexibility and responsiveness as things develop. I certainly would not put myself forward as a constitutional expert, but there are subordinate legislative committees in place that, in theory, should provide some kind of safety net. My feeling about that is that things will have to be varied. If properly implemented, we need to take a good hard look at the situation and Ministers will have to make decisions on things that are moving forward. It is important that we have some flexibility in that. I am not a constitutional expert. The only thing that I would raise is a real question about the safety net issue in relation to the Assembly's Subordinate Legislation Committee and whether it is felt that that is sufficient to actually keep it in check.

[172] **Paul Davies:** Do you think that the proposed Measure should place a duty on Welsh Ministers to consult?

11.00 a.m.

[173] **Mr Towler:** I think that my immediate reaction to that is to say 'Yes, it should', but there is an issue with the complexity of the mechanisms that we put in place to consult. Therefore, if the intention or the spirit of the proposed Measure is to enable someone to respond quite quickly and be flexible, the bureaucracy that limits a swift response would need to be looked at carefully, so that we do not get consumed by a process that might prevent a Minister from acting when something quicker is required.

[174] **Mr Jones:** We have seen the way that some of the guidance attached to, for example, the Children Act 2004, has been developed. Some of it has been very easy to develop, because there has been a general agreement across the board about what the most effective approach would be. Other guidance has emerged through a much more fraught and detailed process, with no clarity about what we are being required to do as children and young people's partnerships in order to meet the Assembly Government's requirements or about how other partners contribute to that. That is another element of this; we see this as being very much a partnership Measure. Although the concentration, of necessity, will be on local authorities, they lead multi-agency partnerships, and those partnerships are developing an effective approach to working together through the single children's plans, bringing together a number of statutory plans and regulations, such as the national service framework for children's health services for example. That is proving to be effective, so it is not just about local authorities; it is about that wider partnership and how effectively partners can collaborate.

[175] **Jeff Cuthbert:** Thank you both for your written evidence. My first question is to both sets of witnesses. You might find this difficult to answer, but I will ask it anyway. With regard to resources, if the proposed Measure is passed, as we trust it will be, it will place additional duties on the Government, and there will undoubtedly be resource implications for

the Government's child poverty unit. Indeed, the explanatory memorandum says that there will be significant requirements to strengthen it. Including staff costs, it is estimated that £55,000 is required for additional resources. Do you think that that is adequate?

[176] **Mr Mackenzie:** I cannot speak with any great knowledge of expenditure and wages in the Assembly Government. All I can say is that I know that, with the introduction of the single plans, partnerships received a whole raft of statutory guidance, advice and support from the main DCELLS team—from David Middleton and his team. I think that partnerships relied very heavily on their support and help in order to implement the plans. I would imagine that, if the proposed Measure is passed, it will be supported by an equal amount of guidance and that the partnerships will look to the child poverty unit for a great deal of help and support. That does not answer your question of whether £55,000 is enough, but I guess that what I am trying to say is that partnerships will be looking for as much support, help and guidance as possible in taking this forward and implementing it.

[177] **Jeff Cuthbert:** Would you see that as being necessary more in the earlier stages, tailing off as new systems come into place and you get used to things?

[178] **Mr Mackenzie:** Yes, I think I would. Using the example of producing the first single plan, we asked an awful lot of David Middleton and his team that we will not need to ask next time around because we have done it once and we now know how to do it.

[179] **Mr Jones:** There is a difference between preparing a plan and implementing a programme, where we are operating in a constantly changing environment and always seeking to move on to the next phase. I would perhaps draw a comparison with the work that has been done on the child poverty solutions project and the website that was set up, which I know partnerships have found really useful. I do not know what resources went into that, but I would guess that it was more than £55,000, and that sort of resource is what we are going to need to draw on long term rather than short term. So, I guess that it depends on what you see that unit providing to people like us.

[180] **Jeff Cuthbert:** Part of the motivation behind this question is that we are in a time of very tight constraints on public expenditure.

[181] **Mr Towler:** Yes. In asking the question, you said that it was a difficult one for us to answer, and it is; it is a matter for Government. I have a lot of time for the individuals in the child poverty unit; they do a really good job. There is something about the scale of the task. This is a flagship policy and a national priority. The Welsh Assembly Government needs to be sure that it has the resource that it requires to provide the kind of support that Duncan and Les are talking about. In some instances, that is about leadership, providing guidance and support, assessing plans and ensuring that things are on check. It is quite a big ask for that unit. I take everything on board that you have said about the fact that Government expenditure at the moment is tight. A sum of £55,000 probably equates to one or two members of staff. It is quite a big ask, but I have a lot of time for those staff, and if they are comfortable with that assessment, I would go with it.

[182] **Jeff Cuthbert:** This question is for Duncan and Les, and it is about the language that is used in section 1. You have expressed concern about some of the terms, such as 'decent housing' and 'safe and cohesive communities'. Could you expand a little on what your concerns are?

[183] **Mr Mackenzie:** My initial concern about the language used in those two specific points in the aims at the start of the proposed Measure was that you wanted to ensure that all children grow up in decent housing and safe and cohesive communities, but that that read slightly differently to all the other parts of that aim. On reflection, it might be more of an

issue of our having a slight lack of understanding of whether that would be a statutory requirement, whether it is part of the guidance or whether it is just an objective. The issue was that we did not want to be pinned down to that being an absolute requirement for all authorities.

[184] **Mr Jones:** We had a similar discussion around youth support services, when the 'Extending Entitlement' guidance was first produced, but that was guidance. The language about all children and young people, aged 11 to 25, being entitled to things had an impact on some of the expectations of Estyn inspections, for instance, with regard to the adequacy of their response to the legislation, and I suppose that these are the same questions. That would be an aspiration that we would have, but what is decent housing and how are we expected to ensure that for the partnerships, for example? We are speaking on behalf of the partnerships, and we do not necessarily have any influence or control over the provision of a large part of the housing, in terms of the private sector and the private rented sector, that is provided in our partnerships areas.

[185] **Jeff Cuthbert:** In terms of decent housing, could we be thinking about the housing standard that all houses should be brought up to? Do you think that when terminology like this is used, it ought to be clarified in guidance, or do you think that a different type of language altogether, which is consistent, should be used?

[186] **Mr Jones:** We are comfortable with the nature of the language in talking about all children and young people, where that is then expanded in guidance, because we are used to having a rights-based language in the services that we provide, and that has been quite useful in many ways. It has certainly helped many of the inclusion agendas that we are seeking to follow, for instance, to be able to say that this applies to all children and young people and that we have to take measures to ensure that that happens. As long as it is well defined in guidance, we would probably be happy with the nature of that language.

11.10 a.m.

[187] **Jeff Cuthbert:** My final question is to both sets of witnesses. It is about burdens on the local authority as a result of the proposed Measure, because it is clearly claimed in the explanatory memorandum that local authorities will face no additional burdens. It does not, obviously, rule out reorganisation, the sharing of resources and so on, but, overall, it states that there will be no additional burdens in implementing these duties. Do you think that that will be the case?

[188] **Mr Mackenzie:** Again, I would want to sit on the fence. It would depend on the detail within the statutory guidance, and also what responsibilities you place on local authorities in relation to the proposed Measure, that is, whether it becomes a stand-alone plan or something that is incorporated within the existing single plan structure. That is the issue from a partnership point of view in relation to whether it becomes a plan in addition to the single plan, or whether it becomes a part of it. That is the main issue in terms of resourcing. Producing the single plan was a big task for partnerships, and if it were to become something of an equal size alongside that, that might be an issue. However, it depends how the two are brought together.

[189] **Mr Jones:** There are two elements to it. As Duncan says, one is the capacity of the people involved to deliver on the agenda. The second is about the funding of programmes and so on, and I know that there is a constant reference to the Cymorth and Flying Start programmes, for example, which have been instrumental in developing the work of the partnerships, and which have also influenced the way in which core services and mainstream services are delivered. Those programmes have developed differently in different partnership areas and in different local authority areas. So, as Keith said in his original response to a

question about funding for the office of the children's commissioner, any use of Cymorth funding would have a different impact on different areas. It would mean that there were some things that we would be unable to deliver that we are now delivering with Cymorth and Flying Start but which we perhaps would not be able to deliver in future. It would mean a diversion of funds from existing services to others, and possibly from services into resourcing delivery teams, which again would not be looked on favourably, including by ourselves.

[190] **Mr Towler:** I was interested in the answer that Helen from the Joseph Rowntree Foundation gave earlier, when she said that we had to be honest and grasp the nettle—I think that that was the phrase that she used in questions about resourcing. She was right in saying that there are issues about funding and about levels of investment. For me, it is also about the effectiveness of the investment that we make. There is no doubt in my mind that, regardless of the economic situation that we now find ourselves in, the consequences of not addressing issues of child poverty will come back tenfold in cost. So, there is an issue about funding, the effectiveness of that funding, and it is a challenge for partnerships.

[191] However, it is not all about new money. It is about how agencies working within those partnerships are grasping the nettle and being honest and open about what resources they have and how they can spend them in partnership with others. I have been listening to your conversations this morning, and one thing that has not been mentioned is the third sector in relation to the partnerships and the funding issues. Some of the things that are coming through to my office at the moment are concerns from the third sector about involvement in planning decisions, and tough decisions having to be made in a difficult circumstance. The kind of work that the third sector does that we might describe as being preventative or supportive in nature is vulnerable in the current economic climate and some third sector organisations are closing or retracting as a result. So, if we are to grasp the nettle about this, we need some honesty. It presents a real challenge for my colleagues from the partnerships, who are sitting on my left, who have to do the debating, the persuading and all the rest of it. However, I would say that it is not all about new money; it is about making the best use of the resources that we have. With our hands on our hearts, I do not think that we could say that we are currently doing that. I think that that is a challenge for us.

[192] **Mr Jones:** I will reinforce that with an example of the use of the Cymorth programme in Bridgend this year. This year, our programme increased the share of the Cymorth budget given to the voluntary sector, reduced the share of the local authority and maintained the share given to health and other areas of the public sector. That was a deliberate choice, because the voluntary sector is struggling very much indeed at the moment. If the impact of the proposed Measure on the use of Cymorth was to make it more likely that we would have to use that funding for the public sector, I am sure that that would be a problem for the voluntary sector.

[193] **Gareth Jones:** I would like to ask a couple of questions in Welsh.

[194] Yr ydych wedi cyffwrdd â'r hyn sydd gennyf dan sylw yn y cwestiynau hyn, ond efallai bydd hwn yn gyfle i chi fod ychydig yn fwy penodol yn eich atebion. Yn y dystiolaeth yr ydym wedi ei ddarllen, yr ydych yn cyfeirio at eich pryderon. Mae fy nghwestiwn cyntaf yn bennaf ar gyfer cynrychiolwyr y partneriaethau, ond, wrth gwrs, byddwn yn falch o glywed gan y comisiynydd hefyd. O ran y partneriaethau, yn eich tystiolaeth yr ydych yn cyfeirio at y Mesur arfaethedig hwn fel gofyniad arall, You have touched on the subject of these questions, but this may be an opportunity for you to be a little more specific in your answers. In the evidence that we have read, you refer to your concerns. My first question is mainly for the representatives of the partnerships, but of course we would also be pleased to hear from the commissioner. In terms of the partnerships, you refer in your evidence to the proposed Measure as a further requirement on partnership planning teams, without any extra funding being

pellach ar dimau cynllunio partneriaethau, heb unrhyw fath o gyllid ychwanegol—‘*additional external funds*’ yw’r ymadrodd a ddefnyddir—a fyddai o gymorth i weithredu gofynion y Mesur arfaethedig. A allwch ymhelaethu ar eich pryderon ynghylch capasiti’r partneriaethau i gyflawni nodau ac amcanion y Mesur arfaethedig? A fydd angen adnoddau ychwanegol ar y partneriaethau i sicrhau eu bod yn gallu ymateb i’r gofynion deddfwriaethol?

provided—‘additional external funds’ is the phrase used—to help support the implementation of the requirements of the proposed Measure. Can you expand on your concerns about the capacity of the partnerships to deliver the aims and objectives as set out in the proposed Measure? Do the partnerships require additional resources to ensure that they can respond to the legislative requirements?

[195] **Mr Mackenzie:** Had I realised that you were going to analyse so closely the evidence that we had given, I might have chosen my words slightly more carefully.

[196] **Val Lloyd:** It goes to show that we do read the papers.

[197] **Mr Mackenzie:** The issue for partnership planning teams and for partnerships as a whole, as was mentioned earlier, is that we need to strike a balance between using as much of our Cymorth funds as possible to provide services and ensuring that partnership planning teams are funded and resourced well enough to be able to do their job properly. My opinion would be that partnership planning teams tend to err on the side of ensuring that the money goes towards Cymorth services, rather than making sure that they are staffed as well as they might be. Again, I guess that it depends on how the guidance is written and how you want the proposed Measure to be implemented, in terms of how much of the partnership planning teams’ resources it will take to implement.

[198] **Mr Jones:** I think that I would agree with that. When most of the partnership planning teams were set up, what we were being asked to do at the time was very different from what we are now being asked to deliver. Once you have made the choice of putting funding into services rather than central planning, it is very difficult to shift it because it would mean cutting back on services. Many of the teams were set up to deliver a much smaller agenda than is required now. Certainly, even in the reasonably well resourced teams, such as Bridgend—I would say that we are quite well resourced—we are struggling to meet all the demands that are put on us.

11.20 a.m.

[199] **Mr Mackenzie:** I will just like to add a few things that have just come to mind. The first is that if I were to write this again, I would not use the word ‘burden’, as it implies that we do not think it a good thing, which is not our view at all. The second is that, in terms of partnership planning teams, much of their responsibility is statutory and therefore requires the same amount of resource irrespective of local authority size and how much Cymorth grant you get. In our case, in Merthyr Tydfil, we feel that more strongly because of the size of our authority and the population that we serve. Our Cymorth grant is the smallest in Wales, yet our statutory requirement is near enough the same as that for every other authority.

[200] **Gareth Jones:** Thank you for pointing out that there is a distinction there, which we need to understand, in terms of the statutory requirement and the service provision.

[201] **Mr Towler:** I am glad that you retract the word ‘burden’, Duncan, because I would not see it as a burden, although I take the point about where partnership teams are at, given where they started and what we are now asking them to do. The only thing that I have to say about that is that we are developing a series of plans and actions and, hopefully, consequences and outcomes for children here. That is the focus. When we talk about developing proposals

or action plans around something, I get a bit concerned that we might say, 'I'll tell you what; we'll put a co-ordinator in place'. The co-ordinator might do many great and wonderful things, but there will still be lots of children and young people who are not accessing a service as a result of that. That, again, is a real challenge for Les and Duncan, because we have to ensure that the planning strategies, and the staff that we have in place to deliver them, are as lean as possible so that most of the spend goes on delivering services for children. I recognise that that is a challenge, but we have to keep the focus on outcomes for children and young people when we start to think about what we need in place to deliver.

[202] **Gareth Jones:** Hoffwn droi at y comisiynydd yn awr—credaf ein bod wedi clywed gan y bartneriaethau ar hyn, ond mae croeso i chi ymhelaethu. Gomisiynydd, yn eich tystiolaeth, yr ydych yn sôn am drosglwyddo cyllid Cymorth i'r RSG. Os yw'r Mesur arfaethedig hwn yn cael ei basio, ym mha ffordd y gall sicrhau bod arian Cymorth yn cael ei ddefnyddio a'i wario ar y pethau y dylid gael ei ddefnyddio a'i wario arnynt? A ydych yn weddol hyderus y byddai hynny'n digwydd?

Gareth Jones: I would now like to turn to the commissioner—I think that we have heard from the partnerships about this, but you are welcome to add to what you have said. Commissioner, in your evidence, you mention transferring Cymorth funding to the RSG. If this proposed Measure is passed, in what way can it ensure that Cymorth funding is used for and spent on the things that it should be used for and spent on? Are you fairly confident that that would happen?

[203] **Mr Towler:** I am reasonably confident that that would happen. If implemented well, moving the funding to RSG could create the potential for securing sustainable funding for projects and services that come under Cymorth funding. If it happens, we must ensure that we do not take our eye off the ball, because there could be opportunities for that not to happen or for things to become diluted or services to become weaker as a result. I am reasonably confident that the move would secure those kinds of services, however.

[204] I suppose that there is also an issue with regard to how the duty bearers in this—the partnerships, and the local authorities in particular—want to develop their services in relation to the needs that they are being presented with. It is therefore important that they have some flexibility in decision making in their own patch about how that is going to work for children. For me, however, the issue becomes one of accountability and enforcement, and making sure that we do not take our eye off the ball, so that the work that is currently funded through Cymorth and is moved into RSG delivers what we expect it to deliver.

[205] **Gareth Jones:** Mae gennyf un cwestiwn arall i'r comisiynydd, gan wahodd sylwadau gan gynrychiolwyr y partneriaethau hefyd, wrth gwrs.

Gareth Jones: I have one more question for the commissioner, although the representatives from the partnerships are invited to contribute too, of course.

[206] Yr ydych wedi rhoi sylw, sydd wedi bod o gymorth i mi, i'r rhaglenni a dargedir ac ar sail ardal i fynd i'r afael â thlodi plant. Mae gennyf bryderon ynghylch hynny.

You have drawn attention, which I found helpful, to the targeted and area-based child poverty programmes. You have concerns in that regard.

[207] Bydd prif ofynion y Mesur arfaethedig yn cael eu cyflawni gan y rhaglenni Cymorth a Dechrau'n Deg, sydd ynddynt eu hunain wedi'u targedu at gymunedau difreintiedig. A fydd y Mesur arfaethedig yn mynd i'r afael â thlodi plant mewn teuluoedd sy'n byw y tu allan i'r ardaloedd a dargedwyd? A fydd tlodi plant

The main objectives of the proposed Measure will be delivered by the Cymorth and Flying Start programmes, which in themselves are aimed at the most disadvantaged communities. Will the proposed Measure address child poverty in families living outside the targeted areas? Will child poverty be recognised as an important aspect of

yn cael ei gydnabod yn agwedd bwysig ar children's rights? You have given some hawliau plant? Yr ydych wedi rhoi rhywfaint evidence on that, but I wish to hear your o dystiolaeth am hynny, ond hoffwn glywed comments. eich sylwadau.

[208] **Mr Towler:** I am very happy to give them, so thank you for the question. I completely understand, and, if I were the Minister looking at child poverty in Wales, I would probably hold my hand up and think about where I could make the biggest impact on the biggest number of children and young people. Cymorth and Flying Start both do that, and some wonderful work is being taken forward. However, I have a concern. We talk about the eradication of child poverty, but that word 'eradication' and that target of 2020 goes beyond a targeted approach. Indeed, it goes beyond the target. I have a couple of things to bring to the table on that. My office receives calls from families who see other families, perhaps across the road or in the neighbouring village, such is the targeting, accessing services and support that they cannot access. You can explain the targeted approach to them and why it should be the case, but, although people are not angry and marching up and down the streets about it, it does not make a lot of sense to the people living in that community or having that experience.

[209] The other obvious issue to talk about is rural poverty. Children, young people and families living in poverty in rural areas are a massive challenge, and that is not just poverty in relation to income but also access to services. We talk about leisure provision and community-focused schools, but community-focused schools that want to develop that way of working in rural areas will bus many of their children in and out straight away, so any opportunity that the school offers to its catchment probably does not reach many of those children, who cannot then take part. So, when we talk about the eradication of child poverty, we need to make sure that we hit the target of eradicating child poverty in ways that are additional to targeted programmes. Targeted programmes are an excellent benchmark for us to use, and I am not suggesting that we should not do them, but there are other things that we need to do as well, particularly in relation to rural poverty and access issues, such as with transport. If children and young people had free transport to access services outside their local villages or communities, it would go a long way towards helping us to reduce rural poverty. However, if we are to hold on to the word 'eradication', targeted programmes will not deliver that for us.

[210] **Val Lloyd:** Could you be firmer in your answer, commissioner? Would you say that the proposed Measure addresses those problems that you have just talked about?

[211] **Mr Towler:** No, it does not. Is that firm enough?

[212] **Val Lloyd:** Yes. *[Laughter.]*

[213] **Mr Jones:** Flying Start is a terrific programme. If I—

[214] **Val Lloyd:** Would you like to take that a stage further and suggest how it could be improved?

[215] **Mr Towler:** We need some very specific requirements in the proposed Measure, particularly around rurality and access to services. On access to services, perhaps it is asking too much, and it may be too specific for the proposed Measure. However, within that, I would pull out the issue of transport. So, in the proposed Measure, I would like us to start thinking about universal access to services for children and young people living in Wales. The big issue for me within that is access. Transport and other things would probably be too specific for the proposed Measure to cover, but it must cover more issues to do with access to services.

11.30 a.m.

[216] **Mr Jones:** I was going to mention the fact that Flying Start is a good example of a successful targeted programme in some areas. Bridgend has welcomed it and we are proving its success in tackling some difficult issues in our most disadvantaged communities. However, the difference between the communities that are most disadvantaged—and, in Bridgend, we have only three Flying Start areas—and the next layer of disadvantage is very slight, although the difference in the resources going into those communities is immense. As per the guidance, we are maintaining a spend of more than £2,100 per eligible child in Flying Start areas. Some work was done in Rhondda Cynon Taf on the spend per child outside Flying Start areas and it was, literally, a fraction of that £2,100. Yet, the difference in disadvantage and deprivation was very slight. The challenge is to transfer the lessons that we are learning—and we are learning lots of really good lessons from Flying Start and Cymorth—to other communities.

[217] **Gareth Jones:** Finally, commissioner, in your evidence, you state that you are still concerned to ensure that child poverty is seen as a children's rights issue. We need your guidance on that particular phrase, because we would miss an important point if that were not achieved. I think that I understand what you have just said, namely that the targeting is fine, but the rights issue is far wider than that—and Les and the partnership also made that point. What guidance can you give us at this stage?

[218] **Mr Towler:** Thank you for reminding me to come back to rights. It is the job of the children's commissioner to raise that all the time, so thank you for enabling me to do my job properly. [*Laughter.*] You will recall that we have just been through the reporting process to the United Nations Committee on the Rights of the Child, which made clear concluding observations or recommendations on child poverty. It asked how we, as one of the richest countries in the world, could have child poverty rates as high as we do. It is a rights issue. Duncan referred earlier to Extending Entitlement. The United Nations Convention on the Rights of the Child makes it clear why child poverty is a rights-based issue. So, we do not confer this on some people because we like them or because we think that it is a good thing to have; it is an absolute right enshrined within the UN convention.

[219] The concluding observations are directed at the UK state, because it is the duty bearer; nevertheless, the Welsh Assembly Government has duties. It has signed up to the convention, ratified it, and is a part of this process. The obligation is clear. When we had rapporteurs from the UN committee in Wales a month or two ago, they reminded the Government that the concluding observations are obligations on the state. In five or six years' time, when we return to the reporting round in 2014, the Government, the commissioner, non-governmental organisations and others will want to demonstrate that we are making some progress towards eradicating child poverty by 2020. The proposed Measure makes provision for progress to be monitored on a three-year cycle, and that is really important because we need to provide evidence of the progress that we are making towards achieving that target of ending child poverty, to convince the UN committee that we are working in that way, given that we are signed up to the convention.

[220] **Gareth Jones:** Thank you very much for that, and thank you, Chair, for giving me and the commissioner that opportunity to return to an important issue, which we need to dwell on further. I would not like to see us missing an opportunity here that would enable us to view this as a children's rights issue. Otherwise we may have to revisit the proposed Measure at another stage in the future.

[221] **Mr Towler:** If there is any direct help, or practical or other assistance that my office can give to you in that regard, we would be more than happy to do so.

[222] **Gareth Jones:** Diolch yn fawr. **Gareth Jones:** Thank you.

[223] **Val Lloyd:** Before I bring Sandy in, I have a question for the partnership. What do you think about the commissioner's views on access to services?

[224] **Mr Mackenzie:** Transport is a key issue. I can speak only from local experience in Merthyr Tydfil, and, as I said earlier, by size, we are the smallest or second smallest authority in Wales. We are only 10 or 11 miles from top to bottom, and yet, even in our area, accessing services is a huge issue for families. The services exist for them, but being able to access them and reach them—whether because of transport or of opening times—is a big issue.

[225] **Mr Jones:** The other side of that question is the local delivery of services and the integrated delivery of services. Both are key aims within the plans, and the proposed Measure can count particularly towards enabling partners to share resources, information and working practices. We can also make a difference to access in that way. Therefore, it involves both sides of the coin, in a sense. One aspect is the transport issue of accessing services that are remote, and the other aspect is about bringing services to people and delivering them locally.

[226] **Val Lloyd:** Are you saying that something about access should be included on the face of the proposed Measure?

[227] **Mr Jones:** Yes, I would welcome that.

[228] **Val Lloyd:** I just wanted to clarify that, for the record. Thank you for your forbearance. I now call Sandy Mewies.

[229] **Sandy Mewies:** Given the importance of the child poverty strategy, would it be more effective if it were a stand-alone document, rather than being included as part of the wider children and young people's plan? That question is for all witnesses.

[230] **Mr Jones:** I think that the children and young people's plans have already proven their value—within the first year. Across Wales, producing those plans has been a partnership activity, so it has not been a case of one person or one partner going away, writing the plan and bringing it back; there was a collective responsibility. It has brought the partners together, not in a new way but in a more concentrated way. There is a focus now for action through the plans. We have core aim 7 within the plans. One of the objectives is to reduce the impact of child poverty. My view would be that the proposed Measure should strengthen the plan and the arrangements for implementing it, rather than seek to set up something separate. We see it in other areas of work. Although we have now brought together seven plans into one—and, as I said, we have other regulations and so on that are well associated with it, such as the national service framework—there are other plans, and there is still discussion about how we can best link with them. Regardless of whether they are centrally a part of the children and young people's plans, it would be a mistake to set this outside those.

[231] **Mr Mackenzie:** I agree with what Les says in its entirety. Although we are only halfway through the first planning cycle for single plans, my impression, locally and nationally, is that they work very well. To change them or have something sit above them would not work. Something like a child poverty strategy would sit nicely within core aim 7, and would sit underneath the overarching strategic aim of a single plan. That would provide a higher focus and more concentration in looking at poverty than is perhaps given at present in the core aims and the plans.

11.40 a.m.

[232] **Mr Towler:** I have a slightly different view. To use the child budgeting example, we

have tremendous difficulty understanding how much money is allocated to children's services across the piece. From listening to your discussions today, particularly around some of the other bodies listed in the proposed Measure, there is an issue about raising awareness of agencies' contribution to eradicating child poverty. You were talking about the sports council and the arts council earlier today and about how some of their activities relate directly to helping to bring child poverty to an end. I take on board everything that my colleagues say; the only thing that I would like to see as a result of that is that we are very clear what in the plan is contributing towards the national target of ending child poverty. So I would not want the work on child poverty to be lost.

[233] I know that I am throwing a challenge at colleagues here, but I would like the plans to be explicit about how work is contributing to ending child poverty, not just in relation to those agencies that are comfortable with this agenda and recognise the challenge, but in relation to those that might not understand that the work that they are doing is contributing to this agenda. So, there is an issue for me about raising awareness of the significance of somebody's contribution to pulling children out of poverty. Should it be a stand-alone strategy? I think not, but we really need to be clear in the plans that we have where an action leads to an outcome of helping to lift a child out of poverty.

[234] **Mr Jones:** I would endorse that, without going back on what I said earlier, because, as I said in discussion before we came in here, one of the activities that teams are engaged in at present is making the high-level aspirations of the plan realistic with regard to the next level of plans, which, although still strategic in nature, will be more operational, setting out very clearly what is going to be done, who is going to do it, and what the resources are for it. An example would be the local participation strategies, which all partnerships have now produced. These are the plans that put into practice the high-level aspirations within the plan. Therefore, I would have no problem with a stand-alone child poverty plan that sits within that higher-level plan. That would give us the opportunity to do what Keith is describing.

[235] **Sandy Mewies:** I have a specific question about the children and young people's partnerships. Can you expand on your concerns about the timing of the proposed Measure in relation to your own planning cycle for children and young people's plans? I think that some concern has been expressed about the way they match up. What does the Government need to do to enable partnerships to complete their plans on time?

[236] **Mr Mackenzie:** I do not think that what I was referring to related to completing plans on time as such. It is just the case that we are in the middle of a three-year planning cycle for the single plans, and, from what I can work out, partnerships will start in January or February next year, to begin planning for the next round of plans that will come into place in 2011. Obviously, the proposed Measure, when it becomes law, will, in one way or another, have a huge impact on the content of that planning guidance, the direction of the plans and their content. It was not so much a plea as an observation that the partnership planning teams would like some sort of clarity on this and enough time to be able to implement the provisions of the proposed Measure, whether it is done within the existing three-year planning cycle or whether that changes. I do not know how it will work, but the point is that we need enough time to implement whatever changes the proposed Measure will bring about.

[237] **Mr Jones:** When the planning guidance was produced for the single plans, it was quite a long process. There were obviously statutory consultations and so on that had to be gone through; I appreciate that. There was very good communication between the planning teams and Assembly Government officials during the whole period, so that, as changes were proposed, comments received and so on, we were up to date with what was happening with the guidance before it was published as a final document. So, there is very little in it, if anything, that came as a great surprise. This is a different process, I know, but similar good collaboration between officials and local teams should minimise any impact that it would

have on plan preparation.

[238] **Mr Towler:** I know that the question was not directed at me, but I cannot resist the opportunity to say something. I take the point about their being halfway through the planning cycle, but we know that something is coming, and it is an opportunity to reflect. Good planning cycles have review and flexibility built into them. The only thing that I would say is that, in terms of timing, if it is a case of adjusting things so that they work alongside each other, halfway through a planning cycle is not that bad a time to start flagging up that things are coming through. If there is that kind of communication that Les is referring to, we ought to see some kind of seamless transition that could support partnerships to take on this agenda that the proposed Measure provides and run with it. It is easy for me to say, but I think that partnerships should look at it as an opportunity.

[239] **Mr Jones:** We do.

[240] **Mr Mackenzie:** We are not coming at this from the angle that it is going to mean more work and that we are not going to do it; it is just an observation. As we said at the beginning, we are completely behind the idea of the proposed Measure and what it aims to do; we are just giving you some evidence from a more practical, hands-on level about how it will affect the people who will be implementing the proposed Measure and writing the plans.

[241] **Sandy Mewies:** We have some experience of this in the education system, where budgetary plans run totally differently within and without. You are right about monitoring and evaluation being a very important part of the planning cycle.

[242] The first child poverty strategy will be produced in 2011. Are you concerned that efforts to eradicate child poverty will not be progressed as urgently as possible?

[243] Chair, would you mind if I asked a supplementary question about Cymorth and Flying Start?

[244] **Val Lloyd:** Please do.

[245] **Sandy Mewies:** I take the point that was made. I would rather use the word 'focused' than 'targeted'. It was always my understanding that Flying Start is a fairly long-term strategy and will not only help children and young people but their families too. It will give them a greater level of understanding and support, so that some of the problems that they face will be gone. What I am trying to find out from you, in view of what has been said, is whether that focused approach by Cymorth and Flying Start is working.

[246] **Mr Towler:** What a question. [*Laughter.*]

[247] **Mr Jones:** In some ways it is early days for Flying Start to be producing good results.

[248] **Sandy Mewies:** We are building on things, are we not?

[249] **Mr Jones:** Yes. The difference with Flying Start, certainly in many areas, including Bridgend, is that it is even more focused than Sure Start was and than Cymorth is. Taking Flying Start as an example, we are discovering more and more about the communities in which we are working, and we are putting into place more and more interventions, which are proving to be effective with the majority of children and parents. We are recognising that work with those most disadvantaged and those with the most complex issues to face is taking more and more resources, and I do not mean that in terms of funding alone, but in terms of focusing attention on their problems. We can transfer all of those lessons to the way we operate in other areas, so, in terms of direct benefits to children within those areas, we can

already see that there will be successes. We are also discovering, because of the level from which we are working and because of the concerted research effort that had to go into Flying Start, just how deeply rooted some of those problems are and how long we will have to concentrate on those in order to get a good outcome for children.

11.50 a.m.

[250] I will give an example of what I am talking about. In Bridgend we have a speech and language therapist who works in childcare settings under Flying Start, who has been carrying out speech and language assessments on children under two years old in relation to their acquisition of language. Some 80 per cent are below age appropriateness, which will clearly have an impact on their progress all the way through life. The links are absolutely clear. We had expected to get a result that would show that there was a significant proportion of children with language delay, but 80 per cent is a huge proportion, and that is out of the general population in those areas, not any specific groups. In relation to claiming success for those programmes, we are starting from a difficult base, and it takes a long time to be able to claim that those areas have moved out of disadvantage and are now on a par with the rest of the county borough.

[251] **Mr Mackenzie:** Two things come to mind when looking at Flying Start, in particular. It is an excellent project and is doing good work. I would reiterate the point that Les made that it is almost producing more questions than answers, as it is giving us a better understanding of the issues within these communities in relation to the absolute level of need and the volume of services and input that is required to bring them out of poverty. The main issue about Flying Start that always strikes me is that it again creates another question rather than an answer, namely that, while the work is excellent in those areas where it is being carried out, it creates an imbalance, because the boundaries of Flying Start—certainly in Merthyr Tydfil, and I would imagine in most other areas—are defined by when the money runs out in relation to providing a service at £2,100 per child, rather than by the actual boundaries of where poverty exists. That is the big issue: in some areas it is doing an excellent job, but there are just as many equally deprived and poor areas that sit just outside the remit of Flying Start, and only because we do not have the money to provide it, rather than because they do not meet the threshold.

[252] **Mr Towler:** I do not have anything to add to that.

[253] **Sandy Mewies:** I diverged slightly; my main question was supposed to be: is eradicating child poverty being addressed as urgently as possible?

[254] **Mr Jones:** The proposed Measure will make a difference to the urgency with which it is addressed. It will make a difference to the rate at which those lessons are rolled out to other areas, and incorporated into core practice.

[255] **Mr Towler:** In your question you said '2011', but my reading is that Ministers will produce their strategies by 2010, which has got a bit more urgency about it than if we were thinking about 2011. I am reassured by that. I have said before that this is a national priority; there is some urgency with it, and they have to get it right. The significance of 2010 in ending child poverty is that 2010 was the year by which—just to remind you—we were supposed to have halved child poverty, and we have failed spectacularly to do so. If we are going to get eradication by 2020, what we really need to see from Ministers in 2010 is the road map that gets us to seeing that promise being fulfilled. We really must hold them to that. The proposed Measure refers to the fact that Welsh Ministers must, in 2013 and in every third year after 2013, publish a report containing assessment of the extent to which objectives are met or not. That is really important. We need to be clear about how the reports are published, what is being evidenced, what outcomes are being achieved for children and young people and the

rate of progress, so that when we hear conversations about Flying Start making progress, we really understand the needs of some of those communities. We are really pinning down which children and families are being supported, where we are missing a trick, and where we now need to focus and redouble our efforts. That is the road map.

[256] **Sandy Mewies:** That led to my digression. I was thinking about how exactly things are being evaluated. You can go on forever with programmes, but they need to be monitored and evaluated.

[257] **Mr Towler:** Absolutely. The key part of that, which we will probably come back to later in the discussion, is the extent to which the voice of children and young people is taken on board in that evaluation. Are children, young people and their families seeing this change happen for them?

[258] **Val Lloyd:** I would like to ask a question before I bring Jenny in. Is anything missing from the proposed Measure to enable the eradication of child poverty by 2020?

[259] **Mr Towler:** I have made the point about access. There is stuff in the proposed Measure regarding the participation of children and young people, which is important. The proposed Measure is broad enough to enable us to do what we want. The critical issue—and the Joseph Rowntree Foundation took the same view—was that this is all about what happens as a result of the proposed Measure being in place. This is broad enough to allow us to hit our 2020 targets as long as what happens next takes the spirit of what is being outlined here.

[260] **Val Lloyd:** That is quite clear; thank you very much.

[261] **Jenny Randerson:** I have a question for Keith Towler. It is evident from your answers so far that you would prefer further provision beyond Flying Start. Do you agree with the comments made by JRF earlier this morning in that regard? If you believe that there is a need for additional childcare provisions, which childcare provisions should be included in the proposed Measure to enable a greater reduction in the level of child poverty?

[262] **Mr Towler:** I agree with what Helen said this morning. She made a good point that the proposed Measure tends to focus on getting poor parents into work. That has obvious implications for parenting and the role of parents. We talk about flexible childcare. We heard JRF this morning saying that childcare provision is not always available during school holidays or different parts of the year. She was right on that. I point you to the Save the Children report on children in severe poverty in Wales. It is called 'Children in severe poverty in Wales: an agenda for action'. It talks about flexible support for parents—child minding, day care, and parenting and the role of parents. We need to recognise as a community that parenting is an important and significant issue.

[263] We could think about things like extending the age range within the proposed Measure around childcare. We talk about those aged between three and five years old. We could think about extending the age range. If we take a look at our big employers in Wales—I do not mean to pick on local authorities, but they are one of the biggest employers in Wales. They could take a good hard look at the planning for some of our most disadvantaged communities, the extent to which they are providing employment opportunities: flexible employment opportunities that would meet the needs and requirements of some of these families. I am not entirely sure that that is as connected as it could be. My feeling is that local authorities, as an employer, could be an exemplar in this process and could really think about how they support and develop their own staff and the opportunities that they provide.

12.00 p.m.

[264] To move away slightly from your question, there is something in the proposed Measure about young people in poverty. I am interested in those young people who are perceived to have become intentionally homeless and, as a result of that, the extent to which they cannot access services. If they are a young parent, as they might well be, they are doubly disadvantaged. I think that there are issues about how local authorities, as employers, could set a benchmark to which other employers could work, particularly around flexible opportunities and flexible childcare, and thinking about putting local people into local jobs.

[265] **Val Lloyd:** May I elaborate on what Keith said? You talked about extending the age range and I do not want to miss that point before we move on. What benefits would that bring and what age should it be extended to?

[266] **Mr Towler:** I think it should be extended to cover primary-school-aged children. We heard Helen from JRF talking this morning about single parents leaving employment at the beginning of the school holidays. That is not something that will stop being an issue when children are between three and five years of age, because that will happen throughout the time that children are at primary school and it may even extend beyond that to secondary-school-age children. In terms of extending things around childcare, I think that it would be good to consider extending the age range to include 10 or 11-year-olds because if that is a significant issue for parents whose children are between three and five years of age, it will not go away when the children become six or seven years old. I think that the benefit of that, in terms of sustainability and a commitment to childcare, speaks for itself.

[267] **Val Lloyd:** A one-word answer will do—do the partnerships agree with that?

[268] **Mr Jones:** Yes.

[269] **Mr Mackenzie:** Yes.

[270] **Val Lloyd:** Thank you. I am conscious of time and that is why I limited it to a one-word answer. Jenny, thank you for your forbearance.

[271] **Jenny Randerson:** I have finished my questions.

[272] **Val Lloyd:** I thought that you were going to ask two more questions, numbers 36 and 37.

[273] **Jenny Randerson:** Yes; I am sorry, Chair.

[274] The next question that I would like to ask is to the children and young people's partnerships. Your evidence highlights that the list of Welsh authorities in section 12 includes the national parks and the Countryside Council for Wales, which fall outside the current remit of the partnerships and your plans. What do you think the implications of this will be, in adding to your workloads, and are there resource implications for you?

[275] **Mr Mackenzie:** I do not think that the inclusion of other bodies in partnership work would necessarily create any additional resources implications or have an impact on the amount of work that we would need to do. It was more of an observation that, at the moment, they sit outside the remit of the partnership work and I guess that there would have to be some sort of authority in the proposed Measure not to make them come to the table, but to give them some reason to join in the partnership work. It was nothing more than that really.

[276] **Jenny Randerson:** Do you think that there would be resource implications?

[277] **Mr Mackenzie:** I would not have thought so.

[278] **Jenny Randerson:** Do you agree with JRF when it said this morning that further education colleges, the Sports Council for Wales and the Arts Council of Wales should be included?

[279] **Mr Mackenzie:** I think so, yes. In terms of the guidance on the current plan, my view is that those organisations should be included at the moment. There is an awful lot of stuff in the core aims and the templates of the plan that they have a direct impact on and, therefore, they should be part of the partnership structure at the moment. I would imagine that if we are looking at poverty as a whole, they have an obvious impact on that—the sports council certainly does with regard to the provision of play opportunities.

[280] **Mr Jones:** I suppose that it is about reinforcing the duty of co-operation rather than anything else. The degree to which different organisations are involved in different partnerships will vary across Wales. There is never any objection from the partnership side to having that duty of co-operation placed on other agencies.

[281] **Jenny Randerson:** So, do you have any suggestions about any other bodies that should be added to section 12?

[282] **Mr Mackenzie:** I do not, off the top of my head, but I would be quite happy to go back to our members and to provide suggestions to you.

[283] **Jenny Randerson:** Thank you.

[284] **Mr Towler:** I agree entirely with what JRF was suggesting and I think that FE colleges, the Sports Council for Wales and the Arts Council of Wales should be on that list.

[285] **Jenny Randerson:** This is another question to the young people's partnerships. You raise a number of questions in your evidence about the integrated family support teams and family support boards. Do you want to see the proposed Measure changed to take account of your concerns?

[286] **Mr Mackenzie:** Of the two issues that we raised in our evidence, one was that the proposed working integrated family support teams seem to match closely the family support services that the partnerships currently supply. It is a point about practicality, in that these services are often funded by Cymorth money. If the integrated family support teams become part of a Measure, then they would be a statutory requirement, and there may have to be some change to Cymorth guidance about the partnerships being allowed to use Cymorth money to provide that service. It was just a practical observation.

[287] The other issue is that the proposed Measure contains a comment about paying remuneration and allowances to members of family support boards. That sits a bit awkwardly with membership of existing partnerships. That is not an issue for us, but it struck me as a bit strange. I do not know whether that is how these types of boards work, but for children and young people's partnerships, or health, social care and wellbeing groups, there is no payment or remuneration.

[288] **Mr Jones:** There is also the matter that intensive family support teams address a particular tier of need. The approach being taken by some partnerships—perhaps by most—is to recognise that children and families will move between tiers of need. The approach needs to be integrated across tiers of needs as well as being integrated across services. That would be another concern about the models that are being used.

[289] **Jenny Randerson:** I know that Keith Towler would like to comment on those issues.

[290] **Mr Towler:** Thank you for the opportunity. What strikes me about the IFSTs is that they represent a positive step towards integrating services. I would seek an assurance that preventative and universal services are not accorded a lower priority than is given to thinking about the work of the IFSTs. That is why I think that the IFSTs are important for schools, GPs, nurses, and police. We need to develop our thinking as these changes progress. It is quite an exciting opportunity, but we must not lose sight of the preventative services.

[291] **Jeff Cuthbert:** The first question is to Keith, but I would welcome comments from Duncan and Les afterwards. The question builds on what you said about the schools, GPs, and the police.

[292] You say that you feel that the role of schools in helping to identify children who are at risk should be explicitly identified on the face of the proposed Measure. Likewise, you say that there is a clear role for the GP, the nurse and the police. Would you therefore like to see this made more explicit in the proposed Measure?

[293] **Mr Towler:** I am not sure that it needs to be explicitly included in the proposed Measure, but it certainly needs to happen in practice. Were you to take the view that it needs to be in the proposed Measure to make it happen in practice, I would go along with that—I would bow to your opinion. There is absolutely no doubt in my mind that schools and school nurses in particular—we talk about family nurses, but I always think about the school nurses—and police interaction with the school, represent the first point at which assessments and identification of needs actually happen. Whether it needs to be reflected in the proposed Measure, I am not sure. If you were of the view that, if it is not reflected in the proposed Measure then it will not happen, I would want it to be included.

[294] **Jeff Cuthbert:** Time will tell in that case, but it is something that has to happen.

[295] **Mr Towler:** Absolutely.

[296] **Jeff Cuthbert:** Do you have anything to add to that?

[297] **Mr Jones and Mr Mackenzie:** No.

[298] **Jeff Cuthbert:** Back to Keith, then. With regard to advocacy provision for children and young people in health and the operation of the integrated family support teams, the proposed Measure makes no mention of advocacy provision for children and young people in health and in the operation of integrated family support teams. Should it be on the face of the proposed Measure or in statutory guidance?

12.10 a.m.

[299] **Mr Towler:** We probably need a discussion with the advocacy providers. There is no doubt that children and families who would be working or receiving services within the IFSTs will be children in need, and as such should be able to access advocacy services. However, I am not sure whether or not it should be on the face of the proposed Measure. It should probably be in the guidance. My recommendation is that there needs to be a good discussion with advocacy producers around that on the development of IFSTs.

[300] **Jeff Cuthbert:** It is important to recognise the issue. Is there anything that you want to add, Mr Jones?

[301] **Mr Jones:** Just to support that, there is a lot of work going on around advocacy within the partnerships, and an integrated advocacy service that provides across the board for

children and young people in specialist situations, as well as more generally, is the way forward. There are national standards, and we should work within those standards.

[302] **Jeff Cuthbert:** Okay, thank you. My final question is back to Keith, I am afraid. You appear to suggest in your evidence that the provisions of the Children Act 1989, that

[303] ‘the welfare of the child is paramount’

[304] applies equally to those providing services to adults. Can you expand on what you mean by this? Does the proposed Measure allow for this?

[305] **Mr Towler:** In terms of what I mean by that, sometimes when you are working with a local authority or with a department in a local authority such as social services, you make an assumption that adult services and children services connect and talk to each other. However, that does not always appear to be the case, certainly in relation to what comes into my office. For example, there may be a piece of adult service provision where a social worker goes into a home to assess the needs of an adult, and comes across a child who may be in need of some types of services. Is there a link made? Is the fact that there are protection issues or other issues around that child that are of paramount concern communicated to children’s services? From some of what we receive at the office—and I realise that we get cases when things have completely broken down—I would say that it does not always happen.

[306] **Jeff Cuthbert:** So, it is about making the most effective use of human resources.

[307] **Mr Towler:** Absolutely. It is so that if we have adult services workers going to support adults and they recognise that there are also children in need, we address that.

[308] **Jeff Cuthbert:** Do the partnerships want to add anything to that?

[309] **Mr Jones.** No.

[310] **Gareth Jones:** Moving on to part 4, ‘play and participation’, commissioner, you have expressed concern at the steady reduction in the numbers of playgrounds in recent years. There are resource implications in this regard, so do you have any concerns about how local authorities can get to grips with what is obviously a further need in terms of resources and finance and so on?

[311] **Mr Towler:** I listened very carefully to what Mike Greenaway said in his evidence, and I agree with everything that he said. Mike referred to the fact that children talk an awful lot about wanting places to play outdoors, and he talked about derelict land being a playground for children. That is completely consistent with what children and young people talk to me about all the time. If I have any non-directed conversation—in other words, just a general conversation—with children, they will always talk about the importance of play. That is not always necessarily about playgrounds—it is just about having, as Mike said earlier, the freedom to play. Local authorities in planning decisions need to think about what green spaces and public spaces we have and how they are used; Mike used the example at Newport. It is great to see local authorities take the view that they can take down signs that say ‘No ball games allowed’ so that children can do what they want with the space, and so that ball games are allowed. Local authorities would do well to take that example forward.

[312] **Mr Jones:** That is also exacerbated by a lessening in tolerance of children playing outside—the numbers of places in which they can play are reducing.

[313] **Paul Davies:** This is primarily a question to the commissioner. In your evidence, you state that the link between section 60, in relation to play, and section 61, in relation to

participation, is

[314] ‘explicit and the success of the legislative underpinning of 60 is dependent on the implementation of section 61’.

[315] Can you expand on that?

[316] **Mr Towler:** It picks up on the point that Les talked about, which is that children and young people have very strong views about having opportunities to play. They also have strong views about how they are viewed in society and the extent to which they are not asked for their opinion on things. We need to be clear about what we mean by the participation of children and young people. For me, it is about dialogue. We often think that participation is consultation: ‘What do you think about this?’, and ‘Thank you for that answer’. You do not get anything back from that as a child. To give an example that has been raised with me a number of times, when a child sees that the swings have been removed in the local park, because someone has said that they are not safe, and then the swings are not replaced, children do not understand why that should be the case and feel that they do not get the opportunity to explain why that has such a big impact on them. We need to be clear that children’s participation is not about a consultative exercise but dialogue. The participation of children is an ongoing process to which you should be absolutely committed. We have national standards in Wales on the participation of children and young people, but we probably need something that goes beyond those national standards, because some organisations do not know how to do participation work well enough. We perhaps need to provide something that states, ‘These are the things that you need to take into consideration’. When my office gets angry young people and families on the phone, as it does, talking about school closures, swimming pool closures or things happening in local communities, it is invariably because they have not been involved in any of the discussions. They do not know what is happening and they have only seen the end result. It is not good enough to talk about the end result; it must happen before that and dialogue must take place. Many children and young people do not have that.

[317] **Val Lloyd:** You can anticipate my question, can you not? Does the proposed Measure provide enough in relation to participation?

[318] **Mr Towler:** It could be tougher and harder. It could do with a bit more bite. We should set out what we mean by participation and what our expectations are. I heard Mike Greenaway say this morning that we need some more teeth to make that happen, and I tend to agree. One of the things that I would urge caution about, which might seem like an odd comment, but I mean it genuinely, is the issue of leadership. If there is a chief executive of a local authority who understands the participation of children and gives out strong messages that that is how the authority is going to do business, that will have some impact across the board in how the authority works. So, leadership is important, but participation is also about the creation of civil society—it is how children and young people come to understand democracy. We should think about giving it teeth and how it is enforced on one level, but we must also move towards becoming a society that recognises the importance of children’s views. This goes back to the absolute right in article 12 of the UN convention for children to have their voices heard in decisions that affect their lives. However, it is also about building the kind of community and civil society that we want for our future, which will inform how this place operates in 20 or 40 years’ time. So, enforcement is important, but we must have leadership in the right places too.

[319] **Jenny Randerson:** You have effectively answered my question in relation to the need for local authorities to have a duty to promote and facilitate participation. Do you agree with the earlier witness this morning that that should be subject to inspection and that there should be appropriate local powers of enforcement?

12.20 p.m.

[320] **Mr Towler:** I think that I agree, although there is a step that we need to take first. We have the national standards but we are not explicitly clear on the practice that we expect as a result of those standards. When you read the standards for the first time—and it is not a criticism, because they are excellent in terms of a framework—you will see that they are headline statements. If we were to get to the point where we were inspecting, we would need more than headline statements. In other words, we need a benchmark against which we are inspecting. Therefore, there is a piece of work to do, which is about translating our national standards into asking, ‘What does this look like?’, and ‘What is the practice that we expect?’, before we could then have an inspection or regulation framework that asks, ‘Was this happening or not?’

[321] **Jenny Randerson:** Would the other two witnesses like to comment?

[322] **Mr Jones:** Funnily enough, this is one of the areas in which partnership teams would welcome inspection. The inspection needs to do two things: first, there needs to be realistic expectations, not just of services, but of young people and children. Those who take participation of children and young people seriously can often place huge demands on young people to participate, and expectations can go beyond that, to what we would expect of adults. So we need to be realistic about that.

[323] To concentrate on local authorities, the inspection framework probably needs to be similar to that for youth support services where the whole partnership is inspected, in a sense. A great deal of good practice in local authorities needs to be picked up by other partners within the children and young people’s partnerships.

[324] **Val Lloyd:** Thank you very much. I will close by asking whether there are any issues or concerns about the proposed Measure that you feel that you have not had a chance to raise.

[325] **Mr Towler:** I have a couple of issues. I mentioned earlier a concern about young people who are perceived to be intentionally homeless. I think that there is an issue about in-work poverty for young people. I realise that some of this is non-devolved, but the discrepancies in benefits and minimum wage for young people have a massive impact on what we are attempting to do here. Perhaps there is insufficient attention to that in the proposed Measure.

[326] **Val Lloyd:** Thank you very much. On behalf of the committee I would like to thank Les Jones, Duncan Mackenzie and Keith Towler for giving of their time today and for answering our questions so openly. As you probably heard me say to the previous witnesses, you will be sent the transcript of today’s proceedings, which will not be finally published until you okay it. I also thank Members. I now declare the meeting closed.

*Daeth y cyfarfod i ben am 12.23 p.m.
The meeting ended at 12.23 p.m.*