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Cymdeithas Genedlaethol er Atal
Creulondeb i Blant

National Society for the Prevention
of Cruelty to Children

Vaughan Gething
Chair Health & Social Care Committee
National Assembly for Wales
Cardiff Bay
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22 May 2013

Dear Vaughan

Following our earlier correspondence we would like to highlight additional areas for clarification.

We have previously identified a potential gap in early help services or support.

Under the legislation, a person is assessed and is found to have a need or emerging need. Once this has been established they are then considered to see whether they meet the National Eligibility Criteria. There has been no clear answer as to what happens if they are assessed as having a need but do not meet the criteria.

It may be that the intention is to refer those people assessed as having a need but not meeting the eligibility criteria back to information and advice services or universal provision.

If this is the case, then this intention should be clearly stated and we would like to highlight the wording of, Section 8 Provision of information, advice and assistance which is open to interpretation on this point as Section 8 (1)(a) relates to information and advice for "care and support".

Again this wording potentially leaves a gap in support for those "in need" but below the threshold.

NSPCC Cymru would like to see the bill strengthened on this point with clearer provision for targeted services. There needs to be active encouragement and support for people to access early help and so it is essential that information and advice is easily accessible for those eligible for care and support and for those who fall below thresholds.

The consultation document published ahead of the Bill contained a definition of "in need":

Nodur: Ei Mawrhydi y Frenhines

Sefydlwyd 1884. Cofrestrwyd trwy Statyr Brenhinol. Mae ChildLine yn wasanaeth a ddarperir gan yr NSPCC, rhifau cofrestru'r elusen 216401 a SC037717. Mae croeso i chi cyswlltu gyda ni yn Gymraeg neu'n Saesneg.

Patron: Her Majesty The Queen

Founded in 1884. Incorporated by Royal Charter. ChildLine is a service provided by the NSPCC, registered charity numbers 216401 and SC037717. You are welcome to communicate with us in Welsh or English. NS/332



1.1.9 It will be important to be clear about the definition of a person in need. The working definition that we have at present is as follows:

A person is considered to be "in need" if:

(i) they are unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or

wellbeing, (and, in the case of a child, development) without the provision for them of social care services;

(ii) their health, wellbeing (and, in the case of a child, their development) is likely to be significantly impaired, or further impaired, without the provision for them of social care services;

(iii) they are a disabled child;

(iv) they are in need of safeguarding or protection. If they are an adult they are an adult in need who has been harmed or is at risk of harm by virtue of that need.

It would be helpful to understand the reasons why this has not been included and to have clarity about the status of the Children Act 1989 in Wales once the legislation is introduced.

Finally, of particular concern is a potential difference between the duties reporting adults at risk and children at risk.

Section 106 Duty to report adults at risk (1) requires **relevant partners** to inform the local authority if it suspects an adult is at risk.

Section 108 Duty to report children at risk omits this duty. We recommend the provision at Section 106 (1) be included for children at Section 108.

A wide range of stakeholders have expressed the view that prevention and early intervention cannot be the role of social services alone. Incorporating the duty for relevant partners to inform the local authority of children at risk would send a clear message that protecting children is everyone's business and would help to ensure vulnerable children and those who care for them receive support at the earliest opportunity.

Thank you for the opportunity to continue to contribute.

Yours sincerely



Des Mannion
National Head of service for NSPCC in Wales