



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

**Y Pwyllgor Plant a Phobl Ifanc
The Children and Young People Committee**

**Dydd Iau, 29 Tachwedd 2007
Thursday, 29 November 2007**

Cynnwys
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Inquiry into Advocacy Services for Children in Wales

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Christine Chapman	Llafur Labour
Helen Mary Jones	Plaid Cymru (Cadeirydd) The Party of Wales (Chair)
Lynne Neagle	Llafur Labour

Eraill yn bresennol
Others in attendance

Donna Davies	Pennaeth Dros Dro, Cangen Plant sy'n Agored i Niwed, Cyfarwyddiaeth Iechyd a Gwasanaethau Cymdeithasol Plant Acting Head, Vulnerable Children Branch, Directorate for Children's Health and Social Services
Gwenda Thomas	Aelod Cynulliad, Llafur (Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol) Assembly Member, Labour (The Deputy Minister for Social Services)

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

John Grimes	Clerc Clerk
Abigail Phillips	Dirprwy Glerc Deputy Clerk
Kathryn Potter	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

Dechreuodd y cyfarfod am 9.34 a.m.
The meeting began at 9.34 a.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Helen Mary Jones:** Bore da, gyfeillion. Fe'ch croesawaf i ail gyfarfod y Pwyllgor Plant a Phobl Ifanc. Atgoffaf bawb fod croeso ichi ddefnyddio'r Gymraeg neu'r Saesneg a bod offer ar gael i glywed y cyfieithiad. Os ydych am glywed yn well, efallai os ydych yn oriel y cyhoedd, mae'r clustffonau yn chwyddleisio'r sain. Gofynnaf i'r Aelodau ac aelodau'r cyhoedd ddiffodd unrhyw ffôn symudol, BlackBerry neu ddyfais electronig arall. Nid yw'n ddigon da i ddiffodd y sain yn unig gan eu bod yn

Helen Mary Jones: Good morning, friends. I welcome you to the second meeting of the Children and Young People Committee. I remind everyone that you are free to use Welsh or English and that equipment is available to hear the translation. If you want to hear better, perhaps if you are in the public gallery, the headsets also amplify the audio. I ask Members and members of the public to switch off any mobile phones, BlackBerrys or other electronic devices. It is not good enough to turn off the ringtone, as they

amharu ar y system gyfieithu. Nid ydym yn disgwyl ymarfer tân, felly os clywn y larwm, bydd angen dilyn y tywysyddion allan o'r ystafell a'r adeilad.

interfere with the translation system. We are not expecting a fire drill, so if we hear the alarm, please follow the ushers out of the room and the building.

[2] Nid ydym wedi cael unrhyw ymddiheuriadau. A oes gan unrhyw Aelod fuddiant i'w ddatgan? Gwelaf nad oes.

We have not received any apologies. Are there any declarations of interest? I see that there are not.

9.36 a.m.

Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol **The Deputy Minister for Social Services**

[3] **Helen Mary Jones:** Croeso cynnes i Gwenda Thomas, y Dirprwy Weinidog dros Wasanaethau Cymdeithasol. Yr wyf yn ddiolchgar i Gwenda am fod ar gael ar fyr rybudd. Gwyddom pa mor brysur yr ydych, Ddirprwy Weinidog, ac mae'r ffaith eich bod yn barod i ymuno â ni heddiw yn dangos eich ymrwymiad personol i'r materion y bydd y pwyllgor yn eu trafod heddiw. Croesawaf Donna Davies hefyd, sef y prif swyddog sydd yn ymwneud â'r gwaith hwn.

Helen Mary Jones: I warmly welcome Gwenda Thomas, the Deputy Minister for Social Services. I am grateful to Gwenda for being available at such short notice. We know how busy you are, Deputy Minister, and so the fact that you are willing to join us today shows your personal commitment to the issues that the committee will discuss today. I also welcome Donna Davies, who is the chief official who has been dealing with this work.

[4] Bydd y Dirprwy Weinidog yn rhoi cyflwyniad inni. Fel arfer, nid ydym yn cael cyflwyniadau hir ond, yn yr achos hwn, gan nad yw papur y Llywodraeth yn barod eto, ystyriais ei bod yn briodol gofyn i'r Dirprwy Weinidog roi cyflwyniad inni am y materion.

The Deputy Minister will give us a presentation. Usually, we do not get long presentations but, in this case, given that the Government's paper is not yet ready, I thought it appropriate to ask the Deputy Minister for a presentation on the issues.

[5] We will discuss the Government's proposals on moving ahead with advocacy services for children, which have been worked on for a long time. The Deputy Minister has asked to give a substantial presentation. I know that we agreed that that would not normally be our way of doing things and that we would ask for papers and then ask questions, but, given that the Government paper in response to the consultation is not ready yet, the Minister suggested that it might help us as a committee if she gave us a bit of background. I hope that that is acceptable to everybody.

[6] Gofynnaf ichi wneud eich cyflwyniad, Ddirprwy Weinidog.

I ask you to make your presentation, Deputy Minister.

[7] **Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol (Gwenda Thomas):** Diolch am fy ngwahodd i'r cyfarfod hwn.

The Deputy Minister for Social Services (Gwenda Thomas): Thank you for inviting me to attend this meeting.

[8] I am very pleased to have played a part in establishing this committee in my role as chair of the safeguarding vulnerable children review, which I conducted at the request of the First Minister. I wish you all every success in your work.

[9] You will know that, as part of that review, I heard a great deal from a variety of

witnesses on the subject of advocacy. I am on record as saying that advocacy can play a critical role in ensuring that children and young people receive the services and support that they need. I am speaking to you this morning as a strong supporter of advocacy and as someone who is committed to ensuring that the right type and level of advocacy provision is made for the children and young people of Wales.

[10] In my report, I made several recommendations concerning advocacy, including challenge 3 on the need to ensure an integrated service, and challenge 6 on the importance of developing a model of service delivery that engaged local authorities in regional commissioning. I also stressed the importance of developing,

[11] ‘a set of principles and standards for independent advocacy which will ensure
a) prevention of conflict between service provider interests and children’s interests in the event of a complaint or challenge, and
b) consistent procedures for the resolution of issues raised with service providers on behalf of a child’.

[12] I remain very committed to this position and am pleased to come here today to share my views.

9.40 a.m.

[13] My report was not the only piece of evidence that the committee will need to look at, and I want to set out for you some of the other evidence on which I base my view. This is important, as the terms of reference of this committee mention the Government’s proposal for advocacy services in the light of the recent consultation exercise. The committee will be aware that the Government has not yet published its proposals, although it hopes to make a statement in Plenary before Christmas.

[14] I hope to help the committee in its task by sharing with you, as Members, the route that the Government has travelled in formulating its policy proposals. I want to remind the committee that, in 2002, the Children’s Society, which was the main advocacy provider at that time, withdrew its operations from Wales, leaving many children without any service at all. The Welsh Assembly Government put in place emergency arrangements to secure the jobs of those providing services and to fund advocacy providers at a national and local level, so that children in care or in need would have a service. The Government did this by establishing Tros Gynnal. The Welsh Assembly Government announced a wholesale review of advocacy so that we would learn lessons from our experience of the Children’s Society and be able to develop sustainable services, accessible to children and young people, with a priority focus on those in care. The Government set up a task group in November 2002 to carry out that work.

[15] The task group, which reported in 2005, produced a set of recommendations that were accepted by the Assembly Government. I can provide copies of the relevant recommendations and the Cabinet paper that deals with them. The documents are provided for committee members and I hope that they prove to be helpful. The task group proposed a particular model of service delivery and the Assembly Government set up a second task group to refine the proposed model. That it did, and it was on that model that we recently consulted—and I stress that point.

[16] As a part of that process, the then Minister for Health and Social Services, Brian Gibbons, advised the Office of the Children’s Commissioner for Wales that we would review our earlier commitment, following the recommendations of ‘Telling Concerns’, to set up an advocacy unit and that, as part of the consultation on the new service model, we would seek views on future support arrangements. All relevant stakeholders, including the advocacy

sector and Voices from Care, were represented on the task group. Both task groups were led by an independent chair: the main group by Tom White, the ex-director of Coventry social services department and chief executive of National Children's Home; and the sub-group to develop the commission model by a consultant from the Institute of Public Care.

[17] I will give a summary of the task group recommendations to the Welsh Assembly Government in late 2002. It strongly pressed that advocacy service be offered on a tiered basis, and that services be open for access at all levels. The tiered system caters for different forms of advocacy, including peer support and adult friend advocacy, while ensuring that access to professional services is available when needed by the child, their peer or another advocate. I strongly urge the committee to look at the recommendations made to the Assembly Government by the task group and at the relevant Cabinet paper. This is important as the recommendations were informed by a considerable body of evidence, including a major study by Cardiff University, which looked at advocacy arrangements in health, social care and education. The views of more than 1,000 children and young people on the advocacy and complaints arrangements form part of that evidence. It was managed through each of the 22 local children and young people partnerships and was analysed by an independent children's rights consultant. I am sure that the committee will want to be guided by the evidence that has been gathered and reviewed by the Assembly Government, rather than relying entirely on the opinions and preferences of particular groups.

[18] The new service model and the draft consultation were developed and approved by the second task group, set up to refine the model in 2006—outlined by the original task group, of course. The second task group explored different ways of how it could be commissioned: whether through individual children and young people's partnerships or by a consortium of partnerships. The consultation therefore set out the tiered model recommended by the task group and focused on the commissioning options of the model. It is important to note that the consultation never set out alternative options to the tiered service model. It looked at options for the commissioning arrangements through the children and young people partnerships. The object of the exercise was to consult on a model that had been developed independently through the task groups on the basis that the task groups had taken considerable care over a lengthy period to suggest a way forward.

[19] The proposal was to introduce the new integrated service model in three stages, with specialist advocacy at stages 1 and 2 for representation and complaints for the most vulnerable children being commissioned through local CYP partnerships from 2008. The legal responsibility for providing advocacy services will remain with local authorities, local health boards and trusts. However, the responsibility for commissioning advocacy services will be delegated to the children and young people partnerships. It is important that the committee understands that there is a statutory duty to provide certain advocacy services that falls to local authorities. To remove this responsibility and the resources that support it would, even if the case could be made for it, severely delay the development of advocacy services in Wales. I am firmly of the view, as I am sure are committee members, that such a case cannot be made, and that further delay must be avoided. Owing to guidance issued by the Assembly Government this September, the CYPP are statutorily responsible for planning and commissioning advocacy services in their areas. I do not need to remind this committee that CYP partnerships are multi-agency bodies. It would be quite wrong to doubt their capacity and to commission services in such a way as to compromise their effectiveness.

[20] Stages 1 and 2 of the new service model aim to improve collaborative commissioning through the development of an integrated specialist advocacy service for the most vulnerable groups. Stage 3 proposes that we build capacity within the matrix of advocacy and participation and children's rights, so that advocacy is mainstreamed in everyday practice and so that the people working with children advocate on their behalf. It also suggests a programme of training, to build skills and raise awareness in this area.

[21] What are the benefits of this model? Advocacy is about ensuring that children and young people are able to have an effective voice in accessing and influencing appropriate health, education and social services. Advocacy is most effective when it seeks to promote participation and engagement, and, when things do go wrong, secures speedy and local resolutions of the difficulties. Advocacy is a developmental process, not an adversarial one. Its development is informed by previous research, and takes into account the views of children and young people. It will provide the one-stop shop service that children told us they want. It should also address concerns in respect of service deficiency and independence. More than 80 per cent of children's problems are dealt with at an informal level locally within the service. If advocacy is divorced from local delivery structures, there are inherent risks of isolating the problem from the service, thus reducing local accountability. It will always be someone else's problem, and it will fail to make the essential cultural change to mainstream listening and responding to children's concerns.

9.50 a.m.

[22] I will move on to the issue of independence. Placing the responsibility for commissioning and monitoring advocacy with the CYPP will further distance, and add scrutiny and accountability to the service. As I suggested earlier, the number and range of statutory partners who will be individually and collectively responsible for the future commissioning of advocacy will also bring about greater objectivity and accountability, and will ensure independence and quality. I am considering what other structures may need to be put in place should the need arise to safeguard independence. However, it should be pointed out that there are already a number of checks and balances in the system to ensure the appropriate independence of advocacy services. For example, looked-after children, in addition to their advocate, are also well-served by a number of people in the service who have a statutory role in promoting in the best interests of the child: the independent reviewing officer, the independent visitor and the personal adviser. In addition, all children and young people in Wales have recourse to the children's commissioner.

[23] Advocacy and complaints services are monitored and inspected as part of the Care and Social Services Inspectorate Wales arrangements. This holds local authorities and managers of children's homes to account for ensuring that the statutory requirement for quality, independent advocacy services is met. To encourage a culture of participation, transparency and respect for children's rights, we need to embed advocacy for children and young people in the structures of direct service provision. This will not happen if we separate the service from local authorities. I understand that a number of alternative models of service provision have been mooted; I want this committee to understand that if the Welsh Assembly Government were to commission a national service to provide statutory advocacy services or broader services, that would have to be done through open tender, under the rules set out in the *Official Journal of the European Union*. That would yet again severely delay the development of advocacy services. In addition, it would be necessary to change the legal framework that governs local authorities' statutory duties—as I said earlier, currently, vulnerable children's statutory right to advocacy is met through provision by local authorities. In 2006, local authorities report spending around £1.3 million on advocacy and children's rights. This figure does not include the cost of the statutory advocacy service provided by NHS complaints management.

[24] I want now to turn to the messages from the consultation. We received 71 responses. In addition, we hosted two workshops in the south and the north over the summer, where the Acting Children's Commissioner for Wales and advocacy providers attended as key speakers and workshop leads. Most agreed with the vision and overall aim that all CYPPs should have access to advocacy. As one would expect, in other areas views were mixed, but the strong message was that any model should not be introduced in stages, and that is my view as well.

It was also felt that some level of advocacy should be accessible to all children and young people, and that more localised, specialist services should be accessible to vulnerable children, including looked-after children, to support them in decision making or in making a representation or complaint when things have gone wrong. Many respondents emphasised the importance and benefits of the preventative role of advocacy, and suggested that there was a greater risk to children outside the formal childcare system, who currently do not have access to advocacy services. We intend to publish the consultation report shortly.

[25] Before I conclude, I want also to remind this committee of what has been achieved already by the Government in taking forward the development of advocacy. Developments in children's advocacy provision include national minimum standards for advocacy providers in social care, introduced in 2003. These standards have been adopted in many health and education settings. There are regulations and guidance to social services to make access to advocacy a statutory right for children in need, including looked-after children and care leavers; that was introduced in 2004. There has also been the development of new objectives for monitoring complaints and advocacy in Children First programme objectives for local authorities.

[26] All local authorities have service level agreements with advocacy providers that meet national standards. An annual conference of advocacy providers has been held since 2003. Guidance on complaints systems for children in relation to social care issues was issued in 2006. The guidance includes a right for children to access an independent panel at any time if they wish to raise a complaint. Guidance to school governors on handling complaints in secondary schools was issued in 2006. The Welsh Assembly Government is committed to reviewing arrangements for children and young people who wish to make a complaint against the health service. This was an important point that was also covered by the safeguarding vulnerable children review. It is intended to extend the current right of all children to complain about treatment given in a hospital to enable them to complain about treatment given in all health settings.

[27] The Welsh Assembly Government has encouraged advocacy providers to set up an all-Wales group to encourage collaboration and facilitate the development of good practice. Through core grants, the Welsh Assembly Government has made resources of over £0.6 million available to key children's advocacy providers in Wales, including Barnardo's, Tros Gynnal, Voices from Care and the National Youth Advocacy Service. This is in addition to the resources that the Assembly has made available to local authorities through Children First to extend advocacy services to children in need. Local authorities' spend in 2006 was in the order of £1.3 million.

[28] I hope that this long record of achievements will reinforce the point that I made earlier that I speak to you as someone who is committed to providing strong and effective advocacy services, and who has paid careful attention to the full range of evidence available. I have been guided in my views by my own review of safeguards, the two task groups that have considered this issue, the Cardiff University study, and the responses to the consultation that was recently carried out. The Government hopes to be able to make a statement on its proposals for the future provision of advocacy services for children and young people in Wales before Christmas. I strongly urge this committee to give those proposals its full attention, but I wanted to ensure that you have access at this point to some of the material on which I based my views.

[29] I apologise for a rather long presentation, but I think that it is important to try to provide the background and an explanation as to why I have got to the position in which I now am.

[30] Diolch am wrando.

Thank you for listening.

[31] **Helen Mary Jones:** Diolch, Weinidog, am eich cyflwyniad manwl. Ni chredaf fod neb yn amau eich ymrwymiad personol chi, nac ymrwymiad y Llywodraeth, i yrru'r agenda ymlaen, ac mae'n werth nodi'r gwaith a wnaed eisoes. Fodd bynnag, fel y gwyddoch, mae pryderon na allwn fel pwyllgor eu hanwybyddu. Yr ydym wedi derbyn llythyr gan gadeirydd y grŵp trawsbleidiol ar blant mewn gofal, sydd hefyd wedi gofyn i ni drafod y mater hwn, a sicrhau bod y manylion yn iawn.

Helen Mary Jones: Thank you, Minister, for your detailed presentation. I do not believe that anyone doubts your personal commitment, or the Government's commitment, to driving this agenda forward, and it is worth noting the work that has already been done. However, as you are aware, there are some concerns that we as a committee cannot ignore. We have received a letter from the chair of the cross-party group on children in care, who has also asked us to discuss this issue, and to ensure that the details are correct.

[32] Felly, yr ydym yn eich croesawu yma, ac yn diolch i chi am eich cyflwyniad llawn. Mae gennym rai cwestiynau i chi, ac mae croeso i chi gynnwys Donna Davies, oherwydd mae rhai ohonynt yn ymwneud â'r broses, sydd yn mynd yn ôl at gyfnod cyn i chi fod yn Ddirprwy Weinidog â'r cyfrifoldeb hwn.

Therefore, we welcome you here, and thank you for your full presentation. We have a few questions for you, and you are welcome to bring in Donna Davies, because some of them are to do with the process, which goes back to a time before you became the Deputy Minister with responsibility for this.

[33] Gofynnaf y cwestiwn cyntaf, sy'n deillio o rywbeth y soniasoch amdano yn eich cyflwyniad. A allwch amlinellu'r rhesymau pam wnaeth y Llywodraeth benderfynu ymgynghori ar un model yn unig o gomisiynu?

I will ask the first question, which relates to something that you mentioned in your presentation. Can you outline the reasons why the Government decided to consult on only one commissioning model?

10.00 a.m.

[34] **Gwenda Thomas:** Allech chi **Gwenda Thomas:** Could you repeat that? ddweud hynny eto?

[35] **Helen Mary Jones:** I will repeat that in English, but I do not think that there are any technical problems with the translation, although there may be a problem with the headsets. The question is—and the Minister touched on this in her presentation—can you give us a further explanation as to why you chose to consult on only one commissioning model? Donna is welcome to come in.

[36] **Ms Davies:** The consultation consults on options for two commissioning models through the partnerships through two different arrangements. As the Minister explained earlier, the consultation focused on options for the commissioning model, because the structure of the model was set by the task group. There are two options within the structure, and the second task group, which I sat on, believed that putting in a full range of different commissioning options would only confuse, so there are two particular models. I think that model one seems to be coming back from the consultation as the preferred option.

[37] **Helen Mary Jones:** A wnaeth unrhyw un oedd yn ymateb i'r ymgynghoriad ofyn pam oeddech ond yn rhoi— **Helen Mary Jones:** Did anyone responding to the consultation ask why you only—

[38] We can discuss whether it is one or two models, or a variation model, but in the

responses that you received was there any comment that there was not more of a variety of models offered?

[39] **Ms Davies:** Yes, there was. There were mixed views in the consultation. Although we thought that it had set out that we were consulting on the commissioning model, some consultees had got confused between the commissioning model and the options.

[40] **Helen Mary Jones:** Can you explain, Ms Davies, why you thought that they were confused, or did they simply disagree?

[41] **Ms Davies:** There were mixed views, as I said. Individuals will be able to look at the consultation responses when they are published shortly, but there were mixed views within it. Some people have a preference for a model which is not what the task group suggested, but there is also a lot of support for the model that the task group presented in the document.

[42] **Helen Mary Jones:** Thank you. Do you want to add anything to that, Deputy Minister?

[43] **Gwenda Thomas:** No, but I think that I covered the latter point in my presentation.

[44] **Helen Mary Jones:** I thank the Deputy Minister for the additional information that she has made available to us; I am particularly grateful that the Deputy Minister is prepared to share a Cabinet paper, which is very generous and will help us enormously when we come to our deliberations.

[45] **Eleanor Burnham:** I have not had a chance to look at the consultation responses, but I am very interested in them. I am wondering about the spread of responses that you have received, and I am very interested in the idea that we should not disband the present arrangements within local authorities. My understanding is that there are concerns about independence at present, but are you of an opposing opinion?

[46] **Gwenda Thomas:** I agree that independence is crucial and key to the success of any future provision. I have also read the alternative paper on the proposed national model, but I would have some reservations as to whether or not there is enough focus on independence. I am confident that the need for very strong governance that will ensure independence of the service will be a part of the proposal. I also think that we need to be able to provide for children and young people to have an ongoing voice with regard to the provision of the advocacy that they need. I would see a role for a board—or whatever you want to call it—that would have an ongoing monitoring role. As I said, I believe that this is a developmental process, and having the participation and engagement of children and young people will be absolutely crucial. I also think that there is a role for a national unit, which I see focusing clearly on monitoring and evaluating the service and seeking to ensure the independence of the service. In that, I see CSSIW would also have a crucial role. Ensuring independence will be a major part of the inspection and regulation process of the service that will eventually be proceeded with.

[47] **Helen Mary Jones:** Just for the record, CSSIW, in case anybody in the audience is unaware, stands for the Care and Social Services Inspectorate Wales—it is strongly set up and very used to monitoring services.

[48] **Eleanor Burnham:** I used to work in social services in my early career, and I am concerned that we do not over-bureaucratise the situation. Taking the example of lack of service in education, which, unfortunately, has happened in Denbighshire, in my region, would you expect this advocacy to be freely available to any member of the public, such as a young person within the local authority education provision who was not being provided for

fully, or are you more focused on social services or the NHS scenario? I would hope that we would—

[49] **Helen Mary Jones:** There was a proposal to introduce things in a staged manner, which I think you have now decided is not appropriate. It is a matter of which children and young people can access services.

[50] **Eleanor Burnham:** Yes, because I am very concerned that we should open advocacy to as many people in as many areas as possible that perhaps are not currently covered. I only use that as an example, because if you look at the lack of education provision in that particular authority, I would be very concerned that we would be pressing you and monitoring you as a Government to ensure that everybody could have the education that the local authority was not providing at the present.

[51] **Helen Mary Jones:** The question is quite clear, is it not? It is about the range of young people who would be able to access services under the model that the Government is working to develop.

[52] **Gwenda Thomas:** It must be a universally available service. It must be available to children and young people themselves, be that through another person, such as a parent, a guardian, a friend or a peer. It must be universally available and it must be available to all children. A staged implementation of any plan would not facilitate that. We need to move seamlessly, or try to, from the provision available now to a much better and improved provision that is universal.

[53] **Eleanor Burnham:** But you can see the point that I am getting at, Chair, can you not? I just want to know that whatever we are doing is for the benefit of the child or young person in whatever sphere. If there is a lack of provision in education, as well as in health and social services, in the form of provision for dyslexia or a statement, for example, would this be encompassed?

[54] **Helen Mary Jones:** I take your point. Chris, do you want to come in on this point?

[55] **Christine Chapman:** Yes. I think that we would all agree that it must be universal, but in reality, there would not be any dilution of the fact that the most vulnerable ones must not drop off the end of this either. That is what is important.

[56] **Eleanor Burnham:** These are vulnerable ones.

[57] **Helen Mary Jones:** Eleanor, bydd **Helen Mary Jones:** Eleanor, there will be a trafodaeth rhwng aelodau'r pwyllgor yn nes discussion between committee members ymlaen. later.

[58] I am conscious of the Deputy Minister's time. Chris?

[59] **Christine Chapman:** When you have the three stages or tiers, it does mention the most vulnerable, and although we all want universal provision, there is always a risk in that the most vulnerable tend not to get it. I would want assurances that they would be catered for as well, even though you want universal cover.

[60] **Gwenda Thomas:** Yes, of course, and we need to aim for catering for the holistic needs of those most vulnerable children as well. I am very aware of that. I think that Donna can add a useful comment on that point.

[61] **Ms Davies:** Covering both issues, a point that came back strongly from the consultation is that, as the Deputy Minister said in her opening address, there should be some level of advocacy for all children. Another strongly made point from the consultation is that there needs to be prioritisation and protection for the most vulnerable. It was also recognised that the service for the most vulnerable had to be more specialised, because those people need different skills sets.

[62] **Christine Chapman:** You cannot actually treat them exactly the same, can you?

[63] **Ms Donna:** No; there is a very different way.

10.10 a.m.

[64] **Christine Chapman:** I would like to ask a few questions about the consultation. I know that we have partly discussed it already, but are you aware of any concerns raised by consultees about the process, and the way in which the agenda was set?

[65] **Ms Davies:** There has been concern throughout the consultation process. As you know, the Deputy Minister led a debate on this in Plenary. We understand that most of the concerns were raised by the same one or two voices. During the consultation process, and in workshops, we have also been working closely with all advocacy providers—they are active participants in the process.

[66] **Gwenda Thomas:** As far as the consultation on the safeguards review was concerned, you may be aware that there was a parallel group of children and young people set up to work with the main group that I chaired. That group of children and young people was facilitated by the NSPCC, and that group went out and gathered its own evidence. It was on the basis of that evidence, and the evidence that was gathered by the main group, that we set out the challenges in the safeguarding review. I know that that was quite an effective consultation by children and young people themselves.

[67] **Christine Chapman:** I am possibly moving a bit too quickly, but I have one question on an issue that I am concerned about. You mentioned a number of times, Deputy Minister, the potential for delay in this process if we did not go with this model. If you could put delay to one side, would you see other advantages or disadvantages in this model? I understand the delay issue—people want to see something happening—but imagining that you could leave that issue aside, would you see other disadvantages, particularly for local authorities, in this model?

[68] **Gwenda Thomas:** Are you asking whether we should consider a national model?

[69] **Christine Chapman:** Yes.

[70] **Gwenda Thomas:** Yes, I have thought about that. Health Commission Wales is one example of national commissioning—we are of course reviewing HCW at the moment—and there will be a lot to learn from that. I feel apprehensive about moving to a national model when there is little evidence about how it would work, and how we would ensure its independence. Are we saying that it would be more independent because it was funded by the Welsh Assembly Government? Are we saying that it would be less independent? There are a lot of questions around that. I would like us to proceed as quickly as possible—delay is an important factor. I understand the point that you are making, but I think that children and young people have waited long enough, and there should not be any further delay if we can possibly avoid it. We need to think about how we ensure a smooth transition, as I have said, and there is a commitment to review whichever service model is proposed and accepted. We will review that as it develops, and as I said, I think that the process is developmental.

[71] **Angela Burns:** Deputy Minister, thank you for coming in and reading your report to us—I found it to be of great interest. However, the thing that stood out for me was the number of people that you were going out to consult with—all the big groups, the various single-interest groups, the councils and so on. You mentioned in passing that you solicited the views of about 1,000 children. I would be interested to know what kind of children they were, what margins—if they came from margins—they belonged to, and what weight you gave to their response. In my opinion, their response should have the most weight of all. At the end of the day, if we just go around telling young people what they can have and should have, they are less likely to buy into it, believe it and accept it.

[72] **Gwenda Thomas:** It was important to make that evidence available to the committee. I know that you have not yet had the opportunity to look at it, but I know that you will look at it. I will ask Donna to say something, because she has some information on that.

[73] **Ms Davies:** There are different processes for engaging children and young people. The Deputy Minister went through some of them earlier. Cardiff University consulted over 200 children as part of its independent study. However, separate to that, through the children and young people partnerships, local consultation exercises were run with 1,000 children. They were from all age groups and different backgrounds, different ethnicities and demographics—for example, some were from rural backgrounds. They were all different people with different circumstances.

[74] We consulted on advocacy and complaints arrangements—because the children see those as two things—across health, social services and education. To answer your question, their strong message was that they do not look at issues of commissioning and independence—they wanted something nice and simple so that, if they had an issue or wanted to talk about something, they could go to one individual instead of being faced with the fragmented system that currently exists. They wanted some simplification. They considered many people to be their advocates, particularly their teachers, social workers, peers and youth leaders, and they did not want to lose that. However, those people, who had had experience of using advocacy services, saw the benefits and value of such services, in particular, in dealing with issues relating to children in care, such as when they had problems relating to school placements and the child in question did not want to be moved. There were mixed issues. Therefore, to answer your question simply: the views of children were key and at the heart of any reforms that the task group considered.

[75] **Angela Burns:** Yes, but where did these children come from? What margins were they on? I am chair of a young persons' health group and it was not until I threw out all the teachers, parents and other officials that the children felt empowered and free to say what they felt. So, there is consultation and there is consultation. I would like more detail on how that consultation was run and how free they felt to really say what they wanted without that information going back to someone or jeopardising the situation that they were currently in. Are they looked after or from a deprived or poor background?

[76] **Ms Davies:** There was a cross-section. It was run by an organisation called Red Kite, and was done through the partnerships. We have a published report and it is referred to in the documents before you and is also available on the Assembly's website. That report covers the methodology, how it was done and so on, and we are quite happy to share that with you. However, it was a local arrangement through the partnerships. The Assembly made £100,000 available to all of them to conduct these exercises to ensure that they included wide groups and that they used, not just the local authority, but the independent and voluntary sectors. There are different models on how they dealt with it. Some went to schools and some undertook the exercises through play-days. There were different models for how they achieved this.

[77] **Angela Burns:** What were the age groups of the children? At what age did they start?

[78] **Ms Davies:** I think that they went from the ages of five to 21; they were different ages.

[79] **Helen Mary Jones:** That is very helpful.

[80] **Lynne Neagle:** I just wanted to confirm that all partnerships across Wales participated.

[81] **Ms Davies:** Yes, all 22 partnerships. There is a published document on that, which was published in 2005.

[82] **Helen Mary Jones:** I am abusing the Chair's privilege here to follow up Angela Burns's question. I think that the mechanisms that you have described are those that brought you to the model that you then went out to consult on. Is that right—in that it would help to develop and inform the task group?

[83] **Ms Davies:** This is part of the evidence gathering for the task group in terms of how it arrived at the model, because children's voices were fundamental to that.

[84] **Helen Mary Jones:** Absolutely, and I think that we would all be very encouraged by that.

[85] On the formal consultation, once the document was issued, how many responses did you receive directly from children and young people at that stage in the process?

10.20 a.m.

[86] **Ms Davies:** The response to the formal consultation was very poor.

[87] **Helen Mary Jones:** That is the nature of it, is it not?

[88] **Ms Davies:** It is not surprising. We have copies of the consultation here. We had already consulted 1,500 people. We thought that the messages would not change, because children keep telling us, 'You are asking us the same thing'.

[89] **Helen Mary Jones:** One can over-consult.

[90] I have a couple of questions on which I might like to come back to you. However, I am conscious of time, so I will bring in Lynne Neagle at this point, and then I may come back to question 5.

[91] **Lynne Neagle:** I add my thanks to the Minister for her presentation this morning. As we know, there has been a number of reports relating to advocacy, from the Waterhouse report through to 'Telling Concerns' and a series of reports by the children's commissioner, which have made recommendations relating to advocacy. Could you say a bit more about how you feel the proposed model takes account of the recommendations made in those major reports, in particular, how the recommendations calling for the advocacy services to be fully independent have been addressed?

[92] **Gwenda Thomas:** With regard to Waterhouse—and I will bring in Donna if she wants to supplement what I have to say—the proposals that we have consulted upon go further than Waterhouse, which is to be welcomed. 'Telling Concerns' has featured in the task

group's work. I referred in my presentation to what Brian Gibbons said on that point during his time as Minister.

[93] Independence has been a crucial issue during the consultation and the preparation of the proposals. I said earlier that I believe that the governance of any model will be of immense importance in ensuring independence. However, we must have an effective monitoring and evaluation process, which would be ongoing, to ensure that. I think that Lynne was here when I referred to the inspection and regulation process; seeking to ensure independence will be a vital part of that work.

[94] **Ms Davies:** 'Telling Concerns' is one of the major documents that we are talking about here relating to the commissioner. One of the recommendations in that document was that we should develop a one-stop-shop model. This was at the heart of what the children and young people told us, and the model was developed on the basis of the suggestions in this document. The field work and evidence gathering for 'Telling Concerns' was done in early 2002, which was quite early. This was at the time that the Children's Society left Wales. The systems were not that robust then. As the Minister has set out, there have been quite significant developments since then to try to enhance the service and get some standards and contracts in place. I want to put it on the record that it was looking at services in a very different environment from that of today.

[95] **Gwenda Thomas:** It was a big part of the Tros Gynnal work in developing and taking over that service.

[96] **Lynne Neagle:** I would like to go a bit further on this issue of independence. As you know, a concern has been expressed that it will not be possible for there to be genuinely independent advocacy provided or commissioned by organisations that young people might then want to be challenged. Are you satisfied that the model that you have proposed can overcome those challenges?

[97] **Gwenda Thomas:** The model that we have consulted upon offers independence. However, I made the point that I felt that we should strengthen governance and seek to ensure that there is a way that children and young people could be engaged in an ongoing way in order for us to evaluate the importance of independence. We will wait to see if that has been taken on board. There was a need to strengthen governance.

[98] **Ms Davies:** Do you want me to follow that up?

[99] **Helen Mary Jones:** It is up to the Deputy Minister.

[100] **Ms Davies:** It has been recognised that the partnerships, as statutory bodies—which are not just local authorities, but a number of people—assist in bringing objectivity to it. The advocacy providers themselves are also within this and we have had a consultant working with them in developing all-Wales contracts and protocols, so that we can create and build on that. A number of mechanisms have been developed to create that independence, and the Minister mentioned earlier some monitoring and controls that we are doing through the audit tools for the national service framework and through some new targets that we have set with local government.

[101] **Angela Burns:** On a slightly different tack, I want to explore further your comment about you not wanting to see the advocate not employed by the council, in other words a national independent advocacy service. You felt that we could not go down that route because it would delay everything and we would have to go out to European tender. Many councils that I know already employ independent people who help people to get things like NHS redress and stuff like that. They are employed by the council, but their door is a locked door

and no-one comes in through it and they are allowed to operate completely independently. One thing that I am concerned about is that this advocacy service should be totally independent, because one of the things that people like to complain about is the treatment that they get by people who are employed by councils, so it is a catch-22 situation. I do not see why we would have to go out to European tender, because it is perfectly possible within the United Kingdom, and, therefore, within Wales, for us to have independent services, because we have an independent judiciary and all of that kind of stuff. So I would like to understand this point of yours a little bit more.

[102] **Gwenda Thomas:** I think that it is to do with the value of whatever was being tendered for, but Donna can elaborate on that.

[103] **Ms Davies:** I have two points on the current arrangements. We have taken the step that it is not employed by the local authority at the moment in Wales, which is quite different to England. We have legislated and put standards in place since 2003 to say that you cannot have it in-house, but you must contract it out to a third party, and that third party must be voluntary. So that is why we have been capacity building the voluntary sector to undertake this independent service. So we have taken that bold step in Wales, which is different to England.

[104] In terms of the European tender, one suggested option is a national service. Under open competition rules and the *Official Journal of the European Union* tender rules, if you are going out to tender for a service for, not a public body, but a third-party sector, voluntary or independent body, you would have to put it through under a Government account, so it would be an open tender. That could result in anyone in Wales, the UK or Europe putting forward an open tender, because it has to be fair and transparent, and it could result in one provider dominating Wales. There may be inherent risks to that, because we could go back to the situation that we had with the Children's Society.

[105] **Helen Mary Jones:** That would obviously be the case if you had one service commissioned from one provider, due to the value of the tender. However, would it not be possible to have services that were purchased nationally, and have several regional or local tenders that would then fall below the European threshold and you would then have preferred provider status? If you have one service nationally, I think, Ms Davies, that you are completely right that you would then have to go out under European competition rules, and anyone in the world could make that application, but, if you broke that contract down into five or six regional contracts—and I am not advocating this necessarily—a central agency could commission 22 services from the local authorities, which would fall below the European tender threshold. Perhaps that this is something that we should seek advice about.

[106] **Ms Davies:** First of all, if you were to look at what local people spend on services, not all of them would fall below the threshold, because I think that it is about £90,000 and some spend a lot above that. In terms of breaking it down, I would imagine that, legally and contractually, it is possible, but we have to think about the Assembly as an organisation and whether that would be a cost-effective way of spending public money in terms of the efficient way of handling things.

[107] **Helen Mary Jones:** Those are valid considerations. Christine, I think that you wanted to come in on this.

10.30 a.m.

[108] **Christine Chapman:** You referred to national frameworks and standards, and we have heard about consistency, but with the model that you are proposing, different people are going to be involved in different ways, so how can you ensure that there is standardisation?

As the saying goes: you are only as good as the weakest link. I am concerned to make sure that this model is of the highest standard, bearing in mind that different people will be involved.

[109] **Ms Davies:** Just to be clear, the model is mainly about commissioning. The service would still be provided by a third-party independent, and we have suggested the voluntary sector. Our national standards would be under review and, as we have said, there is a common statutory contract that would be developed. It is quite variable. At the moment, what you would have is the contract and purchasing, and the service standard would be set out in the contract. They would be inspected by the Care Standards Inspectorate for Wales. The document suggests that we should seek to regulate the service, which was very popular in the responses, through the Care Standards Act 2000 and that would bring in even greater regulation and inspection to ensure that the standards were met.

[110] **Christine Chapman:** As it will rest with the children and young people's partnerships, which are different in different parts of the country, again, it is about making sure that everybody is up to the same high-quality standard.

[111] **Ms Davies:** Yes, but the partnerships would have a common contract and the national standards would be inspected by a national inspectorate body.

[112] **Christine Chapman:** They would have—[*Inaudible.*]—to a certain extent, would they?

[113] **Ms Davies:** Of course, yes, and the local service and financial framework and national service audit would look at how they monitored it locally.

[114] **Helen Mary Jones:** Just for the record, Minister, and for those of us who may not be aware of what the current structures are, could either you or Ms Davies give us an idea of which bodies are represented on the children and young people's partnerships? We are all aware that the local education authority is represented and I understand that the local health board has to be there. However, I believe that there are certain other people who have to be there.

[115] **Ms Davies:** I cannot remember the full list in the Children Act 2004—it is actually set out statutorily in the Act. For example, you have the local health boards, the local authority children's services, the trusts, the police and the LEAs in the partnership. There is a cross-section of people and they are just some of them. Sorry, but I cannot think of the others.

[116] **Helen Mary Jones:** To inform our discussion further, we may want the full list because the ones that Ms Davies has mentioned are all providers of services, potentially, to children and young people.

[117] **Eleanor Burnham:** May I have clarification on that? You are advocating that there should be national standards, but regional commissioning by the children and young people's partnerships, which you were just discussing a minute ago—the Chair will obviously make sure that we get a list of who is on those partnership boards. Is that the model that you would definitely advocate, after all the work that has been done, because you have a very solid evidence base according to what you said in the Plenary debate on advocacy services for children earlier in the year?

[118] **Gwenda Thomas:** Having considered all the evidence and the proposals that we consulted on, I have come to that view.

[119] **Eleanor Burnham:** In view of what you were saying earlier, Ms Davies and Deputy

Minister, I just wonder whether you have looked at, monitored, discussed or experienced any other advocacy deliveries in the EU. I am particularly concerned with what you were saying about EU regulations and how they would perhaps be relevant to the other models.

[120] **Helen Mary Jones:** Before I ask the Minister and Ms Davies to respond to that, I am conscious that we are now a little bit over the time that the Minister was kind enough to allot us. Minister, are you able to stay with us for another five minutes or so because, if you are not, we can submit any further questions in writing?

[121] **Gwenda Thomas:** That is fine.

[122] **Helen Mary Jones:** Are you sure, because you have come to us at very short notice?

[123] **Gwenda Thomas:** I have about 10 minutes.

[124] **Helen Mary Jones:** That is excellent.

[125] **Eleanor Burnham:** Briefly, I just want to know what your experience and view is of the advocacy delivered in an EU context. On what you said earlier about the EU restrictions, are you confident that that is so, because I believe that, in the UK, we often become extremely over-zealous in our—

[126] **Helen Mary Jones:** I ask you to be brief in asking questions.

[127] **Eleanor Burnham:** We become over-zealous in our experience in the EU when other EU countries do not, perhaps.

[128] **Helen Mary Jones:** There are two parts to that question. One is the point that was made about the purchasing, or commissioning, arrangements, but I think that you were also asking about whether we had looked at models of advocacy—

[129] **Eleanor Burnham:** Indeed. You are very kind trying to help me with my question.

[130] **Gwenda Thomas:** On the whole concept and principle, Wales will again be leading the way in seeking to develop universal advocacy for children. We have all the evidence, and the free telephone line, which is proposed to be made available to all children and is to be publicised, is very important. That is one provision that could be brought into force very quickly. Children would know that they had something like the other helplines that we have heard about. It would be fully funded and, in my opinion, should have a person at the end of the line rather than a machine, so perhaps we could look out for that. That makes a difference to children. The telephone helpline is important and we will, as a country, be taking a major step forward in securing the protection and wellbeing of our children.

[131] **Ms Davies:** To clarify, the consultation also sought views on options for a telephone helpline. A lot of people came back and said that that would be sensible to provide wider access to advocacy, and so we are exploring that.

[132] **Helen Mary Jones:** That is helpful.

[133] **Christine Chapman:** Would you like to add anything about your vision or of how you envisage the children's advocacy unit? You have touched on a lot, but is there anything else that we need to know, about what you would like for the children's advocacy unit?

[134] **Gwenda Thomas:** I would like us to make it a reality as soon as possible. Many children out there need this service. I have taken all the points about independence, and I have

pondered that a lot and have come to the view that we can seek to ensure that. I have a vision of a safe service; one provided at source, where needed; one that is fully accessible to children and young people; and which covers all services for children, particularly in the health service. That is important, following the points that were made. That is highlighted in the evidence of the safeguarding children review. I very much welcome the recent publication of the guidance on the protection of children by the General Medical Council. That has been a major step forward, and I congratulate the council on that document. However, we still need to go further. We need to cover primary care and, by taking this major step—which is quite a brave step but is nothing less than children should expect and deserve—we will see that we need to build on services that are available and the notice that is taken of children.

[135] **Helen Mary Jones:** Are there any further questions from Members? I know that we had a question about the three-stage approach, but the Deputy Minister has made it clear that she is no longer minded to take that approach.

[136] **Gwenda Thomas:** I am not, no.

[137] **Helen Mary Jones:** Are there any further points that people want to raise with the Deputy Minister? I see that there are none. In that case, I thank the Deputy Minister for making herself available to us and I thank her and Ms Davies for their time and their answers. I particularly thank you for the written evidence that you have brought along, which will help us to get up to speed. I do not know whether you would find this appropriate, Deputy Minister, but I think that Members would be grateful for a written copy of your presentation on the background and history and how we got to where we were, so that we can refer back to it. Is that acceptable?

[138] **Gwenda Thomas:** I would be more than happy to provide that.

[139] **Helen Mary Jones:** That will give us a useful context of how we have got to where we are. We have it in our heads now but, as we come to discuss things over the next couple of weeks, we might want to refer back to some of those messages.

[140] **Diolch yn fawr iawn ichi. Yr ydym yn gwerthfawrogi'r ffaith eich bod wedi dod yma ar fyr rybudd ac wedi bod yn glir iawn yn eich cyflwyniad inni.** Thank you very much. We appreciate the fact that you have come here at short notice and you have been very clear in your presentation to us.

[141] **Gwenda Thomas:** Diolch yn fawr i chi, a phob lwc gyda'r gwaith. **Gwenda Thomas:** Thank you, and good luck with the work.

10.40 a.m.

Ymchwiliad i Wasanaethau Eiriolaeth i Blant yng Nghymru Inquiry into Advocacy Services for Children in Wales

[142] **Helen Mary Jones:** We turn now to the paper before us that discusses how we might move the short review of advocacy services on. As always, I thank the Members' research service and our clerks for preparing this for us. There are several questions to consider, one of which is whom else we should take evidence from. The other issue that I would like to discuss with Members is how we might take a snapshot, because we cannot do the in-depth evidence gathering with children and young people that has already been done, and, as we have the written reports on that, it would be a bit pointless. However, I took Ms Davies's point that all of that work was done as part of the build-up to the consultation, but that, with regard to the actual document that was consulted upon, they had not had much of a response from children and young people. So, there is a suggestion about how we, as Members, could

get a snapshot of how children and young people might react to the final proposal. Do Members have any views on who else we might want to ask to give evidence, either written or oral, or on how we might try to engage directly with children and young people?

[143] **Christine Chapman:** There is obviously the Cardiff University study, so I do not know whether those involved could come to committee, or whether they could send us their results. That is obviously such a major part of this that I would be quite keen for them to come to the committee.

[144] **Helen Mary Jones:** We can certainly see whether the people involved in that academic research could come, as that would be a huge help.

[145] **Eleanor Burnham:** What about the children's commissioner?

[146] **Helen Mary Jones:** I think that we have the Office of the Children's Commissioner for Wales on the list.

[147] **Eleanor Burnham:** I am so sorry, but I did not see that. I beg your pardon.

[148] **Helen Mary Jones:** I do not think that the new commissioner will be in post in time. Although we can expect an announcement soon on whom it will be, he or she will have to work a period of notice. However, the office has certainly agreed in principle that it will give evidence. Children in Wales is on the list, which represents organisations that provide advocacy services, but given that it represents such a wide range of organisations perhaps we should also ask Tros Gynnal or one of the other voluntary organisations that provide front-line services to give their view of the model.

[149] **Eleanor Burnham:** Yes, and perhaps we should invite such organisations from across Wales. In Wrexham, for example, there is a very strong organisation called AVOW, the Association of Voluntary Organisations in Wrexham, which is the umbrella body for all kinds of voluntary sector services. I am sure that it would be able to furnish us with somebody.

[150] **Helen Mary Jones:** I think that the Deputy Minister mentioned that the Government had been encouraging advocacy service providers to get together, so perhaps we can see whether they have an umbrella group. If they do not, perhaps we can seek views from different parts of Wales. Chris, I was particularly struck by your question about the variable performance of children and young people's partnerships, and, if the Deputy Minister goes for that model, how we can ensure their consistency. So, it might be good to get some idea about the services. Are there any other points?

[151] **Angela Burns:** I cannot for the life of me find my list of consultees.

[152] **Helen Mary Jones:** I shall just read out the list. There are obviously hundreds of people we could ask. However, the Deputy Minister and her civil servants have done a great deal of the work and have the evidence. We propose that we ask Children in Wales, because it is the umbrella body that has taken the views of many voluntary organisations, so we can talk to it instead of asking Barnardo's, National Children's Homes and Save the Children individually. We also suggest asking Voices from Care, because it is the only self-advocacy organisation for children and young people in the looked-after system, and we could expect to hear from it the views of young people who have experienced the worst end of the situation as it is or has been. That was the rationale for asking it. We will obviously ask the Welsh Local Government Association. We thought that we would write to all local authorities to ask whether they want to put anything in writing to us or whether they want to resubmit their response to us that they submitted to the Deputy Minister. However, we could not have them

all in, so I thought that the best way to get the overall view from local government, which has a key role to play in this, would be to ask the WLGA. As Eleanor said, we should ask the children's commissioner's office. We have added that we should see whether the people who did the big Cardiff study with children and young people would be prepared to come, and we have also suggested a specific organisation for advocacy providers.

[153] **Angela Burns:** I wanted to ensure that that was the group. I wonder whether we should ask the cross-party committee on looked-after children, because it has done a substantial body of work on advocacy, and I think that it has fairly strong views.

[154] **Helen Mary Jones:** We could, if the Chair or another member of that group were available; that might be interesting, because they have had several meetings, and they have taken a range of views.

[155] **Angela Burns:** Yes, I think that they have done a lot of work on that.

[156] **Helen Mary Jones:** Do other people think that that sounds like a good idea?

[157] **Eleanor Burnham:** In my earlier years, I was involved with the National Society for the Prevention of Cruelty to Children. Is that not an authoritative body?

[158] **Helen Mary Jones:** It is a very authoritative body, but if we ask the NSPCC, we would have to ask Barnardo's, NCH Action for Children, and so on.

[159] **Eleanor Burnham:** Could we not ask them for written evidence?

[160] **Helen Mary Jones:** We will ask them all for written evidence. What we are talking about are the people whom we will ask to come here physically so that we can question them. We were thinking—and John will put me right if I am wrong—that we should invite a wide range of people to write to us. They may choose to resubmit the responses that they made to the formal consultation paper. However, we cannot ask everyone. I accept what the Deputy Minister says about the delay, and I think that she will be prepared to hold off for a little while to get our advice. However, we would have a long review if we asked all the children's voluntary bodies, all the individual local authorities, health bodies, and so on; that would take us such a long time that the Government might lose patience and it would put this in place anyway, which it could do. I do not think that the Deputy Minister is minded to do that in this case, but it would be understandable if we were talking about a six-month review. Therefore, if you agree, Eleanor, we will just ask for written evidence from the NSPCC and that range of organisations.

[161] **Eleanor Burnham:** Yes, absolutely. Are we clarifying for the general public and, more importantly, for the people who have concerns why exactly we are doing this? It might be confusing for some people that there is a proposal to publish a Government statement, when we are almost taking rearguard action, because of concerns.

[162] **Helen Mary Jones:** If there had been a children's committee in a previous Assembly, it would probably have looked at this issue. We are looking at it because it cuts across portfolios, so there is not one job for health and social services, or for education, and so on. The idea is that it should be a one-stop advocacy service that can cover all those issues, and then direct more vulnerable young people to specialist services. I think that we would all support that. If there had been a children's committee in January or February 2006, that committee would probably have discussed it then. We are discussing it now because, subsequent to the formal consultation closing, some key organisations, including Children in Wales, have raised concerns, so we felt it appropriate to do a short piece of work to see whether those concerns can be addressed, and whether we, as a committee, might want to

make suggestions to the Government. Obviously, it will be the Government's decision in the end, and we can only give it advice.

[163] However, it is also worth putting on record that many of the task groups and working groups that the Deputy Minister and Ms Davies referred to held meetings in private, and some people may feel that their views were not heard openly, so we will give an opportunity for those concerns to be aired. We can then come to a view as a committee—and the key issue that is coming out is independence—but we need to do it fairly quickly, because the Deputy Minister has a big personal commitment to making this happen, and it would not be reasonable to delay it any more. I hope that we can get a report by the end of January or the beginning of February, if we are able to do the work with children and young people in a timely enough manner.

[164] **Lynne Neagle:** As part of the local government view, we should be sure to include the Association of Directors of Social Services, because I am mindful of what we are saying about the most vulnerable children not dropping off the bottom. When the WLGA comes to committee, maybe we should ask the ADSS to come along too, or ensure that whoever the WLGA brings has a strong social services focus.

[165] **Helen Mary Jones:** That is a good idea, because leadership in local government has not always been as focused on children's issues as it should be, so we need to make sure that whoever it is from the WLGA can answer the kind of questions that we might want to ask. That is very helpful, Lynne.

10.50 a.m.

[166] So, with that, are we content to proceed on this basis? We are exploring what we might do about these rapporteur visits to groups of children and young people, and the clerks will come back with some suggestions and we can then decide if we are happy. I know that it puts a bit of extra work on to Members, and I know how busy we all are, but I think that it is important that we at least hear a snapshot of children and young people's voices.

[167] So, with that, our formal agenda has come to an end, but I have a piece of further information with regard to the forward work programme that we agreed. Have I missed something, John?

[168] **Mr Grimes:** We did suggest some questions.

[169] **Helen Mary Jones:** Yes, does anyone have any comments on those?

[170] **Eleanor Burnham:** Sorry, Chair; on which page are the questions?

[171] **Helen Mary Jones:** They are on page 4. If there are no comments today, I suggest that we take the opportunity to look at those and if there is anything that we wish to add or modify, we bring that back to our clerks and develop them in that way for the sake of speed.

[172] **Eleanor Burnham:** The only thing that strikes me as I quickly read it now is question 3. In view of my question to the Minister later on, it might be useful to clarify the model on the basis that there would be national standards, but local commissioning through the children and young people's partnerships. It would be very useful to state that, and ask for views on that, in case someone was not clear.

[173] **Helen Mary Jones:** We could certainly refer them to the relevant bit of the consultation.

[174] **Eleanor Burnham:** I think you should put it in here for clarification.

[175] **Helen Mary Jones:** Are people content with that? I see that you are. Is there anything else that people want to add at this stage, bearing in mind that we can go away and have another look at it if there are additional matters? I see that there is nothing else. Thank you very much for that.

[176] **Lynne Neagle:** You mentioned the forward work programme; Chris and I queried the absence of children's budgeting from that.

[177] **Helen Mary Jones:** I was just going to come back to that, because there is that question that we need to put in as well. The other thing that I was going to mention was that we have us doing a review to follow-up on the Committee on Equality of Opportunity's report on services for young disabled people. I understand that the Committee on Equality of Opportunity is going to do that itself, so there is no point in duplicating that work, but there are broader issues about services for younger disabled children that that work will not capture, because the committee was specifically looking at young people and the transition into adulthood and so on. I have had a discussion with Disabled Children Matter Wales, and it has suggested that if this committee was prepared to do it, we could do a piece of work to look at the national service framework for services for children, which are the national standards that the Government expects all local service providers to meet. Some of those have been flagged, and they have to be done by x date. Some of the actions have not been flagged, and they could wait 10 years to be delivered. Disabled Children Matters Wales is very worried that most of the actions in chapter 5, which is the chapter about disabled children, are not flagged. It is asking us whether or not we would consider, instead of doing the work on the Committee on Equality of Opportunity's report, doing a piece of work about chapter 5 of the national service framework and scrutinising the Government and other public bodies on to what extent that has been delivered, and what their plans are for delivering it. What do people think about that?

[178] **Lynne Neagle:** I am quite happy with that. It is a serious issue, and the system is obviously not delivering at the moment for young disabled children and that needs to be addressed, as long as it also means that we can still look at child poverty, which I regard as a very pressing priority.

[179] **Helen Mary Jones:** I think that it may be useful for us as a committee after this meeting to add the children's budgeting back into the forward work programme, because that also refers to some of the discussions that have been going on in the Assembly around disabled children this week, and how we can track whether or not the money that central Government—and we talked about this in the Health, Wellbeing and Local Government Committee—which puts certain amounts of money into health bodies, local authorities, and so on for children, is spent on children. We were talking about disabled children in that case, but it could be any children. We may want to give some consideration to in what order we want to do these, because we cannot do it all at once.

[180] **Eleanor Burnham:** Why not? [*Laughter.*]

[181] **Helen Mary Jones:** The light-hearted reason is that there are not enough hours in the day; the sensible reason is that we need to do each bit properly. We may therefore want to consider prioritising. We agree therefore to ensure that children's budgeting is back in there. I think that it was just an oversight that it was not included. So we will look at children's budgeting, child poverty and the parenting action plan. Christine, we were discussing whether we ought, under the parenting action plan, to look specifically at some of the physical punishment issues and what we can do to develop alternatives to physical punishment and to support parents. Quite a bit of work has been done on that, and it would be useful to pull that

together to see where the Government and other bodies have got to with that.

[182] Then, instead of looking at the previous Committee on Equality of Opportunity's review, it is suggested that we look at the national service framework, chapter 5, children's budgeting and, obviously, the reports by the Children's Commissioner for Wales. I think that we may need to consult with the office of the children's commissioner about when it is likely to want to table reports before us. I ask that we all, as Members, give thought to the order. I think that we have agreed them as priorities, because no other committee will be working on them, but we need to consider in what order we would like to do those, following on from the advocacy services review.

[183] **Eleanor Burnham:** Will we have another paper based on what you have just been—

[184] **Helen Mary Jones:** We will have an updated paper based on our discussions today as a draft forward work programme. If we are able to agree that by e-mail, or if you could send any comments about it by e-mail, that would be helpful, and we can agree it formally at the next meeting. As part of that, however, we need to think about the order in which we want to do this work. Like Eleanor, I think that we would all like to do it all at once, but we cannot, so we need to decide on the order. I will ask the clerks and the research service to have a look at some of the things that may be coming out of Government in the next few months that we may be aware of that may particularly suggest that we should one thing before another. Is that all right with everybody? Are we happy to proceed on that basis? I see that we are.

[185] With that, I thank you all very much—*diolch yn fawr iawn ichi i gyd*. Thank you to our clerks, Members' research staff, and to the Record of Proceedings who sit there quietly writing everything down. Angela?

[186] **Angela Burns:** Sorry, I have one last point. Can I confirm that we are going to check out the European Union tendering rules?

[187] **Helen Mary Jones:** Yes. One of the things that I should have mentioned earlier with regard to advocacy services is that there are differences of view about the legal position as to whether local authorities are actually required to provide the services or whether they are required to ensure that the services are provided. That is slightly different, and it might make a difference as to whether a national model is feasible. We will also look at the tendering issues because I was slightly surprised—

[188] **Angela Burns:** I am very surprised, Chair. In my previous life—admittedly, in a commercial context—I did an awful lot of European tenders, and there is a substantive list of exceptions. However, if you are just genuinely looking up on the internet whether you have to obey the rules, it will say, 'Yes, you have to do that', so you need to employ a professional to take a good, hard look at it. I was very surprised by that response, although I am certainly not implying anything. It is just that a person who is not familiar with the EU's tendering rules, on the surface of it, would assume that that is it, and that they have to do it.

[189] **Helen Mary Jones:** That is a sensible point. The Minister will probably have taken that from today's proceedings. If you are somebody working in the children's division, you will not be an expert on European tendering, but there are people who work in other parts of the Assembly Government who are. We can perhaps make sure that they do that, and that we also seek independent advice about what the rules and regulations would be. Ninety thousand pounds sounded very low to me; I think that it is higher than that, but we will do some work and look it up. We are awaiting further advice from the Assembly's lawyers about the legal position with regard to who is responsible. That will help us to clarify any recommendations that we may make.

[190] **Angela Burns:** Brilliant.

[191] **Eleanor Burnham:** And our next meeting, Chair?

[192] **Helen Mary Jones:** Our next meeting will be a fortnight today; same time, same place and, hopefully, with some witnesses.

[193] **Eleanor Burnham:** Forgive me, but what is the date? I am confused.

[194] **Angela Burns:** May we take copies of the papers?

[195] **Helen Mary Jones:** Oh yes, I invite Members to take copies of the papers on the table.

[196] The date of the next meeting is the thirteenth. I know that it is the very day before recess, but we have a lot of work to do. Thanks to you all—diolch yn fawr iawn. I will see you all in a fortnight.

*Daeth y cyfarfod i ben am 10.59 a.m.
The meeting ended at 10.59 a.m.*