



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

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

**Dydd Llun, 11 Mai 2009
Monday, 11 May 2009**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 4 Y Mesur Arfaethedig Ynghylch Plant a Theuluoedd (Cymru)—Cyfnod 1: Sesiwn
Dystiolaeth 5
Proposed Children and Families (Wales) Measure—Stage 1: Evidence Session 5

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Jonathan Corbett	Prif Arolygydd Cynorthwyol, Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru Assistant Chief Inspector, Care and Social Services Inspectorate Wales
Angela Harris	Rheolwr Rheoleiddio Dros Dro, Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru Acting Regulation Manager, Care and Social Services Inspectorate Wales

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Sarah Beasley	Clerc Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Cynorthwyol Assistant Legal Adviser
Sarah Sargent	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 3.30 p.m.
The meeting began at 3.30 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Val Lloyd:** Good afternoon and welcome to this afternoon's meeting of Legislation Committee No. 2 where we are considering the Proposed Children and Families (Wales) Measure—Stage 1. No apologies for absence or notifications of substitutions have been received. In the event that the fire alarm should sound, please make your way to the exit and be advised by the ushers and staff. There is no fire alarm test forecast for today. Please switch off all mobile phones, pagers and such devices, which interfere with the broadcasting equipment. The National Assembly for Wales operates through the media of English and Welsh. Headphones are available to provide simultaneous translation, on channel 1, or amplification of the sound, on channel 0.

3.30 p.m.

**Y Mesur Arfaethedig Ynghylch Plant a Theuluoedd (Cymru)—Cyfnod 1: Sesiwn
Dystiolaeth 5**

Proposed Children and Families (Wales) Measure—Stage 1: Evidence Session 5

[2] **Val Lloyd:** The purpose of today's meeting is to take evidence from the Care and Social Services Inspectorate Wales. I welcome Jonathan Corbett and Angela Harris to the meeting. Would you like to briefly introduce yourselves, please?

[3] **Mr Corbett:** Thank you. Good afternoon. I am Jonathan Corbett, assistant chief inspector for the children's service analysis and improvement division.

[4] **Ms Harris:** I am Angela Harris, acting regulation manager for the mid and south region.

[5] **Val Lloyd:** Thank you. We will now proceed to our questions. I will start with the first two questions. The proposed Measure is quite wide-ranging and covers diverse areas of policy. Do you support the general principles of the proposed Measure, and do you have any general comments about whether its key provisions are appropriate to deliver its stated objectives? Is it too broad to be effective?

[6] **Mr Corbett:** To help the committee, I shall be dealing broadly with issues around the integrated family support teams. My colleague, Angela Harris, will deal primarily with issues in relation to childcare and early years provision. In response to your question about the general principles and scope, as you say, the proposed Measure is very wide-ranging. We feel that the specific provisions, which we have come to comment on, are proportionate and cover the areas that need to be covered within this particular Measure, to be supported with the development of regulations and guidance.

[7] **Val Lloyd:** Therefore, I assume that you do not think that it is too broad to be effective.

[8] **Mr Corbett:** No.

[9] **Val Lloyd:** Thank you. 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 it achieves the correct balance between the powers on the face of the proposed Measure and the powers given to Welsh Ministers to make regulations?

[10] **Ms Harris:** In terms of the childcare provision, we believe that the balance is correct, because it allows for greater flexibility than the current situation and it allows the Welsh Ministers to prescribe a range of matters by regulation.

[11] **Mr Corbett:** With regard to the integrated family support teams, of necessity at the moment, because of the way in which these proposals have been developed, the framework needs to be quite broad, making wide provision for Ministers to make directions through regulation or guidance. I think that that is appropriate, given the nature of these teams to develop different ways of working. Therefore, there needs to be scope for flexibility, in light of having tried those out and evaluated them, to consider what the implications are. Therefore, it seems appropriate.

[12] **Val Lloyd:** Thank you. That is helpful.

[13] **Sandy Mewies:** Part 2 of the proposed Measure restates and modifies the law in a number of areas relating to childcare and day care for children. In its evidence to the committee, the Welsh Local Government Association said that some parts of the proposed Measure, as currently drafted, would confuse rather than clarify existing legislation. What is your response to this view, and are there any amendments that could be made to make it a more cohesive and clearer piece of legislation?

[14] **Ms Harris:** We consider that the proposed Measure is clearer than what currently exists. It brings the legislation together. At present, we have to rely on different sections of the Act. However, we also recognise that the proposed Measure will require a lot of supporting regulations to deal with the detail. We do not consider it to be more confusing than what currently exists.

[15] **Sandy Mewies:** Are you happy with that response?

[16] **Mr Corbett:** Yes. I am not sure whether the WLGA was any more specific—

[17] **Ms Harris:** No.

[18] **Mr Corbett:** If there were specifics, we could go into more detail, but in general we do not believe—

[19] **Sandy Mewies:** So you think that there is scope for supportive regulation, which will meet the needs as far as you are concerned?

[20] **Ms Harris:** Yes, definitely.

[21] **Jeff Cuthbert:** Just to clarify, did you say that the proposed Measure is no more confusing than what exists now, or do you think that it is clearer? I am not sure that I heard you correctly.

[22] **Ms Harris:** We believe that it is clearer.

[23] **Jeff Cuthbert:** Thank you.

[24] **Sandy Mewies:** The Childcare Act 2006 introduced a new system of regulation for childcare providers, replacing the registration regime provided for in the Children Act 1989. There are some differences between the two pieces of legislation in relation to Wales. Do you have a view as to whether the proposed Measure will lead to significant policy or legislative divergence from England? If that were to be the case, what are the possible consequences in relation to child minding and day care for children? In particular, we have to think about the cross-border issues.

[25] **Ms Harris:** In practical terms, we do not consider that there would be a great impact on providers. If a child minder transfers into Wales they would have to register separately, as would a day care provider. However, we need more time to consider the details with regard to policy initiatives.

[26] **Sandy Mewies:** In your evidence, you say that it will be necessary to spell out, through regulation, the specific circumstances that require registration. In view of the importance you place on this, should the requirements be included on the face of the proposed Measure to ensure that providers and the inspectorate are clear which provision requires registration?

[27] **Ms Harris:** That is an option that could be considered, but I think that it is felt that, if

these matters are detailed in regulation, they would be easier to amend if the needs of the sector changed.

[28] **Sandy Mewies:** So there would be an element of flexibility there. Is that what you are saying?

[29] **Ms Harris:** Yes.

[30] **Sandy Mewies:** The proposed Measure enhances regulation and enforcement powers in relation to children under eight. Should the regulations be extended to cover all primary school children up to the age of 11? If that were to happen, what would the implications be?

[31] **Ms Harris:** I am not sure whether we can give a view on that. We are aware that this is a big issue. There has been a consultation exercise on the existing regulations, and that was one of the recommendations that came out of that exercise. However, work is still required to quantify the implications and ramifications of that.

[32] **Mr Corbett:** If the arrangements were extended to cover all primary school-aged children, there would be implications for us as an inspectorate, given the additional demand that would be placed on us and the additional resources that would be required to include that age group. With regard to the desirability of that recommendation, you could put forward arguments one way or the other as to whether it would be an added benefit. On one hand, you could say that you would be safeguarding that additional group of children; on the other hand, we could say that, of the areas of regulatory activity, care and services for the under-eights cause us the least problems and concern. So, you have to balance those two issues. I do not think that it is really for us to comment at this point on whether it is desirable to extend the regulations. What we can comment on is the significant implications of doing so.

3.40 p.m.

[33] **Jeff Cuthbert:** My first question is on emergency protection provisions. The proposed Measure states that, in an emergency, Welsh Ministers or those delegated by them can remove or impose conditions on a person's registration if they feel that any failure to act could result in harm to a child, and that takes effect from the time that the Ministers give notice. That is a change from the existing provision, where a Justice of the Peace has to issue any such direction. Do you feel that that is a positive change? Do you feel that persons in receipt of such a notice may consider it to be of lesser importance than if it were issued by a JP?

[34] **Ms Harris:** We consider it to be a positive move. From our experience with other notices, we do not feel that providers would see it as less important.

[35] **Val Lloyd:** Could you elaborate on what you mean by 'positive'?

[36] **Ms Harris:** It would give us a more immediate response where there are concerns about the risk of harm to a child. Currently, if we serve a notice, we have to allow a 28-day notice period in which the person can make representations. That would be removed in this process, and there is provision for more immediate action.

[37] **Val Lloyd:** That is helpful.

[38] **Jenny Randerson:** Are you saying that, as a result, people would not have the right to make representations?

[39] **Ms Harris:** They have a right after the serving of the notice, but the notice would

have immediate effect.

[40] **Jenny Randerson:** Does the current system of going to a JP for the notice take any time? The 28 days is a separate issue.

[41] **Ms Harris:** It does, yes. It is not a provision that we have used a lot. However, we can go within 24 hours to a JP.

[42] **Jeff Cuthbert:** Just for me to be clear in my own mind, the proposal is that a decision of the Minister or his or her representative would be immediate and would only be changed if an appeal was successful as opposed to your having to wait for the whole process to go through.

[43] **Mr Harris:** Yes.

[44] **Jeff Cuthbert:** Okay, I am with you.

[45] On safeguards and disqualifications, section 32 of the proposed Measure provides that regulations may provide for circumstances when a person is to be disqualified from registration as a child minder or day care provider and sets out the circumstances that could be included in such regulations. Do you think that it is right that such broad discretion should be conferred on the Ministers in respect of regulations, or should it be specified on the face of the proposed Measure some of the more serious issues that could be included?

[46] **Ms Harris:** The disqualification provisions replicate the existing Act and supporting regulations.

[47] **Jeff Cuthbert:** So, that is established.

[48] **Ms Harris:** So there is no change in terms of the provisions.

[49] **Jeff Cuthbert:** Would you want to see any changes to those provisions?

[50] **Ms Harris:** No, I think that they are quite comprehensive, but they will require the supporting regulations.

[51] **Jeff Cuthbert:** I will move on to inspection provision. Concerns have been expressed that the changes set out in the proposed Measure could lead to a more time-consuming inspection regime. Do you share that view? Do you think that that could lead to any particular problems, or do you think that there ought to be more control over the time of inspections?

[52] **Ms Harris:** The provision in the proposed Measure is the same as with current powers, so we do not anticipate that they would change our current practice.

[53] **Jeff Cuthbert:** So, you do not think that it could lead to a more time-consuming process? You think that it would be as it is now, more or less.

[54] **Ms Harris:** Yes.

[55] **Mr Corbett:** There might be in the future, as we keep under review all the arrangements and the framework within which we operate, a case for changing the practice and regime that we operate, but that would not be because of this proposed Measure; it would be because we would be looking more widely.

[56] **Ms Harris:** We have already made changes to the type of inspection scale for day

care and child minding. Currently, child minders and all-day care are inspected every two years, with the exception of full-day care.

[57] **Jeff Cuthbert:** Finally, on the issue of a standardised approach: clearly you can have flexibility within a standardised approach, but do you feel that it is very important that the same standard of approach to inspection be applied right across Wales, or are there grounds for having different standards and approaches in different parts of Wales?

[58] **Ms Harris:** We inspect in line with the regulations and the national minimum standards. Within that, obviously the intensity and degree of the inspection activity is dependent upon the needs identified.

[59] **Mr Corbett:** The standards would not change, wherever it would be. The same standards would apply—

[60] **Jeff Cuthbert:** You would [*Inaudible.*]—certain that the standards must be met.

[61] **Ms Harris:** Yes.

[62] **Paul Davies:** I will turn to the offences and penalty provisions in the proposed Measure. Section 39 of the proposed Measure gives new powers to Welsh Ministers to prescribe offences that are fixed penalty offences. Do you agree that it is necessary for Welsh Ministers to have the delegated power to issue fixed penalty offences? Should that be a matter for the magistrates' court? Should the list of offences be ordered according to the official Magistrates' Court Sentencing Guidelines, and not be determined by regulations?

[63] **Ms Harris:** We agree, because we feel that it brings this provision in line with the provision that came into force on 1 April in respect of those settings registered by the Care Standards Act 2000. So, it is already enforced with regard to the vast majority of settings that we regulate. It brings it in line with that legislation. We think that it is appropriate for it to be delegated to Welsh Ministers.

[64] **Paul Davies:** You feel that it is standardising the approach, effectively.

[65] **Ms Harris:** It also gives us another option, rather than actually pursuing a full prosecution. It is obviously dependent on someone admitting to the offence.

[66] **Paul Davies:** The nature of the minor offences relating to non-compliance is yet to be agreed, and will be placed in regulations. What type of offences do you consider to be suitable to be dealt with by means of fixed penalty notices, and do you agree that those should be specified on the face of the proposed Measure? Have you been consulted on that?

[67] **Ms Harris:** We have not been consulted as yet. It would be difficult for us to answer that question. We think that it is more appropriate to deal with that level of detail in regulation.

[68] **Mr Corbett:** At the time we come to look at those, we want to give consideration to what is being proposed, and to give a view on whether we think that that is appropriate.

[69] **Paul Davies:** You make the point that these changes are dependent upon an admission of guilt. Can you explain what you mean by that? Would you like to see any changes to address that?

[70] **Ms Harris:** During the course of proceedings, if a person admits to committing the offence, it may be an option that we could consider. We have similar powers at the moment in

respect of being able to issue a caution to a person during proceedings if that person admits to the offence. It is a similar type of provision to that. I do not think that we could say anything more in relation to that.

[71] **Paul Davies:** The proposed Measure does not define the appeals procedure for providers subject to a fixed penalty notice. Do you consider that to be necessary? What provision should be made in relation to the appeals procedure? Do you think that it is necessary for such provision to be included in the proposed Measure, or should it be in another form, such as guidance?

[72] **Ms Harris:** If someone admits to an offence, the appeals procedure is a little bit redundant. If someone is not in agreement, the matter would proceed to court where, through those proceedings, there is an appeals mechanism. I am not sure whether we can add anything more to that.

3.50 p.m.

[73] **Paul Davies:** Section 41 of the proposed Measure refers to the time-limit for bringing proceedings. Why do you consider it necessary to extend the time for the bringing of prosecutions from six months to 12 months, given that many would be of the view that offences relating to children should be dealt with as quickly as possible?

[74] **Ms Harris:** Again, this is an area that brings it into line with the amendments of the Care Standards Act 2000, which are already in force in relation to those settings. Obviously, with any proceedings, our aim is to proceed as quickly as possible. However, there have been instances where we have not been able to proceed because of the time limits. As I understand it, this time limit is afforded to other regulators. So, if we are reliant on other agencies, we are operating a different timeframe.

[75] **Paul Davies:** I have one final question. You make the point in your evidence that a potential barrier may arise if any changes to the regulations required to support the proposed Measure are not implemented at the same time. Can you explain what concerns you have in relation to the timing and the publication of guidance?

[76] **Ms Harris:** There are elements of the proposed Measure, particularly around the definitions of what is a 'child minder' and a 'day care provider' that will need to be spelled out very quickly so that we are clear as the regulator, and persons providing such care are very clear, whether they need to be registered. So, the timing of the proposed Measure and the supporting regulations is crucial, because we need those definitions in our day-to-day work to be able to determine who needs to register.

[77] **Gareth Jones:** Trof at y timau integredig y bu ichi gyfeirio atynt yn gynharach, Jonathan, sy'n rhoi cymorth i deuluoedd. Cyn belled ag y mae'r IFSTs yn y cwestiwn, yr ydym wedi derbyn tystiolaeth bod llawer o'r gwaith o amgylch y timau yn dibynnu ar is-ddeddfwriaeth ychwanegol. A yw hwn yn peri unrhyw fath o ofid i chi? A ddylai'r gofyniad i ymgynghori'n llawn ar y rheoliadau hyn fod yn fwy clir yn y Mesur arfaethedig? A oes unrhyw bwerau sydd wedi eu dirprwyo i'r Gweinidogion Cymreig drwy'r rheoliadau hyn y byddech yn dymuno gweld ar wyneb y Mesur?

Gareth Jones: I turn to the integrated teams that you referred to earlier, Jonathan, which provide support for families. As far as the IFSTs are concerned, we have received evidence that much of the work around these teams depends on additional secondary legislation. Does this cause you any concern? Should the requirement to consult fully on these regulations be clearer in the proposed Measure? Are there any powers that are delegated to Welsh Ministers through such regulations that you would like to see on the face of the proposed Measure?

[78] **Mr Corbett:** As you said, significant additional secondary legislation is required to give effect to the proposals in the proposed Measure. It would be entirely appropriate to have proper consultation on that. My experience is that, where there is consultation on regulations, then they are all the better for it, in contrast to something that is hurriedly put together that people do not have an opportunity to comment on. Often, the devil is in the detail. If you give the opportunity to a wide range of people to comment, you are more likely to get it right from the start.

[79] My reading of what is in the proposed Measure at the moment, and our view of that, is that it is sufficiently broad; you do not need more on the face of the proposed Measure. The other matters can be dealt with satisfactorily through regulations.

[80] **Gareth Jones:** Diolch yn fawr iawn. Yn atodol at hynny, hoffwn gyfeirio at adran 51(2) yn y Mesur arfaethedig. Mae'n ymhyg yn y fan honno bod y rheoliadau hyn yn rhagnodedig cyn belled ag y mae gwariant a darpariaeth swyddi a gwasanaethau yn y cwestiwn. A chytunwch fod yn rhaid gosod allan strwythur a swyddogaethau'r timau hyn yn y ffordd hon i sicrhau bod dynesiad cydlynol ar gyfer y ddarpariaeth? A ddymunwch weld unrhyw newidiadau yn y rhan hwn?

Gareth Jones: Thank you very much. Further to that, I would like to refer to section 51(2) of the proposed Measure. It appears to imply there that these regulations are prescriptive as far as expenditure and the provision of jobs and services are concerned. Do you agree that the structure and functions of these teams need to be set out in this way to ensure that there is a consistent approach to service delivery? Do you wish to see any changes to this part of the proposed Measure?

[81] **Mr Corbett:** It is necessary. Our experience is that, if these things are not prescribed, there is a greater likelihood of getting either one party or another not to agree with something and not to play a full part in that. Therefore, if you have these definitions, as they are outlined here, that is appropriate, because that makes it clear what the responsibilities are. On whether this needs to be amended, I do not think that it does at the moment. Part of the difficulty with probably quite a lot of the issues that people may have with this is that it is of a very broad nature and intended to be piloted. We must ensure that the framework is right, as I said in my introductory comments, and, through regulation, you can make changes when you have considered, after these pilots schemes have run, the assessment following the evaluation and what changes need to be made.

[82] **Gareth Jones:** Diolch am eich ateb. Yn ei dystiolaeth, dywedodd y comisiynydd plant ei fod yn credu y dylai'r Mesur arfaethedig danlinellu'n glir rôl ysgolion o ran adnabod plant sydd o dan fygythiad. Awgrymodd fod gan ysgolion rôl arbennig yn hynny o beth. Caiff yr un peth ei ddweud am feddygon teulu: gall eu mewnbwn fod yn allweddol, ynghyd â mewnbwn gwasanaeth arfaethedig y nyrs teulu. Beth yw eich sylwadau chi ar hyn? A gytunwch y dylai darpariaeth o'r fath fod ar wyneb y Mesur arfaethedig?

Gareth Jones: Thank you for that answer. In his evidence, the children's commissioner said that he believed that the proposed Measure should explicitly outline the role of schools in identifying children at risk. He suggested that the schools had a particularly important role in that respect. The same is said of family GPs: their input could be crucial, as could that of the proposed family nurse service. What are your comments on this? Do you agree that such provision should be on the face of the proposed Measure?

[83] **Mr Corbett:** I read the children commissioner's views. My view is that there is no difficulty in identifying the children. We are already talking about 26,000 referrals to children's services every year. The difficulty is not in identifying the children, but how you best respond to their needs. So, I do not think that making it a requirement for schools or GPs

would change anything, because they already identify these children and notify the agencies. This is more about how you then deal with these children and their families once you have identified them. There are, in our experience, times when various agencies will say that one party or another is not pulling its weight, but that is not to be dealt with through the proposed Measure. That may be something that you look at in other provision.

[84] **Gareth Jones:** Trof yn nawr at y cynlluniau arloesol. Dywedasoeh yn glir yn eich tystiolaeth ysgrifenedig, **Gareth Jones:** I will now turn to the pioneer schemes. You state clearly in your written evidence,

[85] ‘There are likely to be both predictable and unforeseen consequences of this new approach.’

[86] A allwch egluro beth a olygir gan ganlyniadau a ellir eu rhagweld ac ym mha ffyrdd y gallwn fynd i'r afael â'r rheiny drwy gyflwyno gwelliannau i'r Mesur arfaethedig? Can you explain what is meant by predictable consequences and in what ways could those be addressed through amendments to the proposed Measure?

4.00 p.m.

[87] **Mr Corbett:** By dint of the fact that I have provided some examples, I would say that those are predictable consequences. I am not so sure about the unforeseen ones, but in terms of those—and I could just go through the list that I have given—the IFSTs might be perceived as being elitist and, for example, there may be a real risk of creating a team that is attractive to people in that it might be seen as a place where the experts go; therefore, you will suck those people in from elsewhere to work in that team. There is a risk that they can then become isolated in their work. I know that that is not the intention. The intention is quite the opposite: to have these people acting as agents for change. One of the issues with this—and this is not a matter for the proposed Measure, but a matter of how you implement it and pilot it—is finding the balance between this team being able to work with families, the amount of time that they have to do that and the amount of time that they have to act as change agents, and the ability and success of integrated family support teams. It will not just be in terms of their success with individual families, but in how much you can change the system that works around them.

[88] I know that colleagues have been consulting on and thinking about how we can best work this. You have to be able to work with these families for a significant period. Frankly, a few weeks will not make any difference one way or another. If you are to do that, that means giving a commitment for a certain period. You have to be clear about the amount of time that the integrated family support teams can devote to this, and the point at which they then have to pass the family on to people in other services. Otherwise you will be putting up the sign on the door saying ‘full’ on the first day, because you will get all of the referrals. You have to have throughput in the system. If the system is to be effective with that throughput you have to make sure, as I have indicated in the paper, that other services are fully aligned and configured to continue working with the child and the family. Therefore, if the more intensive work with the integrated family support team has gone on for 10 or 12 weeks, and you then have to move the family on because you have a long waiting list of other people needing that service, you have to make sure that the services are geared up and are able to pick up where the IFSTs leave off. Otherwise, there is a risk that the good work that they may have done will then quickly dissipate.

[89] **Gareth Jones:** Mae'n bwynt da iawn. Yr ydych yn rhagweld y problemau hynny. A oes gwelliannau y gellid eu cyflwyno i'r Mesur arfaethedig i sicrhau nad **Gareth Jones:** It is an excellent point. You anticipate those problems. Are there any amendments that could be made to the proposed Measure to ensure that those kinds

oes y math hwnnw o beth yn digwydd?

of difficulties do not arise?

[90] **Mr Corbett:** I think that that is very difficult. I think that it is something that we would want to look at in the light of the experience of how these independent family support teams actually work. When we have seen them up and running and working, and have seen how they have addressed some of those things, it may be that it is quite possible to identify that, actually, in order for this to happen you have to put into regulations a requirement for other services, otherwise they will not run with this as we want them to. On the other hand, you might find that it is all working out fine. However, I think that it is a matter of trying it and seeing what happens, and I think that it can probably be dealt with through regulation.

[91] **Jeff Cuthbert:** I refer to the previous question about working together. Obviously, we want all of the agencies that have a role to play in terms of the child and the family to co-operate. That is an efficient use of resources; added to which, of course, as you know as well as anyone else, there will be enormous pressure on the public purse over the next year or so, therefore it is obviously important that those who are in receipt of public funds work together. Do you see that as an extra incentive, shall we say, to better co-operation? Will that aid or hinder, perhaps, the development and the role of these teams?

[92] **Mr Corbett:** That is a very good question, because I think that there is always a risk, as history shows us, that when faced with a particularly difficult financial climate, agencies withdraw into their boundaries and their silos and focus on delivering their core responsibilities. The challenge for us all in the environment that we are moving into is to say that that is what we have to guard against, because that is what we can least afford to do. If we are to make best use of public resources, we have to ensure that we work together, and that means that we have to continue as we are and probably even enhance our efforts to improve that. It is a very real risk.

[93] I am not sure that it poses any more of a risk to this service, however. The difficulty with setting up this service is in how it is perceived and sold. You have to ask yourself where these people will be drawn from. Will they be drawn from people who are already out there? Who are you going to attract to it? Hopefully, you will attract some of the most able practitioners and professionals, but that has the potential to leave holes elsewhere in the service that will have to be filled. It is really important to maintain the balance in setting up this service and in integrating it with the existing services, so that it is not seen as something to which only the best people go to do this wonderful work while everybody else has to carry on with doing their bit. It is important that other services see it as a resource on which they can call, and not just in referring families but also for their support and expertise. That is the intention behind it, and proposals to have a board and an annual report will help with the governance arrangements and with transparency, in seeing whether that actually happens.

[94] **Val Lloyd:** Thank you. I now call Jenny Randerson.

[95] **Jenny Randerson:** My questions relate—

[96] **Val Lloyd:** I am sorry. Gareth had not quite finished.

[97] **Gareth Jones:** Mae gennyf un neu ddau gwestiwn atodol. A bod yn berffaith deg, yr ydym wedi cyfeirio at hyn, ond hoffwn gael cadarnhad ohonynt.

Gareth Jones: I have one or two supplementary questions to ask. To be perfectly fair, we have referred to this, but I would just like confirmation.

[98] Cyfeiriasoch at y posibilrwydd y bydd y timau hyn yn defnyddio adnoddau sydd ar hyn o bryd wedi eu dyrannu i

You referred to the possibility that these teams will use resources that are currently allocated to other services. That is a cause for

wasanaethau eraill. Mae hynny'n creu pryder. A ydych yn teimlo ein bod ni wedi rhoi digon o sylw yn y ddeddfwriaeth hon i'r goblygiadau hirdymor? A fydddech yn dymuno gweld newidiadau neu welliannau i'r Mesur arfaethedig ar hyn o bryd? Credaf y byddwch yn ateb y dylem aros am arfarniad y cynlluniau peilot.

concern. Do you feel that we have paid enough attention in this legislation to the long-term implications? Would you like to see changes or amendments made to the proposed Measure at this juncture? I think that your answer will be that we should wait for the evaluation of the pilot schemes.

[99] **Mr Corbett:** Essentially, yes, but I am not the lawyer in this, so I would seek advice as to what was appropriate. While we want these independent family support teams to do what is set out in the consultation document, that work has to be seen in the context of not being set up to draw resources and attention from all the other families and interventions and approaches that you would need to work alongside this. For example, work has been piloted with authorities this year, and it will become a requirement in the year that we are now moving into, in 2009-10. That work is the Children in Need census. This was for authorities, in the year just gone, to give us aggregated data on outcomes for children in need. The intention behind that was to get beyond this difficulty of having a lot of information on looked-after children, and on the general population, but we cannot look at those children who are not looked after, but who are in need, to see what is happening to them. We have therefore put arrangements in place to get that information, as we believe that it will be an important driver for the children and young people's partnerships, as well as for the Assembly Government, to see what is happening to this group of children and to make an impact by seeing where best we need to focus our resources. We need to ensure that we do not put all our eggs in one basket. Integrated family support teams offer many exciting opportunities, but this approach needs to be seen alongside these other areas.

[100] I am not the best person to determine whether it should go on the face of the proposed Measure or in regulations, but the important thing to emphasise is the need for this to be part of a much broader framework of interventions and support mechanisms for children and families, so that people do not think that all the focus is on this issue. That is the issue, really.

4.10 p.m.

[101] **Gareth Jones:** Diolch am hynny. I symud ymlaen at strwythuro, nid yw'r Mesur arfaethedig yn rhoi uchafswm ar y nifer o awdurdodau lleol sy'n gallu ymuno â'i gilydd yn un o'r timau hynny, ac yr ydych wedi datgan pryderon wrthym, yn y cyfarfod ac yn eich tystiolaeth ysgrifenedig, na fydd y timau yn medru ymateb i'r galw. A oes gennych bryderon penodol am y posibilrwydd o sawl awdurdod yn dod at ei gilydd i ffurfio un tîm integredig, ond bod hwnnw'n llai effeithiol am fod ar gynifer o deuluoedd angen ei gymorth a'i gefnogaeth?

Gareth Jones: Thank you for that. Moving on to the structure, the proposed Measure does not put a limit on the number of local authorities that could come together to establish one of these teams, and you have raised concerns, during the meeting and in your written evidence, that the teams may not be able to respond to demand. Do you have any specific concerns about the possibility of several authorities combining to form one integrated team, but that it might not be as effective because of the number of families requiring its assistance and support?

[102] **Mr Corbett:** That is a possibility. You have to look at the capacity particularly in smaller authorities and at the demand, and at the range of people you want to attract in an individual team, and then at whether you have the capacity to do that in one area. It may be quite difficult in smaller areas to attract sufficient people of the calibre you want in that team, and to have sufficient demand. So, there is a lot of merit in letting authorities consider whether they wish to enter into a partnership. There is an issue that will probably show only through time and experimentation of whether there is an optimum size of the population to

cover.

[103] The other issue, which always complicates matters, is that the more partners involved, the more difficult the partnership gets. That is inevitable, but it does not mean that it cannot work. There clearly will be an optimum size, but I do not know what it is at the moment. If some smaller authorities tried this on their own, I can see them struggling, and if you were then to roll it out across Wales, looking for educational psychologists and various other people, would you have sufficient numbers of these on the ground if you need four or five of them? For example, in one health board, are there sufficient numbers of people in those professions to cover all the teams? You have to think about that. It may not be the answer that any of us wants to hear at the moment, but we must pilot these schemes to see how they operate, and then, with the benefit of that knowledge, come back and look at whether we have the provisions right. There are many aspects to this that have yet to be thought through and worked out practically.

[104] **Gareth Jones:** Yn olaf, er eich bod wedi ei ateb mae'n debyg, bydd nifer o randdeiliaid yn gweithio gyda'r timau hyn. A ddylai Llywodraeth Cymru aros i gael canlyniadau yr arfarniad o'r cynlluniau peilot cyn deddfu yn y maes hwn i sicrhau bod ymgynghoriad trylwyr â'r rhanddeiliaid hynny hefyd? Nhw fydd yn gweithio gyda'r timau hynny. A oes gennych unrhyw sylw ar hynny? **Gareth Jones:** Finally, although you have probably answered this, many stakeholders will work with these teams. Should the Government of Wales wait for the results of the evaluation of the pilot schemes before legislating in this area, to ensure thorough consultation with those stakeholders, too? It is they who will be working with those teams. Do you have any comments on that?

[105] **Mr Corbett:** I am not quite clear what you are asking.

[106] **Gareth Jones:** There will be quite a few stakeholders working with the teams, and the question is whether the Welsh Government wait for the outcome of the evaluation of the pioneer schemes before making any legislative provision?

[107] **Mr Corbett:** Do you mean in relation to other stakeholders?

[108] **Gareth Jones:** For their voice to be heard, and for consultation to take place so that the proposed Measure stands up in that sense.

[109] **Mr Corbett:** As I said earlier, it is very important that we get the views of other parties throughout, whether they be the local authority or the health service. Many other stakeholders need to be involved in this. If you do not provide the opportunity for them to give their view, the chances are that they will feel that they have not been consulted and that they will not feel a part of the scheme. It is important that you engage with these other agencies from the start, so that they are clear about how they relate to it and feel as though they have had some input.

[110] **Val Lloyd:** Thank you, Gareth, and my apologies for interrupting you.

[111] **Gareth Jones:** That is all right.

[112] **Jenny Randerson:** My questions relate specifically to the IFST boards. Section 53 of the proposed Measure places a duty on each local authority to establish a board for its area, yet, as you have just said, many local authorities will be co-operating with others to provide the full personnel for their teams. Do you envisage any problems for the statutory partners in relation to their role as board representatives, given that they would each have to have a board although not necessarily a team for their area?

[113] **Mr Corbett:** That is a good question. In its evidence, the Welsh Local Government Association raised the issue of how many boards will be required. It is proper that there be governance frameworks, and the role of the boards, as they are set up, will be really important. You need to think about how they will relate to the children and young people's partnerships, the local safeguarding children's boards, community safety partnerships, the health and wellbeing boards, and a number of others. On the point about individual areas having a board, it is worth reflecting on whether one is needed for each individual area or for each individual team. I can envisage difficulties arising if a number of boards for different areas all serve one team, so you should probably look at the appropriate governance arrangements for the team as opposed to the area.

[114] **Jenny Randerson:** Section 59 requires a local authority to designate an officer as a family social work standards officer. In your view, is there a need for a family social work standards officer, and how will your organisation work with those officers?

[115] **Mr Corbett:** The concept is a good one. Its effectiveness will depend on the status and powers of the officers and on how they fit in with any other quality assurance arrangements and review systems that local authorities put in place. The idea behind them is very clear: it is to raise standards in social work practice and to look at how to make better use of evidence from relevant research and translate it into practice. We have already established the Research in Practice all-Wales college, which all local authorities are signed up to and which is designed to help authorities with precisely that. By designating an officer in each authority, you give this work a much higher profile.

[116] There are then two issues. First, you asked how they will relate to us as an inspectorate and, secondly, you also need to consider where they look to for standards and evidence-based practice. In the consultation paper, there was a suggestion of setting up a centre for excellence in children's services in Wales, and there is much merit to that concept. However, we currently sponsor the Social Care Institute for Excellence, which we look to for that work of reviewing existing research and coming up with best practice guidance. So, that would be an obvious place to look to initially.

4.20 p.m.

[117] As for how they would relate to us as an inspectorate, I do not see them as being any different from some of the other people in local authorities, such as independent reviewing officers and people in charge of quality assurance units, and I would not see these people as being specifically different in that respect. We are there to hold the authority to account, specifically the director of social services in relation to social services. So, I can see there being links, both with us and with the Social Services Improvement Agency, particularly where we are looking at how you can improve practice and spread knowledge about that. Our liaison with them would be through that route.

[118] **Jenny Randerson:** Finally, do you have any concerns about whether the designated officer—that is, the family and social work standards officer—will be sufficiently independent, and will be seen to be so? They will, after all, be officers of the local authority.

[119] **Mr Corbett:** That is a very good question. It is an issue that we have come up against before, and the most obvious comparison that I can make is with the independent reviewing officers for looked-after children. You need to put arrangements in place, and a lot of authorities have done so, by placing the officers in their quality assurance units so that they are not line-managed by someone responsible for day-to-day operational services. As I said earlier, it is important for their status and powers, and I would look to provisions such as the requirement to report directly to the director of social services as being important for

enhancing their position and independence. If you have that—the Assembly Government has gone out to consultation on the role of the director of social services—and there is clear accountability, then having a direct route to them is important to ensure that they remain objective and have sufficient independence.

[120] **Val Lloyd:** Our evidence session has nearly finished, but I would like to give you an opportunity to raise any issues or concerns about the proposed Measure that you have not had the chance to raise so far.

[121] **Mr Corbett:** I do not think that there is anything from my point of view.

[122] **Ms Harris:** I do not think so either.

[123] **Val Lloyd:** On behalf of the committee, I offer our thanks to the witnesses, Jonathan Corbett and Angela Harris from the Care and Social Services Inspectorate Wales. You will receive a draft transcript of the proceedings—the clerk will send it to you—so that you can comment on its accuracy before it becomes the official Record. Thank you for your attendance.

[124] There are no further points, so I declare the meeting closed.

Daeth y cyfarfod i ben am 4.23 p.m.
The meeting ended at 4.23 p.m.