



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

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

**Dydd Iau, 21 Mai 2009  
Thursday, 21 May 2009**

**Cynnwys**  
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Procedural Motion

Cofnodir y trafodion hyn yn yr iaith y llefaryd 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**

Anna Bird	Bwrdd Iechyd Lleol Sir Gaerfyrddin Carmarthenshire Local Health Board
Tracey Breheny	Pennaeth yr Uned Tlodi Plant, Llywodraeth Cynulliad Cymru Head of the Child Poverty Unit, Welsh Assembly Government
Donna Davies	Pennaeth y Gangen Plant yn Gyntaf, Llywodraeth Cynulliad Cymru Head of Children First Branch, Welsh Assembly Government
Dr Brian Gibbons	Aelod Cynulliad, Llafur (y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol) Assembly Member, Labour (the Minister for Social Justice and Local Government)
Jane Hutt	Aelod Cynulliad, Llafur (y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau) Assembly Member, Labour (the Minister for Children, Education, Lifelong Learning and Skills)
Michael Lubienski	Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services, Welsh Assembly Government
Gwenda Thomas	Aelod Cynulliad, Llafur (yr Is-weinidog dros Wasanaethau Cymdeithasol) Assembly Member, Labour, (the Deputy Minister for Social Services)
Elizabeth Williams	Pennaeth Is-adran y Strategaeth Plant a Phobl Ifanc, Llywodraeth Cynulliad Cymru Head of Children and Young People Strategy Division, Welsh Assembly Government

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

Sarah Beasley	Clerc Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser

Sarah Sargent

Dirprwy Glerc  
Deputy Clerk

*Dechreuodd y cyfarfod am 9.03 a.m.  
The meeting began at 9.03 a.m.*

### **Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions**

[1] **Val Lloyd:** Good morning, everybody, and welcome to this morning's meeting of Legislation Committee No. 2, at which we are considering the Proposed Children and Families (Wales) Measure. I will just run through the usual housekeeping rules. We are not expecting a fire alarm test, so should the fire alarm sound, please make your way to the door. Please turn off all communication equipment, because it interferes with the broadcasting equipment. I remind everybody that amplification of proceedings is available on channel 0 of the headsets, while translation is on channel 1.

9.04 a.m.

### **Y Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 7 Proposed Children and Families (Wales) Measure—Stage 1: Evidence session 7**

[2] **Val Lloyd:** I welcome the Minister for Social Justice and Local Government, Dr Brian Gibbons, and his accompanying officials, to this morning's meeting.

[3] Thank you, Minister, for your letter, which came quite late last night. Every Member has a copy, so we are aware of it and we will bring it up during our questioning. We will start with the questions, if everyone is ready. Jeff, I think that you would like to start.

[4] **Jeff Cuthbert:** Good morning, Minister. The first question is about consultation on the regulation. When you gave evidence previously, you said that,

[5] 'anything of substance must involve engagement with key stakeholders'.

[6] Will you define what 'anything of substance' that would require a fuller consultation means? In addition, we have had evidence about the involvement of the voluntary sector as an important consultee in drawing up regulations, because of its experience of dealing with the unintended consequences of regulations. Do you anticipate the voluntary sector being a key player in consultations on the drafting of the proposed Measure?

[7] **The Minister for Social Justice and Local Government (Brian Gibbons):** To clarify, there will be consultation on everything in the regulations—that will be the default position. Minor technical adjustments may be needed through regulation from time to time, but the assumption will always be in favour of consultation unless it seems to be very minor. The case would have to be made not to consult, rather than the case having to be made to consult. I hope that that will provide the reassurance that the committee is seeking in that respect.

[8] The third sector's contribution to this agenda is much greater than just trying to pick up the unintended consequences. For example, Save the Children has been involved in developing the child poverty solutions software programme, which will hopefully be a major instrument in allowing local government to address the child poverty agenda. Save the

Children and the Bevan Foundation have also produced very useful information, which we have used to refine our policies. Citizens Advice is also involved in the disabled child benefit uptake. So, the third sector is a crucial partner in delivery terms and in advising us, and although the sector may be there to pick up the unintended consequences of the regulations, that seriously underestimates its role.

[9] **Jeff Cuthbert:** Thank you, Minister—that is very clear. My second question is about the benefits and tax credit system, which has been raised by many witnesses, although they, and we, understand that it is not a devolved matter. Nevertheless, it was felt that this has a very important part to play in reducing child poverty. Are you having, or do you expect to have, further discussions with UK Ministers in the light of the proposed Measure?

[10] **Brian Gibbons:** We have already had fairly extensive engagement with the UK Government on the proposed Measure, not least because of the interface with the UK Government's Bill on child poverty. I have had a telephone call with Stephen Timms, and I have met him face to face. We have exchanged many letters and officials have had a number of sessions at the four nations child poverty group. So, it would be fair to say that there has been a fairly active dialogue, rather than sporadic engagement in this regard.

[11] The point that you made about benefits is very important, because of the level of unclaimed benefit that exists in Wales, particularly in areas such as council tax uptake and child disability benefits. We know that disability considerably increases the risk of poverty in families, whether it is a parent or child that is disabled. That is one of the reasons why we have put £0.5 million into a benefit uptake programme, to try to allow those families to take up what they are entitled to. There is good evidence to show that, if families with a disabled child fully take up their benefit entitlement, they can be moved out of poverty. So, we are particularly conscious of benefits, and the positive role that they can play.

9.10 a.m.

[12] **Jeff Cuthbert:** Thank you, Minister. The final question from me is about definitions, particularly the definition of 'eradication' or 'eradication of poverty', because a number of witnesses said that clarity is required about exactly what is meant. For example, it has been suggested that it could mean no more than between 5 and 10 per cent of children living in poverty. Do you think that there could be greater clarity on that, and do you think that it should be defined on the face of the proposed Measure?

[13] **Brian Gibbons:** Saying 'no more than' is like telling a sprinter, 'You should cover 100m in no more than 9.5 seconds'.

[14] **Jeff Cuthbert:** There is only one person in the world who can do that.

[15] **Brian Gibbons:** That is the point that I am trying to make. I am aware of only one country that has consistently achieved between 5 and 10 per cent in terms of child poverty, and that is Finland, and even it has struggled to sustain that. So, setting a target of 5 to 10 per cent is in line with the best practice that is out there, and, in reality, that is setting a very high bar that few countries, other than Finland, have achieved on a sustainable basis.

[16] We also need to remember the material deprivation element of this—the 5 to 10 per cent is for relative poverty—and that the aspiration is to get to as close to zero as possible. We must remember that these key parameters have been set by the UK Government, and, as part of its Bill, it has also consulted on these matters, and not just on defining relative poverty and material deprivation—it has also had a stab at trying to define persistent poverty, which is particularly important. A significant minority of families and children are persistently in poverty, year after year, and we have made no massive breakthrough there.

[17] So, all these things are important, but one of the reasons why we wanted flexibility was that they are very much affected by tax and benefits. The standards will be set by UK Government and we want the flexibility to be able to vary them in line with what the UK Government may do. We have the discretion not to do so, but having it on the face of the proposed Measure would introduce a degree of inflexibility that would not allow us to respond to changes, in whichever direction, from the UK Government. I gather from Michael that our understanding is that the UK Government may even be considering changing these parameters by Order, whereas if we used the primary legislative process to achieve the same effect, it would deprive us of the flexibility to change in the light of changing circumstances.

[18] **Jenny Randerson:** I understand entirely the point that you make that targets may change and that it, therefore, may not be appropriate to have it on the face of the proposed Measure. However, there is a difference, is there not, between having a target for reducing child poverty and the phrase ‘eradicating child poverty’, which, to the vast majority of people, means getting rid of it altogether? Therefore, do you not think that, for the sake of clarity, if nothing else, and also for the sake of fairness to the public, there is a case for having some kind of statement in there that, by ‘eradicating child poverty’ you mean achieving UK targets, as set at the time, without being specific?

[19] **Brian Gibbons:** We are not committing ourselves to following UK targets absolutely; even though not following them would be pretty foolish, that discretion will be available to us. Part of what you are asking is whether achieving 5 to 10 per cent could be regarded as eradication of poverty. There are two answers to that. First, when we speak of full employment, we do not mean zero unemployment or zero inactivity; we recognise that there will be churn in the labour market. You will have seen in evidence that there is churn in families moving in and out of poverty. I cannot remember the figure but it surprised me how high it was. I think that approximately 40 per cent of families, at some stage over a 10-year period, will briefly dip into poverty, as officially defined. It is totally unrealistic to say that you will prevent that churn from taking place. The fact is that that churn would not be consistent with eradicating child poverty. The case for saying that that definition is ‘eradication of child poverty’ is very strong. It would be equally difficult to justify a definition that was at zero in relative poverty. As I have said, in material deprivation, the target is zero.

[20] **Jenny Randerson:** With respect, Minister, you misunderstood my question. The parallel with full employment is not good because there is a technical definition of ‘full employment’, which is when the number of people unemployed is the same as, or is balanced by, the number of vacancies in the job market. Over-full employment is when you have more vacancies than unemployed people. Therefore, it is not a good parallel. I am not challenging the concept of what you are aiming at; I am saying that if you call something ‘eradicating child poverty’, to the layman, that means eradicating child poverty. For very understandable reasons, you do not think that that is at all feasible and I would agree with you wholeheartedly; therefore, I am just suggesting that you need to indicate in the proposed Measure that you have targets and that those targets will vary from time to time.

[21] **Brian Gibbons:** In fact, I think that that is in the proposed Measure. If you look at sections 2(3) and 2(4), you will see what we regard as the start of the process. If you look at section 2(5), you will see that it explicitly states that regulations will be put in place to determine material deprivation. Therefore, I think that the point that you make is specifically and explicitly covered in the legislation.

[22] **Jenny Randerson:** All right, but I meant right at the front of the Measure, rather than later on where you talk about your aims.

[23] **Brian Gibbons:** The reason for that, as I have already explained, is that we are not obliged to track the UK position. If it was advisable to do so, rather than having to engage in a primary legislative process—which we would have to do if we wanted to change the targets if it was on the face of the Measure—the flexibility is there through regulation, but the regulation will involve consultation, impact assessment and all of the requirements for the primary legislation. All of the safeguards are included in this, but regulation is a more flexible and proportionate response to changing circumstances.

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

[25] **Gareth Jones:** Gwrandewais ar eich ymateb ond hoffwn bwyso ychydig mwy ar y targedau clir a'r cerrig milltir, fel petai. Nodir nad oes dangosyddion na thermau mesuradwy ynghlwm â'r nodau eang. Mae'n wir dweud bod rhai sefydliadau wedi datgan pryder ynghylch hyn. Mae Sefydliad Joseph Rowntree, Plant yng Nghymru, ac Achub y Plant oll wedi awgrymu y dylai pob un o'r nodau hyn, sydd wedi'u rhestru yn adran 1, fod â diffiniad a rhyw ddangosydd y medrwch ei fesur, fel y medrwn weld a oes cynnydd ac a yw'n bosibl mesur y cynnydd hwnnw. Pa sylw allwch chi ei wneud ar hyn?

**Gareth Jones:** I listened to your response but I would like to press you a little further on the inclusion of clear targets and milestones, as it were. It has been noted that there are no indicators or measurable terms attached to the broad aims. It is true to say that some organisations have expressed their concern about this issue. The Joseph Rowntree Foundation, Children in Wales, and Save the Children have all suggested that each of the aims listed in section 1 should have a definition and a measurable indicator, so that we can see what progress has been made and whether it is possible to measure that progress. What comment can you make on that?

9.20 a.m.

[26] **Brian Gibbons:** There are a number of points that need to be made. First, there will be objective evidence by which performance will be measured. We already have the indicators in 'Eradicating Child Poverty in Wales – Measuring Success', which is a set of 31 indicators that were published on the StatsWales website last November. They are there for people to assess and will be updated as the information comes through. Most of those statistics will be published annually to cover things like perinatal mortality, educational achievement, and so on. So, there is already a data set available. The child wellbeing monitor, which was published again last year will next be published in 2010 and then subsequently every three years. Once again, it will provide people with the assessment tools to know what progress is being made. So, the statement that there is no mechanism by which progress will be monitored probably does not accurately capture the situation.

[27] Whether or not there should be a long list of potential indicators on the face of the Bill is arguable. However, I do not think that it would be particularly helpful, because first of all, there will be a Welsh Assembly Government strategy, which will outline the overall context of where we are and where we want to be. Individual local authorities and their partners will set their own priorities and targets at a local level. They will vary considerably depending on where you are in Wales. So, I think that that would be unduly prescriptive.

[28] There is also a wider issue. We are developing, for example, a framework of performance for the children and young people's plan. Liz may be able to say a bit more about that if you want clarification. There is an emerging consensus, or certainly an emerging view, from the Assembly Government point of view that we need to be more sophisticated in the way in which we set performance standards and evaluate those performance standards. Simply producing a plethora of quantitative targets on their own is no guarantee that the desired outcome will be delivered. So, we need a more sophisticated and complex set of

outcome indicators in relation to the way in which we deliver against the children and young people's plan and also against this particular strategy, because it is very heavily dependent on the children and young people's plan.

[29] To sum up my response to the question, I do not think that it would be helpful. There would be a risk of replicating what happened in the late 1990s and the early part of this decade when, particularly in England, there was an absolute forest of targets, benchmarks and indicators. People spent their time following the target and following the benchmark and forgetting the big picture. That would be a mistake in a strategy like this.

[30] **Gareth Jones:** Yr wyf yn cydnabod yr ateb hwnnw. Yr oedd gennyf gwestiwn atodol, ond ni wnaif ei ofyn gan fod y cwestiwn yn ymwneud â sefydlu targedau canolog. Yr ydych, mwy neu lai, wedi ateb y cwestiwn ynghylch targedau.

**Gareth Jones:** I accept that response. I had a supplementary question, but I will not ask it because the question relates to setting central targets. You have, more or less, answered the question relating to targets.

[31] Hoffwn symud ymlaen i gwestiwn sy'n ymwneud â nodau eang. Gofynnaf y cwestiwn yn y Saesneg gan fy mod yn cael ychydig o drafferth i ddiffinio'r gwahaniaeth rhwng nodau ac amcanion yn y Gymraeg. Mae hynny'n mynd yn ôl i'r hen ddyddiau pan oeddwn yn brifathro ac yr oedd yn rhaid gosod bob math o nodau ac amcanion. Mae'n well gennyf ofyn y cwestiwn na cheisio ei hateb.

I would like to move on to a question relating the broad aims. I will ask the question in English, because I always have difficulty in defining the difference between aims and objectives in Welsh. That goes back to the old days when I was a headteacher and had to set all sorts of aims and objectives. I would prefer to ask the question than attempt to respond to it.

[32] **Gareth Jones:** The Welsh Local Government Association said that it was unreasonable for local authorities to set objectives against each of the broad aims. Evidence from the WLGA suggested that it would be more appropriate for the broad aims in section 1 to be replaced with a general statement on broad aims, linked to the seven core aims, and for the detail currently contained in section 1 to be put into accompanying guidance. Do you think that that would be a better way to proceed?

[33] **Brian Gibbons:** That seems to be at the opposite end of the spectrum to your previous question. One set of evidence that you have had suggested fairly specific definitions and targets and so forth and, here, the WLGA seems to be saying, 'Let's have virtually the minimum', and the two questions reflect the spectrum of views on this. We have tried to use the evidence on what would make a difference in relation to child poverty and, in setting the broad aims, we are trying to identify those crucial elements: the services and functions that, if public bodies in Wales addressed these issues in their strategies, are likely—according to the evidence—to deliver change. I believe that the list that we are providing is much more comprehensive and is in line with current evidence, though I do not believe that it is quite as far away from the seven aims in children and young people planning as the WLGA would suggest. You could almost map the seven aims across to this list. The broad aims include a few other things—for example, they make specific reference to paid employment for parents, and that is not strictly covered in the seven aims. There is a very good read-across, and I am not convinced of the point that has been made there.

[34] **Gareth Jones:** Mae'r cwestiwn nesaf ar yr hyn yr ydych wedi cyfeirio ato, sef cyflogaeth am dâl. Mae Sefydliad Joseph Rowntree yn nodi bod y cyfeiriad at gyflogaeth am dâl yn annigonol gan na fydd

**Gareth Jones:** The next question is on what you have referred to, namely paid employment. The Joseph Rowntree Foundation notes that the reference to paid employment is not sufficient because low-



cyflogaeth am dâl isel, er enghraifft, yn paid employment will not contribute to eradicated poverty. What is your view on that? Would you consider changing this aim slightly in the light of the foundation's point? cyfrannu at ddileu tlodi. Beth yw eich barn chi am hynny? A fydddech yn ystyried newid rhywfaint ar y nod hwn yng ngoleuni'r pwynt y mae'r sefydliad yn ei wneud?

[35] **Brian Gibbons:** We need to be clear about the evidence. It is true that probably 50 per cent of children in poverty live in families with parents who are in work—whether they are couples or single parents—but, without a doubt, the highest risk for a child to be in poverty is for their family not to be in work. So, the risks are much greater—it is not just a 50:50 situation. Just because 50 per cent of children are in families that have work, you might think that it is equal, but if you are a child whose family does not have work, the chances of your being in poverty are substantially higher. Looking at it the other way, I do not think that anyone would argue against the fact that if the parent loses his or her job the child is more likely to end up in poverty. That is self-evident. Clearly, the reverse applies too: if you are in poverty, getting a job dramatically increases the chances of your getting out of poverty. Having said that, we have started using, for presentational terms, the phrase 'work that pays'. You are right—and there is empirical evidence, particularly with regard to lone parents—that people can get into short-term, low-skilled jobs, seasonal work, and so forth and that those people never really break out of poverty. It is important that we recognise that getting into work is a crucial part of the strategy, but we also need to acknowledge that people need to get into work that pays on a sustainable basis. That would be a point that we would bring out in any guidance underpinning this. We realise that there are lots of dead-end, low-skilled jobs, which you are in for three months, but then are out again, at which point you lose your housing benefit, and then it takes two or three months to catch up with it again, and so on. Getting people into work in that way really does not tackle child poverty.

9.30 a.m.

[36] **Jeff Cuthbert:** I have a supplementary question on that. Would you therefore see the role of trade unions as being quite crucial here in relation to agreeing what quality paid employment might mean in a planned way, and taking account of the minimum wage, for example?

[37] **Brian Gibbons:** The minimum wage is very important. The trade unions have a key role to play in that. The trade unions, through the Wales union learning fund, providing and supporting in-work training and so on, can help people, once they get into the workplace, to upgrade their skills, and so on. So, trade unions are a very important social partner in this agenda. However, as Gareth as highlighted, people in that situation are probably not going to be unionised. They are semi-casual workers, in which case it is a bit like standing at the factory gate, and you are in today and out tomorrow. There are a significant number of families who are living that hand-to-mouth existence. That is not what we want to see. Again, in relation to the broad aims, one broad aim, in section 1(2)(d), is,

[38] 'to provide parents of children with the skills necessary for paid employment'.

[39] The key point of having that as a broad aim is to equip parents with the skills that allow them to get into work that pays.

[40] **Gareth Jones:** Mae un cwestiwn arall gennyf. Mae adran 1(2)(h) yn sôn am sicrhau bod plant yn tyfu mewn tai gweddus. Mae sawl sefydliad wedi cyfeirio at hynny. Cwestiynodd Cymdeithas Llywodraeth Leol Cymru sut y gall awdurdodau lleol, er **Gareth Jones:** I have one further question. Section 1(2)(h) refers to ensuring that children grow up in decent housing. Several organisations have referred to that. The Welsh Local Government Association has questioned how local authorities, for

enghraifft, gwrdd â'r ddyletswydd hon a'i rhoi ar waith, oherwydd ni allant osod amodau ar dai preifat. Dywedwyd hefyd na allwch sicrhau hynny oni bai bod gennych adnoddau sylweddol ychwanegol. O ystyried yr anawsterau hyn, sut yr ydych yn rhagweld y bydd awdurdodau lleol yn gallu ymgymryd â'r dyletswydd hwn?

example, will be able to meet this duty and to implement it, because they are not able to impose conditions on private dwellings. It was also said that you cannot ensure that that happens without significant additional resources. Taking into account those difficulties, how do you envisage that local authorities will be able to discharge this duty?

[41] **Brian Gibbons:** It is intended to be an aspiration for us to achieve. Going back to a previous question, it is not a rigid target per se. Nonetheless, if we did not include housing and the aspiration to have decent housing for everybody in the broad aims, we would have a seriously deficient proposed Measure for tackling child poverty. Over the last 12 or 18 months, we have had an interesting discussion—I do not know whether it was with the child poverty group—in the Cabinet committee on economic inactivity, in which the ‘apartheidisation’, as I think it is called, of housing in Wales, and, possibly, the UK, was recognised. That is, people who live in social housing tend to have disproportionately more of many of society’s deepest problems. We have a real challenge in social policy terms to try to prevent that. Some of the people who look at this are saying that Wales—sorry, not Wales, the United Kingdom—is unique, even in terms of European practice, in the concentration of social problems in social housing. Accepting the point that the WLGA, or other organisations over which we have control, will not be able to control private housing, nonetheless, through the housing quality standards, and so on, if we really made a big breakthrough on social housing, we would be capturing a very substantial number of children who are in poverty at the moment. However, this is not a target; it is not going to be mandatory. The key challenge will be to set your objectives against this aspiration and in how, in developing your strategy, you are going to work towards meeting the aspiration.

[42] **Sandy Mewies:** Good morning. Remaining with the broad aims of the proposed Measure and definitions, the Joseph Rowntree Foundation suggested that the use of the word ‘inequalities’ with regard to the broad aims is not specific enough. Therefore, could you explain the reason behind the use of that word and what it means in practice?

[43] **Brian Gibbons:** I find that slightly strange because we, as the Assembly Government, working with Professor Peter Townsend, have done a considerable amount of work on trying to tackle inequalities in health. We know, through the Bramley report and a number of other reports in the field of education that the concept of educational inequality is well understood. I cannot say so much about that with regard to play and so forth, but, intuitively, I am sure that the same thing applies. Therefore, I am not sure that I accept that the use of the term ‘inequalities’ with regard to health and education is unclear. There is a vast literature that deals specifically with that, and there is a good understanding of what it means in practice.

[44] There was a very interesting discussion at the child poverty expert group’s last meeting a couple of weeks ago about equality. The people there argued strongly for equality to be included in the proposed Measure. The rationale was that you can make real, statistically provable, progress on tackling child poverty by getting out of poverty those who are in a softer sort of poverty, so to speak. However, the people who are in persisting poverty, who have the most intractable problems, will remain at the bottom of the heap. Therefore, if you just set targets without taking equality into account, you could easily miss the bottom 20 per cent. The only way that you can really capture that 20 per cent at the very bottom is by moving them up so that they get a more equal share of the riches and opportunities in society. This point was being made on the basis of the empirical evidence in relation to Sure Start in England and so on. So, that argues very strongly for including the concept of equality to

ensure that you are not just delivering a statistical improvement. The concept of equality was thought to be the best way to bring those at the very bottom into the mainstream. I must say that I had not looked at it in that way, but I found that argument to be convincing.

[45] **Sandy Mewies:** It is to make the bottom better.

[46] **Brian Gibbons:** Yes.

[47] **Sandy Mewies:** The Joseph Rowntree Foundation suggested that the broad aims should make specific provision for carers in particular. Do you have a view on that?

[48] **Brian Gibbons:** The broad aims are about the services, functions and activities that we would expect public bodies to deliver. The thinking behind them was not to include specific at-risk groups. The broad aims would be a completely different animal if they were expanded to include specific groups, and there could be a very long list of groups without including everyone. An effective strategy to address these broad aims would have to look at the particular difficulties that at-risk groups, such as carers, people with a disability, black and ethnic minorities, and so on have. Therefore, delivery against the broad aims will address the particular issue that you have raised. However, we would have to ensure that the guidance that would underpin this would be fit for purpose from that point of view.

9.40 a.m.

[49] **Sandy Mewies:** Similarly, Minister, Tros Gynnal noted a link between emotional health and poverty of opportunity and recommended that there should be provision for emotional health to be a specific broad aim. Do those same arguments still apply?

[50] **Brian Gibbons:** I think so, but we have an aim to reduce inequalities in health and that does not mean only physical health; it means health in the round. We recognise that people's mental health and wellbeing is seriously affected by poverty. Equally, people who have serious mental and physical health problems are more likely to be in poverty. So, tackling the health dimension—physical and mental health—is absolutely crucial to this.

[51] **Paul Davies:** I will ask my question, but I anticipate your answer. The National Deaf Children's Society stated that it would welcome a requirement for local authorities to include a strategy for improving equality of opportunity for young disabled people to be included in the broad aims. What is your view on that?

[52] **Brian Gibbons:** The argument is the same as that for carers. People who have hearing difficulties are disadvantaged, in most instances, in the labour market. We know for certain that families in which a child or a parent has a disability are at high risk of being in poverty. So, any strategy to tackle child poverty has to be able to target that to be effective. One of the approaches embedded in the children and young people's plan is to identify vulnerable families such as those. That good practice should also be carried over into this.

[53] **Paul Davies:** We heard from a number of organisations who expressed concern at the inclusion of the phrase 'so far as reasonably practicable' in some of the broad aims. Why is it important for this phrase to be included? Would it not strengthen the proposed Measure to remove it?

[54] **Brian Gibbons:** That may be a question for Michael. As lay people, rather than lawyers—this perhaps goes back to the question that Jenny raised a while ago—I think that we recognise that there will not be a static absolute in many of these things. We can only ask public authorities to do what is feasible within the resources that they have and in the objective conditions in which they find themselves. Therefore, I think that 'so far as

reasonably practicable' is just a recognition of that. I think that it was Age Concern that took the UK Government to court for not eradicating fuel poverty, or not making progress against fuel poverty targets. A phrase such as 'so far as reasonably practicable' might be a legal defence against failing to deliver on an absolute target, so it may be necessary to put that in to provide that sort of defence, recognising that it will not be possible to get every last person covered and there will not always be sufficient resources to deliver everything straight away. I do not know whether Michael has a legal view on it.

[55] **Mr Lubienski:** From a drafting point of view, the only thing that I would add is that the words are, in some way, an acknowledgement of the point that the Minister raised earlier about the fact that there is a certain churn in the population: people come in and out of poverty. To have a broad aim of having no-one at all living in poverty is not realistic. That phrase acknowledges that. On the overall design of the provisions, in some ways, that is cognisant of the fact that it is not greatly significant. That is, the purpose of section 1 of the proposed Measure is to set the broad aims against which Welsh authorities can pick objectives when they produce their strategies. So, to that extent, one could argue that that is not vital and that the important thing is that the reduction of households within the relevant income group is the target and the aim.

[56] **Brian Gibbons:** In all the legislation on equality and social policy, and many others, there is always a test of reasonableness. In an awful lot of it, there are never absolutes; there is always a test of what is reasonable and proportionate to deliver a particular objective. So, this instance is probably of a similar strain. It is certainly not unique.

[57] **Paul Davies:** It has been suggested to us in evidence that the inclusion of 'material deprivation' and 'median income' on the face of the proposed Measure would reduce the risk of differing definitions existing in different local authorities while ensuring that all partners know which targets they are working towards. What is your view on that? Should such a provision be put on the face of the proposed Measure?

[58] **Brian Gibbons:** Without running the risk of going back to what we discussed with Jenny, I think that this legislation affords us a unique opportunity for the UK Government, the Welsh Assembly Government and, hopefully, local government all to work together to tackle child poverty across the United Kingdom and across all tiers of government. It would be desirable to have a consistent definition of 'material deprivation' and 'median income' from the UK Government down to local government. Our intention and first option would be to be consistent with the UK Government, although, for example, we could set our own definition, which would carry over into local government. That is the intention, but we want to provide some flexibility in how the proposed Measure is framed. If, for some reason, those definitions were not forthcoming from us or the UK Government, local authorities could set their own targets, but the preferable situation would be for all tiers of government to have a consistent set of standards to ensure that they all, down to the lowest level here in Wales, understand that we are pushing together to achieve the same target.

[59] **Jenny Randerson:** We have heard evidence from a number of organisations questioning the rationale behind the three-year reporting cycle. It has been suggested that it is at odds with the proposed requirement in the Westminster legislation to report to Parliament annually. Concerns have also been raised that a three-year interval could mean that problems are not identified quickly enough. Save the Children suggested a full report on a three-year cycle be made to the National Assembly as a whole, while interim annual reports could be presented to the Assembly's Children and Young People Committee. What are your views on that?

[60] **Brian Gibbons:** That is largely possible at the moment. We have published the child wellbeing monitor, which is a fairly substantial overall view of how children are getting on in

Wales. We have also published the 31 targets of ‘Eradicating Child Poverty in Wales—Measuring Success’, and perhaps Jeff or Gareth can say something about that. That happened only last October or November. So, effectively, that is what we will have. We will have the child wellbeing monitor, which, if you remember, is not just a collection of statistics, as it also includes a commentary on what those statistics mean. We already have the big three-yearly report and the more quantitative specific targets in relation to measuring progress. If the Children and Young People Committee wants us to go before it so that Members can ask about either of those datasets, we would be more than pleased to do so. I think that we have the essential tools in place as we speak.

9.50 a.m.

[61] **Jenny Randerson:** I do not think that anyone questions your willingness to respond to requests from the committee, but a future Government might be less willing than you are, and we are talking about what is on the face of the proposed Measure. Your Government is totally committed to the concept and, therefore, I am sure, to the idea of being measured on it. However, the point that Save the Children was making was that the proposed Measure needs to include a commitment to a more regular reporting cycle.

[62] **Brian Gibbons:** Tracey may be able to come in and say a little more about it, but I have one slight reservation on this. We have had discussions with the UK Government on it, and the point that we made was that annual figures create a lot of noise in statistical terms, and particularly so in the Welsh context because of our relatively small population. Consequently, placing an undue emphasis on annual figures in Wales would probably not be as informative as it might be at an England level, simply because of the size factor. That was our misgiving. Even with annual figures on perinatal mortality and infant mortality, no-one would rely on a single year’s data to draw long-term policy conclusions because the statistical variation is just too volatile. That is true of any of the parameters that we will be using, looking at the 31 indicators in ‘Eradicating Child Poverty in Wales—Measuring Success’. They will all be subject to that annual statistical noise. I do not know whether Tracey wants to add anything.

[63] **Ms Breheny:** The Minister has covered some of what I was going to say. At the UK level, we have not yet seen the final version of the Bill, but we understand that the UK Government will report annually to Parliament on the targets that are to be set in it. Those targets will be UK wide and will therefore include data from Wales. We can certainly mirror that at a Wales level, as the Minister has just suggested. At the UK level, I think that there will also be a commitment in the Bill to refresh the strategy every three years, so I would argue that we are not completely out of sync with what is being proposed at a UK level. The Minister is absolutely right that we can report on the data annually, and the data cube that we have on the Statistics Wales website can be accessed at any time, as and when the data become available. They are posted onto the site and those are the data associated with the ‘Measuring Success’ child poverty targets that we have in place in Wales. Our thinking was that it is quite difficult to evidence change annually in meeting the policy objectives set for the Welsh Ministers in the strategy, and so, a three-yearly basis would be more effective and useful.

[64] **Brian Gibbons:** Do not forget that we will have an annual Welsh figure for the income—in other words, relative deprivation, material deprivation and, possibly, persistent poverty. That information will be a little more robust because the dataset will be bigger, but, having said that, the figures for three years on all children in Wales, even the households with below-average income, are rolled together to try to get even more resilience. That is done even at a UK level to try to eliminate false messages owing to statistical noise and so forth.

[65] **Jenny Randerson:** It has been noted that the proposed Measure places no reliance on

third sector organisations either in drawing up strategies or in their delivery. That was the view of the children's commissioner and the children and young people's partnerships. Should more thought be given to the involvement of the third sector, especially in relation to strategies and their delivery?

[66] **Brian Gibbons:** I am not convinced at all by that thesis. As with Jeff's question at the beginning, I do not know where we would be in developing some of the emerging aspects of the children's agenda were it not for the work of the third sector in delivery and in providing evidence, policy suggestions and practical ways forward. I am not sure that I fully agree with the thesis. I have not gone through every children and young people's plan, so I suppose that it is possible that individual partnerships have not engaged as well as they should have with the third sector organisations in their community. If they have not, that would be an example of bad practice, and I certainly would not condone it. At a local government level, we are working with Save the Children in Rhondda Cynon Taf and, I think, Gwynedd, and we are using precisely those third sector organisations that are working with local government to try to help us to understand better the specifics of delivering child poverty strategies in partnership with local government. I am not sure that that thesis underpinning the question is actually correct. If it is correct in some instances, those would be instances of bad practice that we would not condone or encourage at all.

[67] **Jenny Randerson:** Do you not think that there is a case for making explicit provision on the face of the proposed Measure requiring the involvement of the third sector in case that bad practice does exist somewhere?

[68] **Brian Gibbons:** Perhaps Michael can cover that. We are rather limited in the statutory duties that we can place on third sector organisations. This legislation is targeted at public bodies because we are fairly clear—well, I say 'fairly clear', but you can see that it is not that clear with public bodies, even in relation to Sports Council Wales and the Arts Council of Wales, in some respects. Therefore, we have had to do a considerable amount of additional work. Michael, can you explain further?

[69] **Mr Lubienski:** One consideration is that the competence on which the proposed Measure draws is in matter 15.2(c) of Schedule 5 to the Government of Wales Act 2006 on the ability to legislate in relation to reducing inequalities between children and young people. That competence applies in relation to the functions of public authorities, so, as well as the policy reasons, there is a legal reason why the focus of the proposed Measure is on public authorities having a duty in relation to child poverty. There are limits to the other bodies that could be included. That does not diminish the role that they can play as partners of public authorities, and I am sure that the guidance will reflect that in due course.

[70] **Jenny Randerson:** You just made reference to the arts council and the sports council, Minister. On behalf of the committee, I think that I can safely welcome the letter that you sent in the last few hours, in which you say that you are considering including the arts council, the national library, the national museum, and the sports council in this. I understand the legal complexities of such considerations. We have also heard evidence that section 12 should be expanded to include further education colleges and transport consortia. What are your views on that?

10.00 a.m.

[71] **Brian Gibbons:** Transport consortia are covered, as I understand it. I am not an expert on transport consortia, but they are made up of local authorities and, consequently, the competent bodies that make up the transport consortia are already covered. Transport consortia do not exist as independent legal entities per se, so they are covered.

[72] I am not sure of the legal status of further education institutions—I do not know whether either Michael or Elizabeth has a view as to whether they would constitute public bodies within the meaning of the schedule.

[73] **Mr Lubienski:** I am not certain whether or not they come within competence. It is something that could be investigated from a legal point of view, but I do not know if there are policy reasons for that.

[74] **Ms Williams:** It is something that we would need to look at, because, on one hand the Welsh Ministers have the responsibility for funding further education, so there is a responsibility on Welsh Ministers, which are already covered in the proposed Measure. We would need to look at the extent to which it would be included in that, or to what extent we might need to use the funding mechanisms as the levers for requiring what we need to do. Those are the types of balances that we would need to look at. I do not know the exact details on that one.

[75] **Brian Gibbons:** Our feeling was that FE institutions were not public bodies in the sense that the bodies listed in section 12 were public bodies. However, we are happy to take that away and look at it in more detail.

[76] **Val Lloyd:** I have a final question, Minister, but it is quite an important one, because it concerns resources and funding. A number of witnesses have expressed concern that there does not seem to have been any realistic assessment of costs in terms of the long-term impact of the legislative changes in the proposed Measure. If the new objectives of the proposed Measure are to be met within the current funding stream, resources may be directed away from current initiatives to meet the new requirements. Would the Minister like to comment on these concerns?

[77] **Brian Gibbons:** At the risk of suggesting a split in Government, I suppose that every Minister will make their own response to that, or give their own flavour to the reply. I see this proposed Measure coming forward at a time when there are extra resources going into this particular area of work. I will not go through all the broad aims, but the budgets for getting people into work and upskilling people are increasing dramatically. The money for childcare is increasing and the foundation phase and Flying Start are coming into being, so many of these areas will be implemented within the context of an increased budget, targeted towards those areas of activity. However, it is not just about how we spend that increasing budget, but about spending it to best effect. The proposed Measure will allow the increasing budget to be used more effectively to tackle child poverty in Wales. Some elements have received extra money, such as the integrated family support teams. However, we are in a situation where extra resources are going into supporting children during the early years, and we must ensure that we get value for that money.

[78] If anyone devises a strategy that does not recognise the financial resources available to them, the strategy is useless. There is no point in a strategy that is not underpinned by resources. If someone devises a strategy and the resources available to them to deliver it do not match up, it is not a good strategy. So, we would expect organisations to devise strategies in line with the resources that are available to them. We all recognise that we would fly higher and go further faster if we had more resources—we accept that. However, because we do not have all the money that we would like does not mean that we should stand still and do nothing; we must get on with it with the tools and opportunities that are available to us. We must get cracking now. I would not like the fact that we do not have all the money that we would like to be an excuse for doing nothing. That would not be acceptable.

[79] **Val Lloyd:** Before we draw this section to a close, are there any additional comments that you wish to make?

[80] **Brian Gibbons:** No, thank you, Chair.

[81] **Val Lloyd:** On behalf of the committee, I thank you for coming today, Minister. I also thank your officials, Michael Lubienski, Tracey Breheny, Elizabeth Williams and Donna Davies. As you know, you will receive a copy of the transcript so that you can suggest any corrections before it is finalised.

[82] I welcome to this part of the meeting Jane Hutt, the Minister for Children, Education, Lifelong Learning and Skills, and Gwenda Thomas, the Deputy Minister for Social Services, both of whom have portfolio responsibility for this proposed Measure. I also welcome their officials. We will move straight to the questions, Ministers; Jeff Cuthbert will start.

[83] **Jeff Cuthbert:** Good morning. The first set of questions is on broad aims, and particularly on supporting the parenting of children, which is the first question. The evidence that we received from Children in Wales suggested amending this aim to read ‘to support positive parenting of children’—adding the word ‘positive’. Do you feel that that is semantics, justifiable or unnecessary? Furthermore, the National Deaf Children’s Society recommended that this aim should explicitly make reference to supporting the parents of disabled children. Do you support that view?

[84] **The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt):** We are fully committed to positive parenting. In fact, I had a meeting this week with Children in Wales about our work supporting the Children are Unbeatable! campaign, and it is an important element of our overall parenting agenda. However, our view is that we should not restrict the scope of the broad aim of supporting the parenting of children, which can encompass positive parenting, and that it could be unhelpful to specify that. It could also restrict the ability of local authorities to capture all aspects of parenting programmes in their parenting objectives. However, and this has probably been said earlier today, this is where guidance is crucial. When I met with Children in Wales earlier this week, we said that we should now put positive parenting into every element of guidance, and regulations and guidance emanating from the proposed Measure will include positive parenting.

[85] That also applies to the point made by the National Deaf Children’s Society, because, in law, we are committed to equality of opportunity and supporting disabled children and their families; we are also supporting disabled children and young people and their families through policy developments. In that respect, we support the Disabled Children Matter campaign and the ‘We are on the way’ policy agenda. Going back to the point of whether we should make that specific reference, we need to ensure that it is strategic in the broad aim.

10.10 a.m.

[86] **Sandy Mewies:** I understand what you are saying: positive parenting will now be a catchphrase, but will that rule out supporting parenting that is not quite positive yet, but is getting there?

[87] **Jane Hutt:** That is a good point, and that is why we need to have this broad aim of supporting parenting for children. Within that, we can have guidance that relates not just to positive parenting but to a range of objectives, including parenting programmes, such as Incredible Years, for example, which we fund through Cymorth across many authorities. Also, we are hoping that other strategic aims in terms of parenting in Flying Start, for example, as well as the Cymorth programmes, will be taken forward as a result of underpinning legislation. The guidance can cover not just positive parenting but many other aspects of the objectives.



[88] **Jeff Cuthbert:** Section 1(2)(k) reads,

[89] ‘to help young persons participate effectively in education and training’.

[90] It was suggested to us that the phrase ‘young persons’ could, in effect, exclude children under the age of 11, and remove them from any targeting under this aim. Therefore, can you confirm whether all children and young people will be covered by this aim?

[91] **Jane Hutt:** Yes; I can confirm that, Jeff. If we look at the broad aim in section 1(2)(e), for example, which states,

[92] ‘to reduce inequalities in educational attainment between children’,

[93] we see that it will ensure that children are supported to participate effectively in education. You will see that section 1(2)(k) states,

[94] ‘to help young persons participate effectively in education and training’.

[95] The provision for children is, therefore, very clearly indicated in section 1(2)(e), and young people covered in section 1(2)(k), which then has to be linked to sections 1(2)(l) and (m), which are part of the broad objectives. If you look at section 1(2)(m), you will see that it takes forward the issues about preventing young people from becoming disaffected and disengaging from their communities and societies. The clear intention is to include all children and young people; we want this to be our parameter for 0 to 25-year-olds. Section 1(2)(e) makes clear that it includes children as well as young people. Again, that takes us back to the broad aims.

[96] **Jeff Cuthbert:** In terms of targeting area-based programmes, I understand very well why Flying Start and Cymorth are clearly targeted—they have a particular job of work to do. However, it has been suggested to us that the targeting approach of Cymorth and Flying Start does not go far enough in terms of supporting vulnerable children and their families more generally, particularly, perhaps, in rural areas, where there could be difficulties in accessing services. Do you intend to extend the benefits provided under these schemes to contribute to the eradication of child poverty? Added to that, the children’s commissioner has suggested an amendment to provide for universal access to services for children and young people living in Wales. What are your views on those points?

[97] **Jane Hutt:** This goes back to the purpose of this proposed Measure, which is to tackle child poverty, and takes us right back to the origins of Flying Start, which was evidence-based. I have just referred to some of the academic evidence that, if we wanted to tackle child poverty, we had to target our resources in the most effective way at the most disadvantaged children and families in Wales. Every local authority area has a Flying Start provision. In fact, we shaped the criteria to ensure that every local authority area, including more rural areas, has a Flying Start provision. Cymorth is wider in the sense that there is more discretion for the local authority for Cymorth-related activity. That has been an important difference between Flying Start and Cymorth, which is available in communities that are not in the Flying Start catchment areas. In rural areas, many children and young people’s partnerships have used some very innovative services, such as mobile crèches, which is an example from Carmarthenshire, I think. Sometimes, as well as access to services in a particular place, the issue is that outreach services are needed.

[98] It might be helpful to go back to where we got the research indication of the long-term payback for early years investment. The National Audit Office’s report contains a literature review of the impact of early years provision on young children. It emphasises the appropriate focus on children from disadvantaged backgrounds and draws on a long-term

study, 'The Effective Provision of Pre-school Education Project', by Edward Melhuish and others, and it is linked to other work that he did in Northern Ireland. The committee might like a copy of those references, because Flying Start has been focused in order to deliver that targeted impact.

[99] Moving on to the next point that you made about the children's commissioner, my answer is the same in a way. We know that there is universal access to the foundation phase, but some of you will know of the impact of Flying Start on very disadvantaged communities and families. Poverty indicators start pre-birth, but are certainly there from birth to age three, and, as a result of funding free childcare for two-year-olds—which is what we know to be a critical factor—as well as the parenting support and the extra health visiting support, those children are now coming into school, to the universal provision of the foundation phase, able to communicate and engage.

[100] That is the benefit of Flying Start; that targeted approach to the most disadvantaged children in Wales is already bearing fruit, even though we are in only the second year of the roll-out. Therefore, that must be the answer. We cannot do it all; we have to commit to targeting. We have got the evidence, and we know that this has the greatest impact on life chances. Cymorth provides wider opportunities because of the discretion the local authority has. However, at the end of the day, we know that, because of limited resources, we must make decisions, and decisions based on the best international evidence underpin this part of the proposed Measure.

[101] **Jenny Randerson:** Minister, I do not doubt for one minute that, in terms of the efficient use of resources, the Flying Start targeted approach gave you a very good start on this issue and that that is the way to start tackling child poverty. However, when Brian Gibbons was here earlier, we were discussing what eradicating child poverty means. We were discussing getting the figures down to between five and 10 per cent, and he was emphasising how difficult that is. The Joseph Rowntree Foundation pointed out to us that more than half the children in poverty do not live in Flying Start areas. Therefore, if you are going to achieve your targets, you will have to depart from the highly targeted approach of Flying Start. To go back again to the point that the children's commissioner made, which Jeff referred to, would the inclusion of universal access to services for children and young people living in Wales not cover the issue of giving everyone the right to these services?

10.20 a.m.

[102] **Jane Hutt:** The difficulty is that it would directly undermine the intention and the broad objective of the proposed Measure, which is to tackle child poverty and to ensure that local authorities have the statutory duty to tackle it, to target resources at the most disadvantaged children in their community, and to support them. Obviously, you have referred to the evidence from the Joseph Rowntree Foundation about those who are in child poverty outside of Communities First areas, for example. That is where Cymorth has a broader opportunity given the discretion local authorities have. That applies particularly to certain constituencies and areas. In Jeff's constituency, there will be mass investment in Flying Start and Communities First. In my constituency, there are only pockets where there is that investment, in order to ensure that children have an opportunity to have the focus placed on them within those pockets of poverty. Cymorth reaches far beyond that, and that is generally the case with regard to the services.

[103] The point—and I am sure that it came up with Brian—is that it is not just about how we determine our use of resources; it is also about relative poverty. We know that, unless we focus our resources on the most disadvantaged at the point where you can have an influence—and that is why Flying Start is so important to children from birth to the age of three—their whole life chances are disadvantaged. If you had universal access—and the

lawyers could tell me—there would be no requirement on local authorities to target their resources in the way that we think is the objective of the proposed Measure. Democratically and locally, they would be asking for Flying Start in every area and for free childcare for everyone. It would not achieve the objective of overcoming the particular disadvantage that those children face. It would spread the resources so thinly that local authorities would not take it forward. Dilution would take away the impact of Flying Start completely.

[104] **Jeff Cuthbert:** The final question from me for the time being is about transport. It has been said to us that provision for access to transport services should be on the face of the proposed Measure. Do you think that that is right?

[105] **Jane Hutt:** There are quite a few issues around access, of which transport may be one. We have to ensure that local authorities have the discretion to decide, through their own local needs assessment, where they want to direct their resources. It may include transport. Some Cymorth funding is spent on paying for minibuses, and I have also mentioned mobile crèches. So, transport has been used in Cymorth. As far as I am concerned, it is a matter for regulations and guidance, as transport is just one aspect. It goes back to what you put on the face of the proposed Measure, and what you put in regulations. If you include transport provision in the proposed Measure, what other access issues are you leaving out?

[106] **Sandy Mewies:** I have a series of questions, which are not all on the same subject. The first is on advocacy. Tros Gynnal said that, in general terms, the proposed Measure needed to be stronger on advocacy. Can you explain how the proposed Measure, as currently drafted, is sufficient in providing and promoting advocacy services?

[107] **Jane Hutt:** It is our view that advocacy, like other specific policy areas, is an integral part of the strategic broad aims. Therefore, it would not be appropriate to include a separate reference to advocacy services. Having said that, I want to assure the committee that our commitment to advocacy is quite clear, and Members will be aware that we are now developing the new model for delivering advocacy services. Another proposed Measure with which I am engaged, the proposed Education (Wales) Measure, is enabling children with special educational needs to appeal to an SEN tribunal in their own right. Advocacy will be made available. I thought that the committee might find it useful if I provided in writing all of the statutory underpinning duties relating to advocacy for vulnerable children and young people, including what will come through the proposed education Measure to demonstrate that we do not need it in this proposed Measure. I also want to reassure you that the new model for delivering advocacy supports the national participation standards. That is something that applies throughout this proposed Measure. That will be very clear in the guidance.

[108] **Sandy Mewies:** The next question centres on the availability of free childcare. A number of witnesses made the point that, in order to support parents to access employment, the provision for free childcare should be extended to cover all primary school children up to the ages of 10 and 11. Do you have a view on this and do you have any plans to extend the provision of free childcare?

[109] I also have a supplementary question. We have heard evidence that better holiday care and wraparound care for parents who work atypical hours are needed for school-age children. Do you agree with that and do you have any plans in relation to it?

[110] **Jane Hutt:** Thank you, Sandy. There is a policy commitment from the Government to deliver childcare, and I will give you some examples to illustrate how we are developing and addressing this at the moment, in addition to the free part-time childcare that we have as part of Flying Start. The key point is that we already have legislation in the Childcare Act 2006 to ensure that parents can have access to childcare to cover an older age group and not

only children up to the ages of 10 and 11. The Childcare Act 2006 outlines the new sufficiency duty that local authorities have under section 22. They have a new duty to secure the provision of childcare that is sufficient to meet the requirements of parents in their area in order to enable them to work or undertake educational training leading to work. That also responds to your second point. So, it is clearly in law in 2006.

[111] We have funded local authorities; we have given them more than £3 million over three years from 2008 to support their duty under the Childcare Act. They have undertaken the first tranche of sufficiency audits and we are looking at what has come back as a result of those. We are also allocating £4.2 million over three years for our community focused schools budget to promote out-of-school childcare. That applies particularly to children of primary school age, after-school clubs and holiday play-care schemes. In some communities, wraparound care includes pre-school care and breakfasts through to handover arrangements that are happening between nursery, child minder and playgroup. There are a number of innovative policy developments, but we want to make those more strategic. It goes back to the purpose of this proposed Measure. The purpose in terms of tackling child poverty is to ensure that we embed in local decision-making what we are delivering with the free childcare for two-year-olds in the areas of greatest need. Indeed, that duty is highly focused and highly targeted. It also meets the 'One Wales' commitment to progress the provision of free high-quality childcare for two-year-olds.

[112] **Sandy Mewies:** Thank you, Minister. In relation to the transfer of Cymorth funding into the revenue support grant, we have heard evidence that, during the transfer of the sixth Cymorth theme into the RSG, disruption was caused to organisations delivering services to children during the transfer period. This is not unheard of in all sorts of cases. What arrangements will you put in place to ensure the uninterrupted delivery of services in 2011?

10.30 a.m.

[113] **Jane Hutt:** I have asked officials whether they were aware of the difficulties raised with you in evidence. That would have been the transfer of Cymorth theme 6, which relates to what I have just been talking about, namely funding for childcare sufficiency in the new legislation. So, I would want to look at that evidence, but we have not yet reached the next stage transfer. We would want to consult widely with the WLGA and others on this as well as with all those affected. We must learn lessons from previous experience.

[114] **Sandy Mewies:** Moving on to registration and the suspension of registration in section 25(2)(d), in its written evidence, the Daycare Trust noted that the provision in section 25(2)(d) allows for registration to be cancelled if

[115] 'the person failed to pay a prescribed fee'.

[116] It stated that this provision had recently been changed in England because it was too bureaucratic, and required the chief inspector to sign each waiver. Could you explain why a similar approach has not been included in the proposed Measure in relation to Wales?

[117] **Jane Hutt:** We need to ask what we are trying to do in terms of the registration of child minders and daycare provision. Basically, Part 2 of the proposed Measure moves the primary powers to regulate child minding and day care under the age of eight from the Children Act 1989 to this proposed Measure. So, it is a consolidation of a range of piecemeal amendments to the Children Act 1989 and it includes some of the changes made to the regime in England under the Childcare Act 2006.

[118] The specific concerns raised relate to section 45 of the proposed Measure, which provides for regulations to set out and make provision for registered child minders to pay fees

to Welsh Ministers, including the circumstances when such fees may be waived. That mirrors an existing arrangement under the Children Act 1989. Although we have this power, we do not currently require any fees, nor do we have any plans to do so. So, that does not apply, but if fees were introduced in future, we could make disqualification regulations under section 32 of the proposed Measure. We could draft regulations to make an exception to the normal position that a person whose registration has previously been cancelled for whatever reason is disqualified. So, we could look at disqualification in more detail. We do not require fees and we are consolidating arrangements through the 1989 Act, but we can ensure that this would not be brought into force in terms of a fee arrangement with our disqualification regulations.

[119] **Sandy Mewies:** Some organisations have stated that additional information is sought on the specific circumstances in which a registered person can suspend registration, in addition to information on the time limits governing suspension of registration. It has been suggested that there is a need for a course on returning to child minding day care if a time limit were put on a suspension lasting more than three years. Do you support this suggestion?

[120] **Jane Hutt:** We would have to consult widely on how we should implement this part of the proposed Measure. If the consultation concluded that update training was required, I would support that. Again, that could be reflected in the guidance and regulations. Michael, do you want to say something?

[121] **Mr Lubienski:** Looking at the powers to make regulations under section 26, they do not provide a power for the regulations to require, on the lifting of a period of suspension, that someone has to be retrained. However, that could be imposed as a condition on someone's registration at the point of lifting the suspension. So, that is in the scope of the overall scheme of the proposed Measure now, as previously.

[122] **Gareth Jones:** Mae fy nghwestiwn cyntaf yn ymwneud ag adran 34 ynghylch arolygu. Fe glywsom gan Gymdeithas Genedlaethol Gwarchod Plant ei bod wedi sylwi bod y cynnydd mewn trefniadau arolygu yn Lloegr wedi achosi gostyngiad yn nifer y gwarchodwyr plant sydd ar gael am fod y gyfundrefn arolygu wedi mynd yn rhy fiwrocataidd. A oes gennych sylwadau i'w rhannu gyda ni am y math hwnnw o bryder?

**Gareth Jones:** My first question is to do with section 34 on inspections. We heard from the National Childminding Association that it has noticed that the increase in inspection arrangements in England has led to a drop in the number of child minders available because the inspection system has become too bureaucratic. Do you have any comments to share with us about that kind of concern?

[123] **Jane Hutt:** I want to assure you and other Members that we are not altering the inspection arrangements as a result of this proposed Measure. We are simply trying to make them more succinct and to consolidate them. We are not altering them, and they will not require providers to act differently or do anything different from what they are already supposed to be doing.

[124] **Gareth Jones:** Gan droi at adran 39 ynghylch y system gosbi, trosglwyddir pwerau i Weinidogion Cymru o'r Ynadon heddwch. Mae Cymdeithas Genedlaethol Gwarchod Plant a Chymdeithas yr Ynadon wedi cwestiynu hyn o ran y berthynas â hysbysiadau cosb. Dywedasant

**Gareth Jones:** Turning to section 39 and the penalty system, powers are being transferred to Welsh Ministers from Justices of the Peace. The National Childminding Association and the Magistrates Association have questioned this in relation to penalty notices. They said that

[125] 'the regulator will also be the distributor'.

[126] Hynny yw, o'r hysbysiadau cosb That is, of the fixed penalty notice. Could

benodedig. A allwch egluro'r rhesymu y tu ôl i'r trosglwyddo pwerau hyn i Weinidogion Cymru? A tybiwch fod hyn yn briodol, yn enwedig o ystyried y sylw

you clarify the reasoning behind this transfer of powers to Welsh Ministers? Do you consider this to be appropriate, particularly in light of the comment that

[127] 'the regulator will also be the distributor'?

[128] **Jane Hutt:** I will give you the reasons for why this transfer of powers to Welsh Ministers was developed. It links to some wider reviews that the UK Government has undertaken in relation to effective regulations in health and social care, for example. One of them is the Hampton review, 'Reducing administrative burdens: effective inspection and enforcement', and there is also the Macrory review, 'Regulatory Justice: Making Sanctions Effective'. They suggest that there is too much reliance on criminal prosecution and that there is a lack of flexibility. You mentioned the concern about the regulator being the distributor, but we are not introducing this provision because of certain concerns. We have very few prosecutions as far as child minders and day-care providers are concerned. It is about trying to ensure that enforcement is appropriate and proportionate, and that it offers the registered person an opportunity to pay a fixed penalty in respect of an identified breach instead of facing court action. It will avoid protracted court proceedings.

[129] I linked it to the health and social care setting because there have been changes there, in the form of the Health and Social Care Act 2008, in moving to civil sanctioning powers for regulators. These have not been implemented in Wales at this point. It is about trying to ensure that we are proportionate and flexible. It is also about ensuring that we look at how these fixed penalty notices can be applied. CSSIW would look at the types of offences, and there will be extensive consultation on this.

10.40 a.m.

[130] **Gareth Jones:** Gan droi at adran 3 sy'n ymwneud â'r timau integredig cymorth i deuluoedd ac ymwneud y sector gwirfoddol â'r timau hyn, mae The Venture a Barnardo's Cymru wedi awgrymu, oherwydd y cyfraniad gwerthfawr y gall y sector hwn ei wneud yn eu tyb nhw, y dylid rhoi dyletswydd ar yr awdurdod sy'n sefydlu'r timau hyn i sicrhau bod y sector gwirfoddol yn cael ei gynnwys yn aelodaeth y timau. Beth yw eich barn chi am hynny?

**Gareth Jones:** Turning to section 3, which deals with the integrated family support teams and the voluntary sector's involvement with those teams, the Venture and Barnardo's Cymru have suggested that because of the valuable contribution that the sector can make, in their opinion, a duty should be placed on the authority that will establish those teams to ensure that the voluntary sector is included in the membership. What is your opinion about that?

[131] **Gwenda Thomas:** Mae'r IFST yn gyfrwng statudol er mwyn cydlynu asesu a rheoli gofal yn well, a gofal ar ôl i rywbeth ddigwydd i blentyn bregus. Hefyd, bydd ymyriad uniongyrchol yn bwysig hefyd, ond nid i'r un graddau efallai. Mae'r sector gwirfoddol yn gwneud cyfraniad gwerthfawr iawn i gefnogi plant a theuluoedd a gwasanaethau eraill, yn enwedig o ran y gwaith cymhleth iawn y mae'n rhaid ei wneud gyda rhai teuluoedd—er enghraifft, teuluoedd lle y mae camddefnyddio cyffuriau neu drais yn y cartref. Mae'r sector gwirfoddol a'r sector annibynnol yn dal i

**Gwenda Thomas:** The IFST is a statutory vehicle for co-ordinating better assessment and regulation of care, and care following an incident involving a vulnerable child. Also, direct intervention will be important, but not to the same extent, perhaps. The voluntary sector makes an invaluable contribution in supporting children and families and other services, particularly in terms of the very complex work that needs to be done with some families—for example, where there is drug abuse or domestic violence. The voluntary and independent sectors still play a very important part in this work. I would like

chwarae rôl bwysig iawn yn y gwaith hwn. Carwn gymryd y cyfle hwn i gyfleu fy ngwerthfawrogiad o waith y sector annibynnol a'r sector gwirfoddol a'r ffyrdd y maent wedi cyfrannu i'n helpu i ddatblygu'r Mesur arfaethedig hwn a rôl y timau. Mae nifer o sefydliadau yn y sector gwirfoddol a'r sector annibynnol sy'n gweithio ym maes plant a theuluoedd. Yr wyf yn siŵr y byddwch yn cytuno na fyddai'n syniad da sôn am unrhyw sector penodol oherwydd bod cymaint o drawsweithio a chymaint o gyrff proffesiynol a chanddynt rôl bwysig o ran cydlynu a chydweithio i ddatblygu'r IFSTs. Gan roi hynny o'r neilltu, mae'r canllawiau statudol ar y timau yn pwysleisio bod rôl hollbwysig gan y trydydd sector. Bydd yn hybu gwaith ar draws y sectorau er mwyn cefnogi plant. Wrth gwrs, bydd hynny'n cynnwys y cydweithio pwysig y bydd ei angen rhwng y cyrff proffesiynol a'r sector gwirfoddol a'r sector annibynnol. Hoffwn danlinellu pwysigrwydd cydweithio mewn partneriaeth a thynnu'r gwahanol sectorau ynghyd er mwyn i ni gael y cydweithio hwn.

to take this opportunity to express my appreciation of the independent and voluntary sectors' work and the ways in which they have contributed in assisting us to develop this proposed Measure and the roles of the teams. There are a number of organisations in both the voluntary and independent sectors that work with children and families. I am sure that you would agree that it would not be helpful to mention any one sector because there is so much co-operation and so many professional bodies with an important role to play in co-ordinating and co-operating to develop the IFSTs. Putting that to one side, the statutory guidelines for the teams emphasise that the third sector has a crucial role to play. It will promote cross-sector working in order to support children. Of course, that will include the important co-operation that will be needed between the professional bodies and the voluntary and independent sectors. I would like to underline the importance of working together in partnership and drawing together the different sectors so that we see this co-operation.

[132] **Gareth Jones:** Yr wyf yn siŵr ein bod i gyd yn falch o'ch clywed yn enwi'r ystod eang o gyrff a all ddylanwadu ac ymyrryd pan fydd angen, i sicrhau bod plant sydd o dan fygythiad neu sy'n fregus yn ddiogel a bod sylw'n cael ei roi yn uniongyrchol iddynt. Hoffwn bwysio ychydig ymhellach o ran hynny oherwydd yr oeddwn yn gwrandio yn ofalus arnoch yn siarad am weithio mewn partneriaeth a'r angen am gyfrifoldeb statudol. O wrando arnoch, yr wyf yn meddwl eich bod wedi ateb fy nghwestiwn, ond fe'i gofynnaf fel ein bod yn glir ar y mater hwn. Awgrymwyd y dylai fod gan, er enghraifft, staff ysgol, y rhai sy'n ymgynghori mewn ysgolion, meddygon teulu, yr heddlu, y gwasanaeth nyrs teulu arfaethedig ac aelodau'r timau troseddau ieuencid rôl benodol o fewn fframwaith yr IFST i nodi plant bregus neu blant sydd o dan fygythiad. Yr oeddwn yn gwrandio ar eich ateb yn gynharach wrth ichi sôn am y bartneriaeth. A yw'r Mesur arfaethedig yn ddigon cryf o ran y gofynion ar y cyrff hyn i sicrhau eu bod yn deall y neges, a bod dyletswydd arnynt i edrych am hyn ac i adnabod y symptomau pan fydd plant o dan fygythiad neu mewn sefyllfa fregus?

**Gareth Jones:** I am sure that we were all pleased to hear you name a wide range of bodies that could have influence and intervene when necessary to ensure the safety of children who are under threat or who are vulnerable and that they are being given direct attention. I will press you a little more on that because I was listening carefully to you speaking about working in partnership and the need for statutory responsibilities. Having listened to you, I think that you have answered my question, but I will ask it so that we are clear on this matter. It has been suggested that, for example, school staff, those who consult in schools, general practitioners, the police, the proposed family nursing service and members of the youth offending teams should have a specific role within the framework of the IFST in identifying vulnerable children or children at risk. I listened to your earlier answer when you mentioned the partnership. Is the proposed Measure strong enough as regards the requirements that should be placed on these bodies to ensure that they get the message, and that there is a duty on them to look at this and to identify the symptoms when children are at risk or are vulnerable?

[133] **Gwenda Thomas:** Mae gan y cyrff proffesiynol y bu ichi sôn amdanynt eisoes gyfrifoldeb i adnabod a chefnogi plant sydd mewn angen neu o dan fygythiad, ac i sicrhau eu bod yn dod at sylw'r gwasanaethau cymdeithasol ac, yn yr achosion anoddaf, yr heddlu. Mae meddygon teulu a phobl broffesiynol yn y maes iechyd mewn sefyllfa dda i weld pan fydd risg yn amlwg ym mywyd plentyn, a byddant wedi'u hyfforddi yn y camau yr ydym wedi eu nodi i amddiffyn plant ar draws Cymru. Mae'n bwysig ein bod yn cydnabod bod gennym oll rôl i'w chwarae o ran sicrhau ein bod yn gallu adnabod a gwneud rhywbeth am y plant hyn. Mae enghreifftiau o wasanaeth da, sydd wedi rhoi hwb i'm ffydd o wybod bod ganddynt ganllawiau er mwyn amddiffyn plant. Mae cyfrifoldeb a rôl ganddynt yn y timau cymorth teulu integredig wrth edrych ar sefyllfa feddygol oedolion, sy'n bwysig. Gofynnwn i'r pwyllgor ystyried hynny'n ddwys, gan fod y modd y mae oedolion yn byw yn gallu cael effaith ofnadwy ar blant o fewn yr uned deuluol. Mae ffyrdd o fyw yn gallu creu risg i blentyn.

[134] **Gareth Jones:** Ddirprwy Weinidog, yr wyf yn parhau'r ffaith bod gennych drosolwg a'ch bod yn hyderus yn yr hyn a welwch yn digwydd yng Nghymru ym maes plant bregus. Nid wyf yn amau hynny o gwbl. Fodd bynnag, a yw'r Mesur arfaethedig yn ddigon cryf i ddod â'r holl gyrff y bu ichi gyfeirio atynt at ei gilydd, fel eu bod yn deall natur y Mesur arfaethedig a bod y negeseuon pwysig hyn yn cael eu trosglwyddo? A yw'r Mesur arfaethedig yn fodd o ddod â llawer mwy o gyrff at ei gilydd fel eu bod yn rhannu gwybodaeth? Maent yn gwneud hynny ar hyn o bryd, ond bydd y Mesur arfaethedig yn ei wneud yn statudol. A fydd yn clymu'r holl gyrff at ei gilydd i gyrraedd y nod o ran plant bregus?

[135] **Gwenda Thomas:** Credaf fod y Mesur arfaethedig yn ddigon cryf ac, yn bwysig iawn, yn ddigon eang. Yr ydym yn sôn am ganllawiau strategol—a diolch i chi am y gair—a'r gofyniad cyfreithiol i gyrff gydweithio. Dyna bwysigrwydd y Mesur arfaethedig.

[136] **Gareth Jones:** Mae fy nghwestiwn

**Gwenda Thomas:** The professional bodies that you mentioned already have a responsibility to identify and support children who are in need or at risk, and to ensure that they are brought to the attention of social services, and, in the most difficult cases, of the police. General practitioners and health professionals are in a good position to identify a clear risk in a child's life, and they will have been trained in the steps that we have identified to protect children across Wales. It is important that we recognise that we all have a role to play in ensuring that we can identify and do something about these children. There are examples of good service to be found, and that has given my faith a boost, knowing that they, too, have guidelines in place to protect children. The integrated family support teams have a responsibility and a role in looking at the medical situation of adults, which is important. We ask the committee to give that serious consideration, given that the lifestyle of adults can have a terrible effect on children within the family unit. Lifestyles can create risks for children.

**Gareth Jones:** Deputy Minister, I respect the fact that you have an overview and that you have confidence in what you see happening in Wales in the field of vulnerable children. I do not doubt that for a moment. However, is the proposed Measure robust enough to bring all the bodies that you just mentioned together, so that they understand the nature of the proposed Measure and that these important messages are transmitted? Is the proposed Measure a means of bringing many more such bodies together so that they share information? They already do that currently, but the proposed Measure will make it statutory. Will it bind all the bodies together to achieve the aim of supporting vulnerable children?

**Gwenda Thomas:** I believe that the proposed Measure is robust enough, and, very importantly, that it is broad enough. We are talking about strategic guidelines—and thank you for that word—and a legal requirement on bodies to co-operate. That is why the proposed Measure is important.

**Gareth Jones:** My final question is about



olaf yn ymwneud ag atebolrwydd, oherwydd yr ydych yn cyfeirio pobl at y timau ac yr ydym wedi clywed tystiolaeth nad oes digon o wybodaeth am atebolrwydd o fewn strwythur y timau integredig. A wnewch chi gadarnhau pwy fydd yn atebol unwaith y bydd achos wedi ei gyfeirio at y tîm?

accountability, because you refer people to the IFSTs but we have heard evidence that there is not enough information about accountability within the IFST structure. Will you confirm who is to be accountable for a case once a referral has been made to an IFST?

10.50 a.m.

[137] **Gwenda Thomas:** Hoffwn ei wneud yn glir iawn nad diben y timau yw disodli'r gwasanaethau sydd eisoes ar gael. Bydd gweithwyr cymdeithasol yn parhau i fod yn gyfrifol ac yn atebol am asesu plant ac oedolion. Hwy fydd yn atebol, fel o dan y cyfreithiau sydd gennym eisoes. Pwrpas y timau yw rhoi dimensiwn ychwanegol i'w gwaith, eu cefnogi, a chreu system lle y gallwn ddwyn pwysau ar y pethau cymhleth sy'n digwydd a cheisio ymyrryd yn gynharach ym mywydau oedolion a phlant.

**Gwenda Thomas:** I want to make it crystal clear that it is not the intention of the teams to replace existing services. Social workers will remain responsible and accountable for assessing children and adults. They will be accountable, as they are under existing legislation. The aim of the IFSTs is to give an extra dimension to their work, to support them, and to create a system whereby we can bring pressure to bear on the complexities that occur, and try to intervene at an earlier stage in the lives of adults and children.

[138] **Gareth Jones:** A fydd person yn cael ei benodi i fod yn gyfrifol ac yn atebol unwaith y caiff achos ei sefydlu?

**Gareth Jones:** Will a responsible and accountable person be appointed once a case is established?

[139] **Gwenda Thomas:** Gweithiwr cymdeithasol y plentyn neu'r oedolyn fydd yn parhau i fod yn gyfrifol, ac yn bendant gweithiwr cymdeithasol y plentyn fydd yn parhau i fod yn gyfrifol pan fydd angen dwyn achos llys.

**Gwenda Thomas:** The responsibility will remain with the social worker of the child or adult, and the responsibility will most certainly remain with the child's social worker when a case needs to be brought before the courts.

[140] **Gareth Jones:** Nid cwestiwn oedd hwnnw, mewn gwirionedd, ond pwynt a gododd mewn tystiolaeth. Efallai y gallech roi sylw i'r rheswm y cododd o gwbl o ystyried eich ateb digon clir inni yma. Efallai y dylem edrych ar sut mae'r mater wedi ei gyflwyno. Beth bynnag, dyna a gyflëwyd mewn tystiolaeth.

**Gareth Jones:** This was not really a question, but an issue that was raised in evidence. Perhaps you could give consideration to why it raised its head at all, given your clear response to us here. Perhaps we should look at how the issue has been presented. However, that is what was conveyed in the evidence.

[141] **Jenny Randerson:** My question follows directly on from that. The Welsh Local Government Association suggested that the functions of IFSTs should be prescribed in the proposed Measure, because, if that does not happen, the danger is that they will be seen as an additional resource and will be drawn in to carry out general child protection duties whenever resources are stretched, as they normally are. You have said clearly this morning that IFSTs are an additional layer of support. Should the proposed Measure not define that clearly?

[142] **Gwenda Thomas:** The WLGA makes a valid point. Prescribing the functions of an IFST and its accountability to child and adult services, as well as its roles and relationships in child protection will be critical in ensuring that there is no confusion or fudging of roles between the service and the professionals. I am sure that we are all agreed on that. IFSTs are an addition to current services and will not replace the current systems. I have already made

the point that the responsibility for child protection will rest with the allocated social worker, but the integrated family support boards, given the statutory requirement to include a local health board director as a member, will set the objectives and the scene for monitoring the teams. In addition, the boards that will be set up, both nationally and those linked to any pioneer IFSTs, will be accountable and will have to report back to elected Members and the Welsh Assembly Government. Prescription is important and, without it, the proposal will not prove to be as effective.

[143] **Jenny Randerson:** Moving on, a number of organisations have suggested that the definition of ‘abuse’ be amended in line with that outlined in the all-Wales child protection procedures, so that there is only one such definition. Do you support that idea?

[144] **Gwenda Thomas:** I have been concerned about the understanding of the purpose of the proposed Measure on this point. I want to make it clear that, when the proposed Measure refers to abuse, it does not refer to the abuse of children. That is the essence of it. We are talking about the abuse of adults through domestic violence or through their own substance misuse, and how that can affect the child within a family. So, we are talking about abuse in regard to adults. I made the point to Gareth about the importance of unified assessments, and any assessment of the medical condition of adults affected by abuse must include a consideration of the effect on children. That is what this proposed Measure seeks to do.

[145] **Jenny Randerson:** If organisations, and indeed we, have misunderstood the proposed Measure, perhaps you need to look at it again with a view to clarifying how that is expressed, because it would be very regrettable if there were to be an inadvertent misunderstanding on such a large scale. That was not a question, but more of a comment and a suggestion.

[146] On IFST staffing and posts, it has been noted that, in recent years, social care and health services have experienced great difficulties with the recruitment of experienced staff particularly. That could prove to be a barrier when local authorities start to establish their integrated family support teams, especially in the smaller authorities. Can you comment on that?

[147] **Gwenda Thomas:** The pioneers will be looking at only a small number across Wales but we will be looking for experienced staff, of course. The current focus of the Care Council for Wales indicates that we are training sufficient numbers of social workers to meet the demand in Wales. Very importantly, the ability to identify appropriate staff without undermining the general service provision will be a very serious consideration in the selection of the pioneer areas. In November, I published a letter from the care council suggesting that positive improvements have been made in the social care workforce in Wales. I think that I made that letter available to committee, but, if I did not, I certainly will. Perhaps it would be useful to refresh the minds of committee members, including my own.

[148] **Val Lloyd:** Thank you for that offer, Deputy Minister.

[149] **Jenny Randerson:** Several organisations have expressed concern about the fact that the proposed Measure is very specific about IFSTs and about establishing them when we are still at the pioneer stage. The point has been made to us that the pioneers may not work. Can you set out for us the reasons why the proposed Measure is so specific about IFSTs prior to the results of the evaluation of the pioneer schemes? How and when do you plan to evaluate them?

[150] **Gwenda Thomas:** I refer you to the contribution made by the WLGA here over a period of about 18 months in developing the proposed Measure. We certainly appreciate that. The IFSTs have been developed with a cross-stakeholder group and their foundation is built

on the strong evidence of models that have been proven to work, such as option 2 and Think Family in Middlesbrough. As an aside, to show how successful that was, option 2 provided the training for the Middlesbrough scheme. I understand that it has won an award for that. So, the success of Option 2 needs to be celebrated, and I am happy to look at that as a proven model.

11.00 a.m.

[151] The IFSTs, as I have said, are additional and do not replace current services. It will be rolled out only if the pioneer projects demonstrate the realised benefits that we expect to see—and we do expect to see them on the basis of the success of Option 2—and only when there is additional resourcing to support the setting up of a national network of IFSTs.

[152] **Jenny Randerson:** You say that it will be rolled out only if the pioneer projects are proven to be successful, so is there going to be a legal safeguard in the proposed Measure to allow for the potential non-enactment of that part of the legislation?

[153] **Gwenda Thomas:** I am confident that this will be successful. On a purely personal basis, the question I ask myself is: what is the alternative? We need to get in to help those families, we need to be able to intervene early, and we need to ensure that that is done properly. In my view, doing this on a statutory basis is the only way to do it. We see the difficulties that carry on from generation to generation, and we need the confidence to develop the proposed Measure and do something about that. As with all legislation, there is a question as to whether it will succeed when it is implemented. I am not saying that this proposed Measure is any different, and, in the event that it does not succeed, I assume that the legislation could remain dormant. Nevertheless, it is my considered view that this is the way forward, that it needs to be based in statute, and that we must have the confidence to move forward with the proposed Measure.

[154] **Jenny Randerson:** Thank you. Moving on to the integrated family support boards, there are two concerns. One is the suggestion that there is provision to remunerate board members. Members of similar boards do not have remuneration. Why was it necessary to make this provision in this case?

[155] **Gwenda Thomas:** It is important here to stress the difference between the IFS boards and the children and young people's partnerships and the local safeguarding children boards, for example. They have a co-ordinating role, which they carry out very well. However, the IFS boards, through the proposed Measure, will have a distinct statutory function for the operation and performance of integrated family support teams, and, of course, they will be accountable, as I have already said, for the intervention and quality of service provided by those teams. They will be required to report to the Welsh Assembly Government and elected members, and the proposed Measure will set in place the ability for there to be local discretion in deciding whether experts, co-opted on to these boards, will need to be remunerated. We are not saying that they must be, but we are making available this discretion, because a great deal of this expertise will be available outside the statutory sector. That applies particularly with regard to domestic abuse and substance misuse. Therefore, I think that the provision needs to be there, with local discretion as to whether it should be used.

[156] **Jenny Randerson:** The other concern that has been raised is the coterminosity of IFS boards and teams. The proposed Measure makes provision for an IFS board for each local authority, but it is envisaged that IFSTs may well be set up across local authority boundaries. What are your views on that?

[157] **Gwenda Thomas:** We have requested bids, and the closing date will be 24 June.

There is flexibility in the proposed Measure. Joint bids can be made by two or more authorities, where it is thought that that would best serve the local interest. However, the intention is to have one local IFS board for each team, and we do not envisage that necessarily leading to the creation of a board in each local authority. If local authorities get together in some instances to make a bid, one board will serve that IFST. On a personal basis, I hope that we do see some joint bids by local authorities.

[158] On the other hand, what we need to guard against is the IFSTs becoming too wide and too stretched. Bids can come from local authorities and health authorities, as we must not forget that health will be a statutory partner, which is a very positive step in my view. So, one local authority can set up an IFST with one board for that authority, but there is also flexibility for authorities to get together, with an IFS board serving the bid area. That flexibility will serve the development of the proposed Measure very well.

[159] **Jenny Randerson:** May I just clarify whether you are suggesting an amendment to the proposed Measure in relation to the boards?

[160] **Ms Davies:** Just to clarify, and building on what the Deputy Minister has said, the proposed Measure does have legal provisions—the Deputy Minister was talking about pioneers, and we have gone out and are encouraging collaboration—in sections 49 and 53(2) to allow more than one authority, and a local health board, to come together. Where there is coterminosity, they can have one board. However, as the Deputy Minister said, our guidance would be that we have to strike a balance, because you would not want half of Wales coming together in one IFST. So, it is about getting that balance right. It is in the proposed Measure.

[161] **Paul Davies:** Moving on to Part 4 of the proposed Measure, and, in particular, section 59, which covers family social work standards officers, the WLGA questioned whether the family social work standards officers were a good use of resources. It suggested instead that there should be a requirement to use existing networks to carry out those functions. Why was it considered necessary to establish the new role of family social work standards officers, rather than use existing resources?

[162] **Gwenda Thomas:** It is our intention to build on the current role of network link officers, who, at present, are supported by the Wales college network. However, the arrangements across Wales are variable, and we need to build on the current role of the network of link officers, supported by the Wales college network. The arrangements across Wales are variable, and the role is not, in most cases, the officer's main duty. The provision recognises the increasing emphasis on the use and transfer of research and evidence into practice, so that local authorities draw on what they learn from research and development and consider putting any changes into practice. The post also contributes to the continuous development of the workforce and service improvements. There is increased emphasis on research and development, which I am very keen on, because we do have a gap in research on social care. The detailed role of the officers will be something that we will consult upon separately as part of the wider development linked to the development of the National Institute of Social Care and Health Research. We want to link it to that. That will contribute to us being able to evidence-base policy development. That is the purpose behind this section of the proposed Measure.

[163] **Paul Davies:** The Care and Social Services Inspectorate Wales suggested that, to ensure independence, the officers should report directly to the director of social services. Do you support that?

11.10 a.m.

[164] **Gwenda Thomas:** They do need a clear line of accountability, and clear access to

senior officers. However, this is something on which we would want to consult in the months to come and we want to allow ourselves that flexibility in developing this role—the posts could, for example, be based within the research and development proposal. So, we want to have a wide enough scope to consider how best to develop these posts.

[165] **Paul Davies:** I would like to move on to the definition of ‘play’. We have received a considerable volume of evidence expressing concern that the definition of ‘play’ as it is currently drafted includes ‘any recreational activity’. Witnesses have suggested that this has the potential to bring about significant unintended consequences, as recreation could be variously defined as ‘sport’ or ‘shopping’. What are your views on this?

[166] **Jane Hutt:** I assure you that the guidance will set play and recreational activity firmly in the context of the Welsh Assembly Government’s play policy, and will reflect Wales’s particular approach to play, which includes open-access play.

[167] I will give you a brief explanation of why the words ‘any recreational activity’ are used, which is how it is described on the face of the proposed Measure. This is where we come to the difficulty of defining play in legal terms. In general terms, we do not intend the duty on local authorities to extend to sport, but, on the other hand, we would not want to exclude duties regarding the opportunities for a child to kick a ball in a park. It is important that we have regard to the fact that the scope of the duty should apply in relation to children from the age of 0 to 18. So, I hope that that reassures you and those who have given evidence that, in the guidance, it will be firmly set in the context of the Government’s play policy.

[168] **Jeff Cuthbert:** On that point, structured play is at the heart of the foundation phase, so are we not explicitly including structured play in this definition?

[169] **Jane Hutt:** With regard to structured play, when we get on to the sufficiency of opportunities to play, we will need to consider it. For example, we have holiday play schemes that are quite structured, although they could be held in a park or a leisure centre. I do not know that you can quite link it to the curriculum structured play that we see through the foundation phase. However, it is trying to ensure that, in legal terms, we do not constrain the duty on local authorities in terms of how they can then assess the sufficiency of play. It will be clear in the guidance that this links to the play policy, which was a concern that was raised. I hope that this will give that reassurance.

[170] **Paul Davies:** Witnesses have suggested that the definition of ‘play’ should be amended so that it mirrors the definition in the Welsh Government’s play policy implementation plan. You obviously do not agree with this.

[171] **Jane Hutt:** I hope that I have answered that question. I am advised that we need that wider definition of ‘play’ to include recreational play or we could be limiting it. Again, it goes back to how you reflect policy intention in law. We have not had to reflect the play policy in law before. If we look at the play policy, which talks about encompassing play that is intrinsically motivated and freely chosen, we see that is in place to ensure that there are open-access play opportunities. However, we have to ensure that the definition here does not restrict us in the ways in which I have already described. If it is clearly set in the guidance that this has to be in the context of our play policy, then I believe that the legal terms will enable us to deliver on the play policy in terms of guidance.

[172] **Paul Davies:** Okay. A number of witnesses have made the point that further information and detail is required with regard to what will constitute sufficient play opportunities. Can you explain what is meant by the term ‘sufficient’ and how that will be measured?

[173] **Jane Hutt:** Yes and interestingly we have already mentioned the Childcare Act 2006, which requires our local authorities to undertake a sufficiency audit of childcare and that children have sufficient opportunity to play. We will consult widely, not only with all of those organisations who engage with play, but also with children and young people to develop a shared understanding of whether they have sufficient opportunity to play. That consultation clearly has to cover age range, ability, range of activity and accessibility. It will also require local authorities to identify gaps in provision and priorities. This is groundbreaking; no-one else has such provision in law. So, we will have to consult widely on this provision.

[174] **Paul Davies:** We have received evidence from the Cardiff and the Vale Parent's Federation which explicitly urges the Government to remove the term 'as far as reasonably practicable' with regard to a local authority securing sufficient play opportunities. Can you explain why this wording has been included, and do you agree that the proposed Measure would be strengthened by its removal?

[175] **Jane Hutt:** This relates to how we develop a shared understanding of sufficiency. Through consultation and engagement, a local authority may have to consider reallocating its resources for play. A sufficiency audit of play has never been undertaken—I cannot think of an example—but such an audit would look at play opportunities, playgrounds and equipment. Some of this is developed through Cymorth funding, guidance and our play policy. However, 'as far as reasonably practicable' is included to ensure that local authorities can prioritise and target resources that are available to them. That would justify a change of decision. A key point is that we have to engage with our children and young people. That is what section 61 and participation is all about—to ensure that they are part of the decision making to secure sufficient play opportunities.

[176] **Paul Davies:** I have one final question on the needs of disabled children. Children in Wales has said that local authorities should do more than 'have regard to' the needs of disabled children, because their needs are more specific than those of children without a disability and that the proposed Measure should go further in relation to this. What is your view on that?

[177] **Jane Hutt:** The provision in section 65 (a) includes a specific requirement that a local authority should have regard to the needs of disabled children. You know that that is a key part of the seven core aims for children and young people and that that applies to disabled children and young people. Our Cymorth funding focuses specifically on opening play and leisure opportunities for disabled children and young people. Therefore, we would seek for our policy delivery to be underpinned in statute by this proposed Measure.

[178] **Jeff Cuthbert:** My questions are on section 61 on participation. It has been said to us that the 'National Standards for Children and Young People's Participation in Wales' in relation to the participation of children and young people, includes the phrase, 'might affect me'—the key word there being 'might'. However, the proposed Measure refers to

[179] 'decisions of the authority which affect them'.

[180] That is more specific. It has been suggested by a number of organisations that they would prefer this definition to include 'might'. Can you say why you have not used that definition that appears in the national children and young people's participation standards?

11.20 a.m.

[181] **Jane Hutt:** Our intention is to comply with the national standards, which will become statutory guidance under the provisions of section 61(3) of the proposed Measure. It is about ensuring that the guidance will clarify the points that are made in more legal

terminology in the proposed Measure.

[182] **Jeff Cuthbert:** My final question is to do with the duties on the governing bodies of a maintained school. It has been suggested to us that repealing section 1.76 of the Education Act 2002 through section 61.4 of the proposed Measure removes the duty of a governing body of a maintained school to consult with children and young people, which is contrary to the United Nations Convention on the Rights of the Child article. If that is the case, why are you seeking to do this?

[183] **Jane Hutt:** Thank you, Jeff. I confirm that the proposed repeal of section 1.76 of the Education Act 2002 through the proposed Measure does not have the effect that there were concerns about. This is a purely technical provision. Section 1.76 has already been amended by section 1.58 of the Education and Skills Act 2008, and the effect of that amendment is to separate the participation duty on school governors from the duty placed on local authorities. So, school governors will have a more specific duty under a new section, namely section 29(a) and 29(b) of the Education Act 2002, and it is therefore not affected by the proposed repeal of section 1.76 of the proposed Measure. The scope of the duty on governing bodies to consult with and listen to pupils will be prescribed in forthcoming regulations in Wales. We are firmly committed to article 12 of the United Nations Convention on the Rights of the Child.

[184] **Val Lloyd:** Minister, I have a couple of questions to close. The first question relates to inspection and enforcement. We have heard from a number of organisations that the duties in relation to play and participation should be accompanied by powers of inspection. Do you agree that such provision should be made on the face of the proposed Measure? Linked to that slightly, we also received evidence which suggests that the power of inspection should be linked to powers of enforcement for authorities that fail to deliver on their duties with regard to participation. We would welcome your views on that too.

[185] **Jane Hutt:** Thank you very much, Chair. I believe that the Minister for Social Justice and Local Government wrote to you in April saying that there were some issues which we were considering in relation to the provisions of the proposed Measure, and that we would consider whether or not we needed to share Government amendments with you at an early stage. It includes those provisions on inspection of duties in relation to pay and participation, and linking it to enforcement powers. So, that will be forthcoming.

[186] **Val Lloyd:** That is helpful. My final question, but nonetheless very important, relates to resources and funding. A number of witnesses have expressed concerns that there seems to have been no realistic assessment of costs with regard to the long-term impact of the legislative changes in the proposed Measure, with the likely effect that if the new objectives of the proposed Measure are to be met within the current funding stream, resources may be directed away from the current initiatives to meet the new arrangements. We would welcome your views on that.

[187] **Jane Hutt:** Thank you, Chair. The key aim of the proposed Measure is to galvanise all that we do and all that we spend through various programmes such as Flying Start and Cymorth, to ensure that we are all focused on tackling child poverty, which is the main broad objective of the proposed Measure. The proposed Measure seeks to ensure that the funding that is currently being used by local authorities, including £51 million that is being spent this year alone on Cymorth-related activity, continues to be used to reduce inequality and disadvantage once it has moved into the RSG. That is what we want to secure, and it does not include the funding for Flying Start which is another huge ring-fenced tranche that is going to local authorities. I understand that this was explored during Brian Gibbons's evidence to the Finance Committee. I believe that the tight focus that we have developed with the proposed Measure in relation to targeting free childcare particularly and support for parenting will

ensure that that £51-plus million will not be spent on other means.

[188] **Val Lloyd:** Do you and the Deputy Minister for Social Services have any additional comments that you wish to make?

[189] **Gwenda Thomas:** I thank the committee for its thorough scrutiny of the proposed Measure and for the opportunity provided by this extra session.

[190] **Jane Hutt:** I am grateful for the questions and the evidence that has come from external bodies. This has helped to ensure that the focus on eradicating child poverty comes through at the forefront of the proposed Measure and that we can be groundbreaking, as I said, on play and participation. Wales will certainly lead the way on that.

[191] **Val Lloyd:** I thank both Ministers on behalf of the committee for coming here and answering our questions, as well as Michael Lubienski, Elizabeth Williams and Donna Davies. You will receive the transcript of today's proceedings, as usual, for correction or otherwise. Thank you very much.

[192] Colleagues, we are running late, which is not a surprise. We will break for 10 minutes for coffee, and if you need to bring your coffee with you when we resume, that will be fine.

*Gohiriwyd y cyfarfod rhwng 11.27 a.m. ac 11.37 a.m.  
The meeting adjourned between 11.27 a.m. and 11.37 a.m.*

[193] **Val Lloyd:** Welcome back. I welcome Anna Bird from Carmarthenshire Local Health Board who, I understand, is providing service representation from Carmarthenshire LHB secured by the NHS Confederation. Have I got that right, Anna?

[194] **Ms Bird:** That is correct.

[195] **Val Lloyd:** We will start with questions from Paul Davies.

[196] **Paul Davies:** From the perspective of the NHS, do you support the general principles of the proposed Measure, and do you have any general comments to make on the proposed Measure and what it is trying to achieve?

[197] **Ms Bird:** Clearly, the proposed Measure is a step towards achieving the 'One Wales' commitments. One of my concerns from an NHS perspective is that it is very focused on the children and young people's partnerships aspect, and I feel that some account might be taken of the wider interconnectedness of issues that affect poverty and, therefore, impact on child poverty. We have to take account of the whole range of factors that influence a child's wellbeing. There are actions at a UK Government level, a Welsh Assembly Government level and a local level around benefits, tax systems, fuel costs, transport, education, employment, leisure, housing—all of these things impact on an individual's health and wellbeing and if we are keen to tackle poverty, we need to be looking at issues of poverty in the round and how the proposed Measure might tackle them.

[198] **Paul Davies:** As a committee, we have not received any written evidence from NHS organisations, and there is little mention in any of the written evidence from other sectors of the impact or effect of the legislative duties and provisions contained in the proposed Measure on NHS bodies. Given the implications of the proposed Measure for the health service, are you satisfied with the level of consultation that the Government conducted with the health service and how well prepared do you think the NHS is for the legislative changes that will be brought about by the proposed Measure?



11.40 a.m.

[199] **Ms Bird:** I am aware that no NHS bodies have submitted evidence. I have something that I would be happy to forward to you afterwards, which gives views on behalf of the three LHBs in the west Wales region, if that would be helpful. As you know, this is a significant period of organisational change for NHS Wales, in that we are creating seven new NHS bodies. The implications of the proposed Measure have perhaps not been fully understood, and have not had time to be considered. So, I would welcome the opportunity for fuller consultation with the NHS, in particular with the new NHS bodies. The organisations are preparing for the realignment of their core and existing services. Therefore, the impact of any new Measure, and, in particular, the proposal to establish integrated family support teams, will be quite significant during a period of organisational change, which is going to take some time to bed in. As you know, we have only just had the formal announcement of the chief executive appointments, and we still have not yet secured the boards of the NHS bodies in full. There is a long way to go for the NHS as regards that organisational change programme.

[200] **Jeff Cuthbert:** On this point, the proposed Measure is clearly important, and the input of the NHS, in my view, is extremely important. I understand that major reorganisations are under way, nevertheless, the expertise is still out there. It is difficult for us because, as Paul has pointed out, we have not had any written responses from the NHS. So, the input from the NHS up to now has been limited, and that is a problem for us. Is that solely down to the issue of reorganisation, or are there other issues that may have prevented relevant experts from submitting evidence?

[201] **Ms Bird:** I cannot comment on behalf of the existing chief executives of the organisations, other than to acknowledge that we are in a period of transition. My role is as assistant director for children and family services in Carmarthenshire LHB, which encompasses all issues to do with children and young people. In the delivery of my role, I am very engaged with other strategic partnerships in our local area: for example, the community safety partnership, the substance misuse commissioning team, and also the youth offending and prevention management board, of which I am the vice chair. The fact that this has come through as a child and family proposed Measure, and that there has been a focus on the children and young people's partnerships, has meant that there has not been full appreciation of the broad range of actions that need to be taken to address child poverty and family poverty issues. I am not sure whether that answers your question.

[202] **Jeff Cuthbert:** Yes, thank you.

[203] **Gareth Jones:** I fod yn deg, yr ydych wedi cyfeirio at yr atebion y byddwn yn eu disgwyl i'm cwstiwn—yn rhannol beth bynnag—gan ei fod yn ymwneud ag adnoddau ariannol ac ailstrwythuro'r gwasanaeth iechyd gwladol yng Nghymru. Ni chredaf y cawn fwy ar hynny ar hyn o bryd. Mae'n annheg, efallai, gofyn i chi'n benodol a oes gennych unrhyw bryderon ynghylch goblygiadau ariannol yr adnoddau ychwanegol y bydd eu hangen oherwydd y Mesur arfaethedig hwn. Yr ydych wedi dweud bod hynny yn rhywbeth i'w ystyried. Yr ydych wedi datgan hefyd bod yr ailstrwythuro yn mynd rhagddo, a bod goblygiadau i hynny. O ystyried eich rôl, a hoffech ymhelaethu o gwbl ar y pwyntiau yr

**Gareth Jones:** To be fair, you have made reference to the responses that I would expect to my question—partly at least—because it refers to financial resources and NHS restructuring in Wales. I do not believe that we will get more on that at the moment. It is perhaps unfair to ask you specifically whether you have any concerns regarding the financial implications of the additional resources that will be needed because of the proposed Measure. You have stated that that will be something to be considered. You have also stated that the restructuring is ongoing, and that that has implications. Would you like to expand on those points in any way, bearing in mind your role, to which you have made reference already this morning?

ydych eisoes wedi cyfeirio atynt y bore yma?

[204] **Ms Bird:** I hope that you do not mind my responding in English. The resource implications of the proposed Measure, and, from my reading of it, how adequate resources would follow the establishment of these new arrangements, are not fully understood. It is important that any new requirements or obligations on any body, whether it is statutory or voluntary, is appropriately and recurrently resourced. We have had a number of significant pieces of legislation. I have been involved in the regulations regarding looked-after children, and the placement of vulnerable children away from home. I do not think that the implications of that legislation were fully understood, particularly the requirements placed on local health boards and NHS trusts. That has been a big problem. Therefore, it is difficult to comment at the moment about whether we would have sufficient resources.

[205] I heard Jane Hutt referring earlier to the use of Cymorth funding and making sure that that was appropriately targeted. I agree with that. As a children and young people's partnership in Carmarthenshire, we have been very determined to ensure that we are using the resources that are given to us to improve the health and wellbeing of all children. However, from my perspective, it is about all children, not only the most vulnerable in society. I do not think that we can just introduce new requirements on bodies, because that will take away from some existing essential projects for other groups of young people in our societies.

[206] **Gareth Jones:** Diolch, Anna. Credaf y bydd y cwestiwn nesaf yn llawer mwy perthnasol i chi, o ystyried eich rôl, oherwydd ei bod yn ymwneud â phartneriaethau plant a phobl ifanc. Mae'r gwasanaeth iechyd yn cael ei gynrychioli ar bob un o'r partneriaethau plant a phobl ifanc yng Nghymru. Mae'r Mesur arfaethedig yn gosod dyletswydd ar y partneriaethau hyn i baratoi strategaethau tlodi plant i gyd-fynd â'u strategaethau neu gynlluniau tair blynedd. A oes gennych unrhyw bryderon neu sylwadau ar hyn o bersbectif y gwasanaeth iechyd gwladol o ran y goblygiadau i'r gwasanaeth iechyd a phartneriaethau o ystyried anghenion y Mesur arfaethedig? Beth yw eich teimladau neu'ch sylwadau ar hyn?

**Gareth Jones:** Thank you, Anna. I believe that the next question will be far more relevant to you, given your role, because it relates to the children and young people's partnerships. The health service is represented on each of the children and young people's partnerships in Wales. The proposed Measure requires these partnerships to prepare child poverty strategies alongside their three-yearly strategies or schemes. Do you have any concerns or comments on this from the perspective of the national health service in terms of the implications for the health service and the partnerships of the requirements of the proposed Measure? What are your feelings or comments on this?

[207] **Ms Bird:** The children and young people's plans are our key vehicles as partners in setting our commitments for children and young people. You are well aware of the Assembly Government's seven core aims, one of which relates to poverty. Therefore, our children and young people's plan sets out a range of commitments to deliver improved outcomes for children and young people. However, the proposed Measure cannot solely be delivered through a children and young people's plan. I feel that that may be an example of the dilution of what the proposed Measure could achieve in its entirety.

[208] Perhaps consideration could be given to the role of local service boards, which are a key priority for all areas as they all have to have a local service board. It is where the strategic leaders sit and where all of those bodies come together and give their commitment to high-level priorities. Tackling poverty is one of those high-level priorities. The local service board could then drive the delivery of the commitments on poverty through the themes of the community planning functions—regeneration, the environment, community safety, children and young people's partnerships; all of these are important and have a role to play. Perhaps

the local service board is one way of holding the ring of responsibility for poverty within a local community.

[209] So, as I said, I do not think that enabling the statutory bodies to discharge their duties through a children and young people's plan—I read that that was what is being proposed—really takes account of the universal issues around poverty. Matters such as transport or housing sit outside the direct remit of a children and young people's partnership. However, the plans, and our own local plans, have attempted to ensure that a range of action is taken. Carmarthenshire has drafted its own child poverty pledge, which will go to the children and young people's partnership board next week. So, we are taking the responsibility of delivering our plan very seriously, but it is only one part of the action to address child poverty.

11.50 a.m.

[210] **Jeff Cuthbert:** My questions are on the integrated family support teams. Section 50 of the proposed Measure refers to the reasons why a family may be referred to one of the teams by a local authority. There are four main reasons in section 50(6), namely if a person is dependent on alcohol or drugs, is a victim of domestic violence or abuse, has a history of violent or abusive behaviour, or has a mental disorder. However, we are told that the three pioneer teams will focus entirely on alcohol and drug dependency in the first instance. What is your view of how effectively the team model can be transposed to the other three reasons that I referred to, particularly the last one of a mental disorder?

[211] **Ms Bird:** It is difficult to comment at the moment because the structure of the integrated family support teams is not as clear as it may need to be. There is also an idea that the ISFTs—no, the IFSTs; we use so many acronyms, do we not?—are a specialist service. In Carmarthenshire, we are currently developing a family support strategy where we seek to articulate at universal, targeted and specialist level the support that is available to families. One recommendation in the proposed Measure centres on local authorities being able to refer a family to an IFST. An adult with a substance misuse or alcohol dependency problem may not be linked into a social work model of care. They may go directly to their general practitioner or they may refer themselves to a voluntary sector organisation in the area that provides services tackling alcohol dependency. Therefore, some consideration could be given to the real purpose and role of the IFSTs alongside existing core services.

[212] We are seeking to strengthen our local response—and I am sorry to speak again from a Carmarthenshire perspective. Locally, we have established a 'Hidden Harm' social work post, and any adults with children in their family would be referred to the specialist social worker. We have also funded a post with Barnardo's that will provide support to the child of the parent receiving treatment. So, local responses are already in place. We may need to look at how the pilots develop and operate, and evaluate them, as there may be a number of different ways of strengthening the support services. From my perspective, this is about strengthening access to services when people need them. If I were made redundant tomorrow, my family might have to face a poverty-related issue. This is about ensuring that there are universal responses as well as responses to those children who are most in need or who are most vulnerable.

[213] **Jeff Cuthbert:** Am I right to assume that you think it best to wait for an evaluation of the pioneer teams before taking legislation forward? Is that the logic behind what you said?

[214] **Ms Bird:** We are all agreed that the proposed Measure has significant implications for the NHS as well as for local authorities. Given the period of transition, it is important that we impose the establishment of new teams or the requirements for new teams, because we are trying to establish continuity of provision across a new health community and to ensure that there is equity of access to service across a new health community area. We need to be clear

about how we will work equitably with the three local authorities in our new Hywel Dda health community area. There would be some benefit in waiting to see how the pilots work out and what real outcomes could be achieved from that type of specialist team, and I see them as being specialist teams.

[215] **Jeff Cuthbert:** That is fine. My last point is on the issue of mental disorder. The definition of ‘mental disorder’ in the proposed Measure is:

[216] ‘any disorder or disability of the mind’.

[217] From an NHS point of view, do you have any difficulty with that definition?

[218] **Ms Bird:** No. I have sought advice from my colleagues who work in mental health, and we feel that it is consistent with the definition used in the ‘Mental Health Act 1983 Code of Practice for Wales’.

[219] **Jenny Randerson:** In relation to the IFSTs again, do you think that there is sufficiently strong provision within the proposed Measure to ensure joint working between local authorities and local health boards? Local health boards will have duties to assist the local authority in establishing and resourcing the IFST, but the explanatory memorandum makes it clear that it has not been possible to estimate the cost of doing so. Do you have any concerns about the lack of provision of financial information?

[220] **Ms Bird:** Absolutely. As I outlined earlier, any new requirement needs to be appropriately resourced. That is not to say that we always need new money, because there are always ways to work more smartly together by integrating our working arrangements. There are many examples across Wales of integrated teams: we have integrated family support teams and children’s disability teams. That may be a point to consider because we have had to rename our family support team ‘the children’s disability team’. If we are talking about integrated family support, what do we mean by that? We are talking about a targeted service. Sorry, but could you repeat the question?

[221] **Jenny Randerson:** You have answered the second part very clearly, but the first part was whether you think that the provision in the proposed Measure is sufficiently strong to ensure joint working between local authorities and local health boards.

[222] **Ms Bird:** Clearly, there are other such provisions that require us to work closely together: the Children Act 2004, the local safeguarding board arrangements, and many others. I am not really clear what this would add to requirements to work closely together, other than in the specific instance of establishing and resourcing a team. I reiterate that the money needs to be there on a recurring basis to support us in establishing new services.

[223] **Jenny Randerson:** We have received evidence from Barnardo’s that suggests that the health service has to show much greater financial commitment to achieving the goals set out in the proposed Measure than it does currently to many of the children’s services’ commissioning procedures and arrangements. What is your response to that?

[224] **Ms Bird:** Without knowing what it was specifically referring to, it is a little hard to answer. However, from an NHS perspective, we need to be really clear about what our core business is. At the moment, our core business is delivering our annual operating framework targets that were set for us by the Welsh Assembly Government and that has to be a key priority in how we direct and use our own finances. I draw your attention to our roles in the children and young people’s partnerships, the community safety partnerships, the substance misuse partnerships, and the youth offending partnerships. Sometimes, it is not just about what we contribute by way of financial resources, but what we contribute to the agenda of

discussion about the priorities. For example, the Cymorth plan has to be agreed by the partnership, and the LHBs are members of that partnership. When it comes to directing our own resources, our own resources have to be delivering on our core obligation of providing NHS services first and foremost. However, I did give the example that, as a local community safety partnership, we have established a post with Barnardo's locally, because that reflected and addressed a need that we saw. So, we are investing in relationships with the voluntary sector as it has a lot to offer. It is a really important partner in delivering care for children and young people, indeed, for all families, whatever their age.

[225] **Jenny Randerson:** Do you think that the proposed Measure should be amended to ensure that the voluntary sector's involvement is clearer? We have heard evidence that, as currently drafted, it almost precludes voluntary sector involvement, although the Minister assured us this morning that that was not the case. Do you think that it needs to be more specific about encouraging voluntary sector involvement?

12.00 p.m.

[226] **Ms Bird:** The role of the voluntary sector does need to be made clear, and it also needs to be made clear that the Welsh Assembly Government is committed to that role. That would be helpful. It comes back to this: if voluntary sector organisations are involved in the delivery of a specialist service, if we are still talking about integrated family support teams, we need to be clear about what an integrated family support team is there to do. I believe that it is about ensuring that a range of support services is available to meet an individual's or a family's holistic needs. That might be best served by the provision of respite care by the voluntary sector, or it might be the provision of an input from the child and adolescent mental health services, for example, if it is a case of dealing with emotional and mental health issues. There is a role for each of us as partners to play in delivering services for children and young people, but if we are talking about a very specialist team, we need to be clear about its purpose.

[227] **Sandy Mewies:** You will have noted that section 53 places a duty on each local authority to establish an integrated family support board for its area, and it prescribes the members to be included. They include the director of social services, the statutory lead director of children and young people's services, and the lead officer for children and young people's services from the local health board. The new NHS structures will create integrated local health boards that will need to work with 22 local authorities. Section 54 sets out the objectives of the boards, including, at section 54(1)(c):

[228] 'to ensure that integrated family support teams have sufficient resources to carry out their functions'.

[229] Against that background, to what extent will the new NHS structures, with the creation of seven new integrated local health boards, facilitate an approach to the provision of integrated family support teams? Do you envisage any problems for the statutory partners in relation to their role as board representatives? Will there be tensions there? Do you envisage any problems where two or more local authorities are acting together to establish one or more integrated family support teams for both or all their areas, and where the authorities must establish one board? It is the synergy in the relationships between these things. Do you see any difficulties here, or not?

[230] **Ms Bird:** I suppose that the short answer is 'yes', as I do foresee difficulties. You may have anticipated that that would be my response. The membership of the board as currently prescribed in the proposed Measure is a replication of other boards that exist. Let us take the local safeguarding children board as an example, and the children and young people's partnership. I draw you back to the fact that we have many other strategic planning

partnerships that are prescribed in statute, such as the community safety partnerships and the health, social care and wellbeing partnerships for which there is a required level of membership seniority. We need to be mindful of the fact that the new LHB organisations will be required to link in to all those existing statutory partnerships within each of our current, existing local authorities. For example, in west Wales, our lead director for children and young people will be required to do that, upon appointment. There is an expectation that that level of seniority is necessary to ensure that the agenda is driven forward—and that is appropriate, of course—but it will be a huge task and a huge challenge, and I wonder whether there are ways of ensuring that the aims of the proposed Measure are achieved other than by prescribing the establishment of a separate board.

[231] **Sandy Mewies:** Does this reflect your earlier point about the proposed Measure detracting from wider issues and the wider financial implications for the work that you are doing?

[232] **Ms Bird:** I would agree. From a public health perspective, a person's health and wellbeing is affected by so many issues, as shown in the Dahlgren and Whitehead model. There are issues in a person's genetics, and lifestyle factors that are influenced by your peers or family, where you live, educational attainment and transport; all of these things affect situations of poverty, so I suggest that the role of the local service board in driving this forward is absolutely crucial. That is where the senior leaders would perhaps best invest their time, so that those of us who are working to implement the strategic directions and policies are doing so in the partnership streams. We have joint substance misuse commissioning groups and community safety partnerships, and one might consider that aspects of the integrated family support team might better sit with those partnership boards, rather than with a separate board. That is just a personal perspective.

[233] **Sandy Mewies:** The last question from me is that the children's commissioner has told us that the proposed Measure should explicitly identify the roles that schools could play in identifying children who may be at risk. He also said that the role of the family GP could be crucial in this respect, as well as the proposed family nurse service and the police. Do you have any views on this, and do you agree that provision should be made on the face of the proposed Measure?

[234] **Ms Bird:** I agree that everyone has a responsibility to promote and safeguard the welfare of children—the GP, the school nurse, the local guides leader, the local Sunday school teacher or whoever it may be; we all have that responsibility. We all have responsibilities and duties to address the issues that present themselves when we see a child who may be vulnerable or at risk. Therefore, I am not sure how you would ensure that you do not preclude or exclude professional groups, because it is everyone's responsibility.

[235] **Val Lloyd:** Thank you. I have a closing question. Are there any issues of concern about the proposed Measure that you feel that you have not had the chance to raise?

[236] **Ms Bird:** I noticed that other respondents had commented on the definition of abuse. From an NHS perspective, we would reiterate that the all-Wales child protection definition would be the best definition, because that is the accepted definition that is used by all local safeguarding boards and their statutory partners. The NHS would welcome a Measure on poverty but we need to see it in the round, and any requirements need to be appropriately resourced if we want to achieve clear outcomes.

[237] **Val Lloyd:** Thank you, and thank you for coming to speak with us. You will be sent a copy of the transcript prior to its final publication, so that you can correct any errors that you think are in it. Once again, thank you for coming.

[238] **Ms Bird:** Thank you. Diolch yn fawr.

12.08 a.m.

**Cynnig Trefniadol  
Procedural Motion**

[239] **Val Lloyd:** I move that

*the committee resolves to exclude the public from the remainder of the meeting and any future meetings where we will discuss the Stage 1 report of the proposed Measure, in accordance with Standing Order No. 10.37(vi).*

[240] I see that the committee is in agreement.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12.09 p.m.  
The public part of the meeting ended at 12.09 p.m.*