



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Pwyllgor Deddwriaeth Rhif 2
Legislation Committee No. 2

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

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

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

Eraill yn bresennol
Others in attendance

Tracey Breheny	Pennaeth yr Uned Tlodi Plant, Cynulliad Cenedlaethol Cymru Head of the Child Poverty Unit, Welsh Assembly Government
Donna Davies	Pennaeth y Gangen Plant yn Gyntaf, Cynulliad Cenedlaethol Cymru Head of Children First Branch, Welsh Assembly Government
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 (Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol) Assembly Member, Labour (the Deputy Minister for Social Services)
Elizabeth Williams	Pennaeth yr Is-adran y Strategaeth Plant a Phobl Ifanc, Cynulliad Cenedlaethol Cymru Head of Children and Young People Strategy Division, Welsh Assembly Government

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

Sarah Beasley	Clerc Clerk
Sarah Hatherly	Gwasanaeth Ymchwil yr Aelodau Members Research Service
Joanest Jackson	Cynghorydd Cyfreithiol i'r Pwyllgor Legal Adviser to the Committee
Kathryn Potter	Gwasanaeth Ymchwil yr Aelodau Members Research Service

Sarah Sargent

Dirprwy Glerc
Deputy Clerk

*Dechreuodd y cyfarfod am 9.35 a.m.
The meeting began at 9.35 a.m.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Val Lloyd:** Welcome to this morning's meeting of Legislation Committee No. 2 where we are considering the Proposed Children and Families (Wales) Measure. I welcome the three Ministers that are with us this morning, and our apologies for the slight delay in starting the meeting and keeping you waiting. I welcome Dr Brian Gibbons, the Minister for Social Justice and Local Government, Jane Hutt, the Minister for Children, Education, Lifelong Learning and Skills and Gwenda Thomas, the Deputy Minister for Social Services. I also welcome the officials that are with them.

[2] We will go straight into our evidence session as soon as I have done the obligatory housekeeping announcements. We do not expect a fire alarm test this morning, so, if you hear the fire alarm, please leave the room by the marked exit and follow instructions from ushers and staff. Please make sure that all your telephony devices are switched off so that they do not interfere with the broadcasting equipment. I remind everyone that we conduct meetings through the media of English and Welsh, and there is translation on channel 1 and amplification on channel 0 of the headsets provided.

9.35 a.m.

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

[3] **Val Lloyd:** The purpose of the meeting is to take evidence from the three Ministers identified earlier. I will leave it to the three Ministers to decide which of them wishes to answer the questions. We have quite a lot of questions, as you might imagine from such a large and comprehensive proposed Measure, so please bear that in mind. However, the prime consideration is to get the evidence rather than to hurry through it. I will start with the first question. Ministers, are you satisfied that the key provisions in the proposed Measure are appropriate to deliver its stated objectives? Is the proposed Measure too broad to be effective?

[4] **The Minister for Social Justice and Local Government (Brian Gibbons):** No, I do not think so, Chair. As you said in your introductory remarks, it is a very broad and complex area. If we are to tackle child poverty and social exclusion in Wales, we recognise that it is a multidimensional task that involves a wide range of agencies, and the purpose of the proposed Measure is to capture that. One of the key challenges of the proposed Measure is to create a clear national focus on what is a top priority for the Welsh Assembly Government. The proposed Measure will be very effective insofar that it is an evidence-based document, and many of the proposals before you would not exist if there was no evidence base in support of them.

[5] **Val Lloyd:** Thank you very much, Minister. What do you wish to achieve through the proposed Measure that you cannot already achieve through existing legislation? Are you content that the proposed Measure, as currently drafted, will meet the policy objectives in all the different areas?

[6] **Brian Gibbons:** There are a number of different purposes behind the proposed legislation. First of all, some aspects in the first part of the proposed legislation already exist in the Children Act 2004 and the children and young people's plan. However, the present legislation does not include a wide range of other public organisations in Wales, because they do not have a statutory duty in the same way. If we are to create a national sense of mission to tackle child poverty, it is important that all possible public bodies should have a duty to tackle child poverty.

[7] The second part of the proposed Measure deals with childcare, which reflects a long-standing commitment to bring focus and consistency to a very complex range of legislation across the board in relation to children's services. It is an attempt to consolidate, rationalise and modernise legislation in relation to under-eight provision for childcare.

9.40 a.m.

[8] The third part is a completely new piece of legislation on integrated family support services, which has never been proposed before in any other part of the United Kingdom in the way that this legislation proposes. Therefore, this is a completely novel development. The final part is legal provision to make contingency arrangements. For example, if the Cymorth or Flying Start funding streams were to be integrated into the revenue support grant, there would be a legal basis to ensure that children and families would continue to receive the services that they currently reasonably expect under those funding streams.

[9] **Val Lloyd:** Thank you, Minister. There is a commitment in the 'One Wales' document to reform the law to improve service delivery and outcomes for vulnerable children and their families. To what extent do the provisions in this proposed Measure help to take forward the Assembly Government's strategy for vulnerable children?

[10] **The Minister for Children, Education, Lifelong Learning and Skills (Jane Hutt):** The proposed Measure would make statutory provision through a legislative framework. We are now underpinning our 'One Wales' commitments, particularly in relation to the Government's commitment to tackling child poverty. It also takes forward the early development of our strategy for vulnerable children, which is something that, as questions develop, I am sure the Deputy Minister will refer to. However, the legislation will provide greater support to families where children may be at risk and strengthened regulatory enforcement in children's settings, which come under my responsibilities, of course.

[11] **Val Lloyd:** Thank you, Minister. In some areas, the proposed Measure restates and modifies the law. Is there scope to consolidate and strengthen existing policy and legislation rather than create new legislation?

[12] **Brian Gibbons:** Jane just touched on the fact that some of Part 2 of the proposed Measure is very much a consolidation of what exists, but with some changes to make the present system more proportionate. Part 1 expands on existing legal duties in a new, more creative—and I would suggest more accountable—way. As I said, Part 3 is completely new territory for legislation here in Wales.

[13] **Val Lloyd:** In your view, is there any provision in the proposed Measure that will have an impact on, or conflict with, any other Assembly legislation?

[14] **Brian Gibbons:** If we are to give children the best start in life, I would hope that this piece of legislation will complement what is already going on and create that real sense of national purpose that is needed across the board to tackle child poverty and multiple disadvantage in some families. We need that clear focus and sense of national purpose, and it

is hoped that the proposed Measure will deliver that.

[15] **Sandy Mewies:** To echo some of what you have just said, this is legislation for Wales, with a particularly Welsh flavour, but to what extent do you think that the proposed Measure will lead to policy divergence from England? What will the benefits be for children and their families in Wales? For people like me, who live very close to the English border, how are cross-border issues being addressed? On the same theme, how effective do you consider arrangements for the implementation of provision to be where there is a blend of reserved and devolved functions—for bodies such as the Children and Family Court Advisory Support Service, I suppose, in relation to the family justice system? How is that going to work?

[16] **Brian Gibbons:** When we began this exercise, we were ploughing our own furrow in that we were setting up a national duty here in Wales to tackle child poverty. It is very gratifying that the UK Government has looked—I think last autumn—at what we are doing and seems to have taken a very similar approach. Therefore, before last autumn, there might have been some substance to the comment that we were taking a divergent approach. However, now, I think that we are complementing what is going on at a UK level and the statutory duty that the UK Government is proposing in relation to child poverty. Jane and Gwenda could perhaps deal with some of the other areas with regard to child minding, family courts and the extent to which this will impinge on those areas.

[17] **The Deputy Minister for Social Services (Gwenda Thomas):** You referred to CAFCASS. Last week, I gave evidence to the Health, Wellbeing and Local Government Committee on CAFCASS operations in Wales. The issue to take on board—I was going to develop this when we came on to Part 3, but I do not mind doing so now—is the different responsibilities of CAFCASS, some of which are reserved and some of which are devolved to us. It is very important to recognise that there is that differential responsibility with regard to CAFCASS.

[18] Insofar as the reserved matters are concerned, a ministerial group has been set up across departments and I am a member of that group, out of which has developed the national family justice board. For the first time ever, the board will operate on the same level as the Family Justice Council, which will put ministerial responsibility on a level with the judiciary. I think that that is a very positive development.

[19] If you look at the devolved matters that CAFCASS deals with, you will see that they are very much part of the integrated way forward, because there is responsibility there for the welfare of children. If we look back over time, we will see that with many serious case reviews—we can look back to the time of Maria Colwell—it has been a theme that we need more inter-agency working. What Brian has said, and what I am now saying, is that through this proposed Measure we can seek to achieve that.

[20] **Jane Hutt:** I would just like to add that having enforcement measures in relation to child minding under this proposed Measure brings us into line with England.

[21] **Brian Gibbons:** It is also important, particularly because of the UK Government's commitment, to note that the one area over which we do not have real leverage is benefits and tax credits. The fact that the UK Government is bringing in a statutory duty for itself and seeking to work with the devolved Assemblies and Parliaments will create greater coherence rather than divergence, and that gives us a unique opportunity to create extra synergy through this particular proposed Measure.

[22] **Sandy Mewies:** One aim of the proposed Measure is to reduce inequalities in wellbeing between children and young people by giving additional support to those who are

said to be in need. Is this proposed Measure clear enough about the groups of children and young people that are to be the subject of the proposed Measure and that are in need of this extra support? I am thinking of specific groups such as homeless children, children in care, refugee and asylum-seeking children, young people in prison with mental health problems, children with disabilities, such as deaf children and children with sensory impairments. It is an enormous list. There are also young carers, travellers, minority ethnic children, and children and young people with a general disability. Also, wellbeing is mentioned but there is no definition of 'wellbeing' in the proposed Measure. Will it work that way, or does that need to be provided? Is there a definition of 'wellbeing'?

[23] **Brian Gibbons:** The concept of 'wellbeing' has been pretty well tried and tested over the years. I will give Mike Lubienski a chance to think about it. 'Wellbeing' is a word that is fairly frequently used in many documents and it is well established, but perhaps Mike can elaborate on that.

[24] In relation to the various groups, the purpose of the proposed Measure is to address multiple disadvantage and poverty. Any of the particular groups that you have mentioned, insofar as they will be affected by poverty and multiple disadvantages, will be caught up or they will benefit from this proposed Measure. Some of the groups that you mentioned would be much more likely to be in poverty and, as a result, would be much more likely to benefit. The entry point would have to be that they are facing multiple disadvantage or poverty. The only exception to that is Cymorth, which is a mixture of universal and targeted services. Equally, the requirements in relation to participation and play assessments have universal application—they are for all children; they are not targeted at the most vulnerable families. So, there are some elements of universality in this, which all children will benefit from, but the groups that you mentioned are particularly prone to poverty and disadvantage and the proposed Measure is intended to, effectively, supplement what is going on from the point of view of their specialist needs.

9.50 a.m.

[25] **Jane Hutt:** To follow up on the point about wellbeing, improving wellbeing is one of the Welsh Assembly Government's seven core aims in guiding the development of the children and young people's plans, which will be the key vehicles for taking this forward at a local level. As Brian said, this is about how we focus targeted action to support the most vulnerable groups, and those groups will be identified locally as well as through the national strategic approach that we have.

[26] You mentioned disabled children and families with very young children—and I am sure that Gwenda will want to come in on this—and this is where integrated family support service intervention can be most effective. This will be a key opportunity to lay out in statute the national perspective framework for the local targeted action.

[27] **Val Lloyd:** I will bring in the Deputy Minister and then Mr Lubienski.

[28] **Gwenda Thomas:** To build on what Brian and Jane have said, all responsibilities for wellbeing have now been devolved to the Welsh Assembly Government via the legislative competence Order. The Order clearly covers the definition of 'wellbeing'. That was included in the LCO, and the proposed Measure is developing from the legislative competence that we now have in Wales via the LCO. That was the start of the journey to improve the wellbeing of children in Wales.

[29] **Mr Lubienski:** What I would add to what the Ministers and Deputy Minister have said about the difficulty in relation to wellbeing, and the fact that there is not a definition of 'wellbeing' in the proposed Measure is that it is, nevertheless, a relevant concept. As the

Minister says, it is already defined and established in other legislation, particularly the Children Act 2004, and it will be relevant in relation to this proposed Measure because local authorities, for example, in choosing child poverty objectives as part of their strategies, will have to have regard to their existing duties in relation to wellbeing in deciding how to exercise their new functions under sections 7 and 8, which are to do with parenting support and health support services. Equally, it is very relevant in terms of the outcomes that they will be seeking to achieve in the exercise of the functions in relation to the integrated family support teams. So, to that extent, it is an existing legal concept and is relevant across a number of provisions in the proposed Measure.

[30] **Val Lloyd:** Sandy, before you come back in, I would like to press the Ministers and Deputy Minister for a reply. I listened intently, but I am still not certain whether your answer was ‘yes’ or ‘no’. Do specific groups need to be explicitly mentioned? I know that Sandy ran through some of them.

[31] **Brian Gibbons:** I believe that there was a list of about 10. I would not say that they do; the answer is: probably not in the sense that Sandy meant it. However, we know, for example, that children from some black and ethnic minority groups are more likely to live in poverty—not all; we know that some children from black and ethnic minorities come from relatively wealthy families. For example, members of the Bangladeshi community are much more likely than those of some other black and ethnic minority groups to live in poverty. We know that children living with a disability or living in a family with a parent with a disability are much more likely to face poverty and multiple disadvantage. That is also the case for refugees. However, there will be some refugees who will not be covered by this particular proposed Measure, because they will be from relatively wealthy and affluent backgrounds, and well-established, well-educated, well-integrated into Welsh society, earning a good living and able to avail themselves of life opportunities, like any other person in Wales. So, they may not be covered. The groups that Sandy listed are at a high risk, and as such, clearly the proposed Measure will be much more relevant to them. However, obviously not every individual in those groups would come within the ambit of this proposed Measure, because there may be a greater or a lesser amount of individuals who will not be in poverty, or who will not be facing multiple disadvantage, in those groups.

[32] **Val Lloyd:** Before I call the Deputy Minister in, what would be the test of that, that is, of whether that would be explicit or otherwise?

[33] **Brian Gibbons:** If you look at the broad aims of the proposed Measure, you will see that there is an attempt to define the relevant groups in terms of target income. I think that that is in sections 1 and 2, and you will see a list there; if you look at subsection 1(2) and at the first list, you will see that it refers to people living on certain income levels, and then if you go on to subsections 1(3) and 1(4), you will see the relevant income defined as 60 per cent of median income; subsection 1(5) is in relation to material deprivation and that is also mentioned further down. We will obviously have the opportunity to vary that. We know, in relation to the integrated family support teams, that the people who will use those services will be those who are identified through a social care assessment; they will come through that assessment to the integrated family support teams.

[34] **Val Lloyd:** That is very helpful. Deputy Minister, did you want to respond?

[35] **Gwenda Thomas:** All the groups mentioned, if they are deemed to be children in need, would be covered by the proposed IFST development. The definition of ‘children in need’ is included in the Children Act 1989.

[36] **Val Lloyd:** That is helpful. Sandy, thank you for your forbearance.

[37] **Sandy Mewies:** The explanatory memorandum states that there was a largely positive response to the consultation exercises before the proposed Measure was introduced. However, there were some key messages from stakeholders. How has the proposed Measure been modified and revised to take into account the consultation responses and those key messages that were received?

[38] **Brian Gibbons:** I will give Jane and Gwenda an opportunity to deal with the specifics, but it is important to realise that we are at the end of a fairly long road, which started probably around 2003 or 2004 with the first work that we did on child poverty—I think that it was with Professor Charlotte Williams. I think that Jane was involved in setting up that initial working party. The development of policy since then has been ongoing, so everything that is in the proposed Measure has been part of an interactive, participatory process. The LCO, which Gwenda mentioned, involved a lot of consultation, and while it did not go into the specifics, clearly the territory that is covered by the proposed Measure has been well and truly signalled to everyone. Equally, child minding and the need to rationalise and bring consistency, again, is something that we have signalled for some period of time.

10.00 a.m.

[39] **Jane Hutt:** To follow on from that point, the key messages that were coming back from the consultation on the explanatory memorandum were that child poverty was a very complex issue and that there is a need for a joined-up approach at a national and local level. I mentioned earlier that the children and young people's plans are an important vehicle for that at a local level. They were published for the first time last September and we see them as a key driver for the joined-up working that is needed across local authorities—that is, multi-agency working with partners to tackle child poverty. In fact, this came through in evidence, for example, from the Welsh Local Government Association, which said that we must ensure that we align this with our children and young people's planning process. It is useful that we have had our first children and young people's plans in place for a year, and we are reviewing their impact as well as looking at how they align with Welsh Assembly Government policy. As Brian said, we have to look back to the very first objectives, which were included in 'A Fair Future for our Children', the child poverty strategy that I launched, along with the work done by Charlotte Williams. We looked at the wider context of income poverty, service poverty and participation poverty, all of which are beginning to be addressed by the successor child poverty work done by the Assembly Government. The transfer of power now gives us the opportunity to embed this nationally and locally.

[40] **Gwenda Thomas:** The strong key message on the integrated family support teams was the need for law to clarify local leadership roles, to be more prescriptive, and to have more accountability as to which individuals were responsible for their implementation and performance. This has resulted in sections 53, 54 and 55, which relate to the establishment of the IFS teams and boards, to make the power to prescribe core members to the board available, and to the board's functions. Locally, that will mean the inclusion of the director of social services and the head of children's services, and there will also be the power to co-opt other members if the board thinks it necessary. Very importantly, it will also include the children and young people's partnerships.

[41] **Brian Gibbons:** In the development of this process, we were keen not to put any unfunded burdens and administrative burdens on authorities and agencies. That was a strong message that we received from the Welsh Local Government Association and others, and we have tried to capture that in how we have formulated the proposed Measure. When we started on the road to addressing child poverty, it was very much an income-focused approach; the key issue was money in your pocket. However, as Jane said, we realised in developing the policy that, if we were to tackle child poverty in a sustainable way, it was not just about putting money in people's pockets but about improving people's life chances in a much wider

and more holistic way. It is interesting that the UK Government's document has taken a similar approach to the one that we were beginning to develop and outline in our strategy in Wales. I do not think that we would have reached the wider view of how we tackle child poverty had we not been involved in an active dialogue with all the key stakeholders, including with children and families.

[42] **Paul Davies:** There are a number of subsections in the proposed Measure that give you as Welsh Ministers regulation-making powers that you can use to prescribe functions. Do you think that the proposed Measure achieves the correct balance between the powers on the face of it and the powers given to you as Welsh Ministers to make regulations?

[43] **Brian Gibbons:** I think that, in broad terms, the balance is right. As the Chair said in her opening remarks, the proposed Measure before us this morning is already relatively large and complex. Many of the elements that will be included in regulations were to be included in the proposed Measure, but, apart from the inflexibility that that would introduce, it would become so complex as a result that it would become unwieldy. So, I think that we have got the balance right. Clearly, the Assembly will have the opportunity to scrutinise those regulations, so they are not a blank cheque to be signed off with no accountability or scrutiny.

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

[45] **Brian Gibbons:** There will be some pretty small regulations, and perhaps Mike can think of examples, but the broad thrust is that anything of substance must involve engagement with the key stakeholders and so some of the more important aspects to be covered in regulations will need to be subject to the full standard consultation process. However, I suspect that there may be some small crossing of t's and dotting of i's and so on, and you hardly need consultation on some of those things. However, with anything of substance or of importance, we are committed to consultation, engagement and participation. That is why the proposed Measure is currently as it is.

[46] **Mr Lubienski:** The only thing that I would add is that the practice of consulting before producing regulations is well established. If it is an inflexible duty, it will mean that Ministers have to consult on even the most minute of regulation-making powers, including those to make minor changes to correct or update the provisions of an earlier set of regulations. That can be unduly burdensome and can lengthen the process, taking away some of the flexibility of being able to legislate through subordinate legislation.

[47] **Paul Davies:** What are the timescales for publishing guidance and bringing regulations into force?

[48] **Brian Gibbons:** That will vary depending on which part of the proposed Measure you consider. Some elements of it involve setting up the integrated family support teams, around 2010, I think, and the children and young people's plan is to be revised in light of this particular legislation in 2011, so there is no standard commencement date for all the proposals.

[49] **Paul Davies:** The explanatory memorandum to the National Assembly for Wales (Legislative Competence) (Social Welfare and Other Fields) Order 2008 on vulnerable children says that it provides the legislative framework for the Assembly Government to tackle child poverty and to underpin arrangements to provide a top-up payment to the child trust fund accounts of certain categories of children. There is no mention of child trust funds in the proposed Measure. Can you explain why?

[50] **Brian Gibbons:** When we were trying to develop our proposals for the child trust fund, we could have gone two ways. We could have gone down the route of asking all the key public bodies to participate with us if we provided them with the money and the support to do so, which would have meant that it was possible to introduce the child trust fund payment scheme without resorting to legislation. In other words, we would not have had to make it compulsory for public bodies to participate. Currently, it looks as though we can introduce that child trust fund scheme without having to resort to statutory duties, but if public bodies choose not to participate in the roll-out of the child trust fund proposals at some time in the future, we could place a statutory duty on them under the LCO on vulnerable children, as you said. However, as things currently stand, we have been able to work up proposals that we are content will deliver the objectives without having to place a statutory duty on public bodies.

10.10 a.m.

[51] **Paul Davies:** The National Assembly for Wales committee and the Welsh Affairs Select Committee recommended that the Assembly Government bring forward a proposed Measure so that the Children's Commissioner for Wales would be accountable to the National Assembly rather than the Assembly Government. Can you explain why you have chosen not to include such a provision in the proposed Measure?

[52] **Jane Hutt:** I will ask Liz Williams to address that point.

[53] **Ms Williams:** The LCO on vulnerable children does make provision for us to look at the role of the children's commissioner and to change that, should we feel the need to do so, but the children's commissioner has operated extremely independently thus far and we feel that his current independence is such that there would be no need to make a change in the law. However, there is an opportunity to change the powers, should we wish to do so, under that LCO.

[54] **Val Lloyd:** Thank you very much. Jenny, I believe that you want to ask some questions now.

[55] **Jenny Randerson:** On the section on eradicating child poverty, regulations may provide for the determination of material deprivation and median income in relation to a household. You have referred to that issue already, Minister. Should the determinations of material deprivation and median income be provided on the face of the proposed Measure to ensure a consistent approach across all local authority areas? I understand what you said earlier, but it does not deal with the issue of consistency across local authority areas.

[56] **Brian Gibbons:** What is on the face of the proposed Measure at the moment certainly gives more than a strong steer in relation to who we are talking about. Even in relation to sections 1(3) and (4), I certainly think that there will be some element of consistency. However, the subsequent subsections give us the power to define further or define even more tightly what we mean in sections 1(3) and (4) if we choose to do so, or if we feel that it is necessary because of changing circumstances. In sections 1(3) and (4), there is clearly some tightening of the definition, so there will be enough of a steer to create some consistency. However, within the parameters set out there, if we do not further define what we mean, there will be local discretion for public bodies to interpret that to suit their own definition of the relevant income groups in those circumstances. Part of the challenge of this proposed Measure, and particularly the implementation of this policy in practice, is to get the balance right. We have an opportunity here to ensure that all three major tiers of government—the UK Government, the Welsh Assembly Government and local government—have clear statutory duties to tackle child poverty. All three will have pretty similar statutory duties to tackle child poverty. However, we need to give sufficient flexibility to each of those to deliver policy that is sensitive and relevant to their particular populations.

[57] **Jenny Randerson:** The definitions that you want to apply, such as the median income levels of 60 and 70 per cent are on the face of the proposed Measure. Can you explain the rationale for setting that specific median income level? Are you not concerned that some disadvantaged families will find it difficult to cope even when their incomes exceed 60 or 70 per cent of the median income?

[58] **Brian Gibbons:** Yes, and this is an example of where the integrated family support proposals are so important. Where families are not caught by the financial criteria, but where other social factors, such as mental illness, learning disabilities and substance misuse, are contributing to disadvantage and are having a negative impact on families and children, this proposed Measure is intended to pick up that multiple disadvantage, and that is one of the great strengths in our approach to it, even though it adds to the complexity of the proposal.

[59] The figure of 60 per cent has a long tradition. I do not think that it just appeared in this proposed Measure; it has certainly been part of the UK Government target for many years. If you look at some of the international literature, you will see that it is a well-established benchmark for relative poverty.

[60] Material deprivation has an accepted currency at the UK level. As I understand it, it was developed in consultation by the Department for Work and Pensions in 2002. This is, therefore, a matter of trying to strike a balance by having a consistent approach at all tiers of government while still not being so totally prescriptive as to not allow local variation, to capture the specifics in each individual community and jurisdiction.

[61] **Jenny Randerson:** How were the broad aims in section 1 decided on, and are they realistic and achievable, or are they purely aspirations? For example, how will you ensure that children grow up in a safe and cohesive community? I cannot see anything in this proposed Measure that would ensure that.

[62] **Brian Gibbons:** I am not too sure that I would agree with that. If you look even at the long-standing research by people such as Richard Wilkinson, you will see that he and his research team have established, over the years, that inequalities in our society are not just issues in relation to people's life opportunities or even social justice, but that the less equal a society is, the more dysfunctional it is and the more likely you are to have problems of social 'uncohesion'—if that is a word. If you want a cohesive society in which everybody can reach their full potential and be at peace with themselves, then some move towards establishing equality and equity is at the heart of delivering it. As I said, a considerable body of research exists to underpin this view. Richard Wilkinson is probably the best spokesperson for the substantial literature behind this approach.

[63] **Jenny Randerson:** I understand entirely the link between poverty and the lack of cohesion, but I do not see how any of the measures in this proposed legislation, per se, create a safe and cohesive community. The police have a key role in creating safe and cohesive communities. They recognise that fact, but we have no control over them on a daily and operational basis.

[64] **Brian Gibbons:** That is not true. This proposed Measure links closely to the children and young people's plans, in which the police, the probation service, the prisons and the youth offending teams already play a part. Running behind this proposed Measure is the fact that those plans will remain the main delivery mechanism for a substantial part of this programme; that has been carefully written into this proposed Measure to ensure that it happens.

[65] Equally, if you look at part 1 of the document, looking at the various aims in relation

to the broad aims of tackling poverty, the challenge is to develop objectives that are based on those aims, and then to develop strategies to address those aims. So, the very fact that social cohesion is in the proposed Measure will place a duty on the various public bodies to set objectives in relation to delivering safe and cohesive communities.

10.20 a.m.

[66] Having set objectives, they will develop a strategy to deliver against that. If children and young people's plans are to remain a core part of the proposal, organisations such as the police, youth offending teams, the national offender management service, prisons and so on, should continue to be key players in the delivery of the strategy.

[67] **Jenny Randerson:** I understand that, but we do not have control over the day-to-day activities of the police. I remind you of the words of the chief constable of South Wales Police when she came in to give evidence on another piece of legislation, in that she was worried that the legislation even mentioned the police. I accept that it might chime well with current police strategy, but there is nothing to stop the police from going off in another direction in the future.

[68] **Brian Gibbons:** I do not accept that interpretation. The children and young people's plans set up under the Children Act 2004 require the police to be part of this process. The police are named as key players, so they are tied into the process in a way that you suggest that they are not. The evidence for this is reflected in the particular approach that we are taking in Wales, which has seen a significant reduction—I cannot remember the figure—in the number of children coming to the attention of youth offending teams and the criminal justice system. So, the empirical evidence shows that the way in which we are doing business in this regard in Wales is delivering results for young people, but Gwenda might want to say more on that.

[69] **Gwenda Thomas:** You mentioned the police, but there are also other bodies such as the local probation board, offender management services, prison services and even the fire and rescue services, which will play an important role in the integrated family support teams. As Jenny said, the majority of child referrals come from the police, and these bodies already have a statutory duty to co-operate under the Children Act 2004 for the safety and promotion of children's welfare, and to consider poverty as an aspect of wellbeing. Building on these duties, the integrated family support teams will provide an invaluable resource to support and rehabilitate families, children within youth offending teams, and, importantly, the 143 children who are, at present, in a custodial setting.

[70] **Jenny Randerson:** Moving on, why are the broad aims of the legislation on the face of the proposed Measure in this case, because they usually appear in the explanatory notes?

[71] **Brian Gibbons:** The proposed Measure is part of creating a real sense of national purpose and national clarity in tackling child poverty, and being upfront in defining the key levers and the key issues that need to be addressed. The fact that they are included in the broad aims on the face of the proposed Measure gives a clear, unambiguous statutory steer to all of the key public partners in Wales as to where we expect their strategies to take them in terms of policy and delivery.

[72] **Jenny Randerson:** The proposed Measure requires Welsh Ministers and a local authority to choose a range of objectives relating to the broad aims of eradicating child poverty. What happens if you fail to agree a range of objectives? Could that lead to a situation where different local authorities choose different objectives, which could result in inconsistency?

[73] **Brian Gibbons:** The proposed Measure requires local authorities and the Assembly Government to address, and have objectives against, all the aims. There is also provision, somewhere in the early part of the proposed Measure, for the Assembly Government to set additional objectives for public bodies, should that prove necessary. The two big players, local government and us, must address all these particular aims. We recognise that other public bodies will have a narrower focus and that it would not make any sense to require them to address every single aim, because that would be outside their competence and function.

[74] **Jane Hutt:** To follow up on your previous line of questioning, Jenny, it is important that the children and young people's plans are the local vehicles. They relate to the seven core aims for all children and young people, which emanate from the United Nations Convention on the Rights of the Child. We have clear statutory planning guidance, which, as Gwenda has said, contains a duty of co-operation and also a duty to plan according to the seven core aims. That broader framework is already clear in planning guidance, and will now be underpinned on a statutory basis.

[75] **Jenny Randerson:** You must produce an annual report under the proposed Measure. Will that report include timescales by which any outstanding objectives should be achieved? If there will not be an obligation for your report to encompass things that are outstanding, how will they be tracked or monitored?

[76] **Brian Gibbons:** I think that the proposed Measure states that the reports are every three years rather than annually. We are already developing tools to do that, and the publication of the child wellbeing monitor in October or November is an example of the work that we are doing to develop a robust methodology to capture the progress that we are making. If anyone wants to look at it, on the StatsWales webpage, a whole section is given over to children's statistics, which people could use. The child wellbeing monitor will probably be the main vehicle for evaluating progress for local authorities and other bodies. The evaluation of the children and young people's plans every two to three years, as part of their review, will take place at a local level. I do not know whether Jane wants to add anything to that.

[77] **Jane Hutt:** No, but I think that Gwenda does.

[78] **Gwenda Thomas:** I wanted to mention the local government performance framework, which will support this work.

[79] **Jenny Randerson:** The explanatory memorandum acknowledges that there will be resource implications for the Assembly Government's child poverty unit and that it,

[80] 'will have to be significantly strengthened'.

[81] The cost of strengthening the unit is estimated to be £55,000 for additional staffing. How much additional resource does that amount to?

[82] **Ms Breheny:** The unit will need to be strengthened, because the impact of the proposed Measure will mean that far greater or more robust arrangements will need to be put in place to issue guidance, for instance, to those public agencies that are not covered as part of the children and young people's plan process and also because of the increased importance of child poverty and of the plans in fulfilling duties on child poverty strategies. In assessing those plans, with child poverty you cannot simply look at core aim 7; you must look across all the core aims and look at child poverty as a whole. So, strengthening is also needed for that purpose. The resource amounts to one or possibly two members of staff, but the unit is very small at the moment.

[83] **Jenny Randerson:** I wonder whether that really amounts to significant strengthening. It might be significant in percentage terms but it implies to me that there could be an underestimate of the financial impact because of the complexity of this. That is simply a comment. The explanatory memorandum also states that local authorities will not face any additional burdens. Are you sure about that?

10.30 a.m.

[84] **Brian Gibbons:** Yes. In our dialogue with local authorities, we have found that they have been very concerned that these proposals would place unresourced extra burdens on them, and we have tried to develop this proposed Measure with that in mind. That was a point that was made by Kirsty Williams in her Plenary statement a few weeks ago. It also seemed to be her view that the proposed Measure, as outlined, and within the constraints that we are working within at present, would not be placing any further burdens on local authorities.

[85] **Val Lloyd:** Thank you. I will ask Gareth to ask some questions. At the end of these questions, we will take a very short break.

[86] **Gareth Jones:** Mae'r Mesur **Gareth Jones:** This proposed Measure arfaethedig hwn yn ei gwneud yn orfodol— requires—

[87] A fedrwch chi fy nghlywed drwy'r offer cyfieithu? Can you hear me through the translation equipment?

[88] **Brian Gibbons:** No.

[89] **Gareth Jones:** I will therefore ask my questions in English. The proposed Measure requires Welsh authorities to take reasonable steps to achieve the objectives of the strategy. What will be the determining material factors in evaluating or assessing whether Welsh authorities have taken all reasonable steps in compliance with the provisions of the proposed Measure?

[90] **Brian Gibbons:** I think that the proposed Measure will ask local authorities, as they draw up their children and young people's plans, to identify objectives following on from the main aims. Having identified those objectives, the local authorities will be asked to develop a strategy to address the requirements of those objectives. Clearly, in developing the strategy against the objectives, one would expect that they will be putting in outcome measures against that. We, as an Assembly Government, are statutory consultees with local government in the development of their children and young people's partnerships as they develop their plans. Therefore, we will be very keen to have those plans with fairly measurable outcome measures so that performance can be assessed. Equally, for example, the new Proposed Local Government (Wales) Measure, which is focused on improvement in the performance of local government, will also help in that particular exercise. As Gwenda mentioned, the performance framework that will underpin the monitoring of Cymorth once it goes into the revenue support grant will equally provide another context by which performance can be measured. We will also try to capture it at a national level through the children's wellbeing monitor. There will be monitoring of success at different tiers.

[91] **Gareth Jones:** Will the reasonable steps be clearly identifiable and well understood in that sense?

[92] **Brian Gibbons:** Ultimately, the courts decide what is reasonable, if push comes to shove.

[93] **Gareth Jones:** The children and young people's plan is a three-year strategic plan

developed and owned by the children and young people's partnership. Its current planning cycle runs from 2008 to 2011. When will the first child poverty strategies be produced by Welsh authorities?

[94] **Jane Hutt:** Further to the previous question, the other route to monitoring the effective delivery, in terms of reasonable steps, will be the inspection regime, conducted primarily by the Care and Social Services Inspectorate Wales, Estyn, and Higher Education Wales. However, the inspections of the second cycle of children and young people's plans will look at evidence of effectiveness, and that will be important for monitoring the links between those plans and the child poverty fund for local authorities. In answer to the question on the child poverty strategies, the first will be produced in 2011.

[95] **Gareth Jones:** Could it therefore be said that we are not making urgent progress in eradicating child poverty?

[96] **Jane Hutt:** The seven core aims of the children and young people's plans, which I mentioned earlier, include tackling child poverty. In the first tranche of plans, which were published in September, authorities and their partners addressed the issue of tackling child poverty. Tomorrow, Brian will sign a voluntary joint agreement with the Welsh Local Government Association and other partners, which is already being embedded in the first cycle of plans and in the wellbeing monitor. As you said, that is another vehicle, but the next cycle would take us forward from 2011 anyway.

[97] **Gareth Jones:** Can I raise a further issue? There is to be a duty on local authorities to prepare and publish a strategy for contributing to the eradication of child poverty. The children and young people's plans cover a range of issues, and this proposed Measure adds to them. Given the importance of the strategy that we are outlining here, would it be more effective as a stand-alone document, rather than being included as part of a wider, all-encompassing, children and young people's plan?

[98] **Jane Hutt:** Interestingly, the key message from the consultation was that the children and young people's plans should be the key driver for the strategic, joint working that we need with local authorities and their partners in order to tackle child poverty. We have an agreement with Welsh local government that we must rationalise the plans, and indeed we have rationalised a number of them already. It is very much an integrated approach, with the children and young people's plan demonstrating an understanding of the poverty agenda, and giving an explicit commitment to deliver improved outcomes.

[99] So, the children and young people's plan has been seen as the most appropriate framework for identifying actions to be undertaken at a local level. If you look at the issues around addressing child poverty, it is clear that the plans will feed in to the child poverty strategies in helping local authorities and their agencies to deliver their objectives. It is one of the seven core aims around tackling child poverty—a much-strengthened approach, with the child poverty strategy providing the overarching steer for the children and young people's plans.

[100] **Brian Gibbons:** I agree with Jane. We need to avoid duplication and conflict in key plans like this, and we are better placed to do that because we have invested in the child poverty solutions Wales software program. That is now available to all local authorities in Wales, but has only become available in the last 12 months. It is a solid evidence base for a local authority looking at this proposed Measure and wondering how to get started. As a policy-forming tool, that software will be important for the future, bringing coherence and consistency to policy development.

[101] **Val Lloyd:** Thank you. We will now take a short break.

*Gohiriwyd y cyfarfod rhwng 10.40 a.m. a 10.52 a.m.
The meeting adjourned between 10.40 a.m. and 10.52 a.m.*

[102] **Val Lloyd:** Thank you all for coming back so sharply. We have had a busy morning and we are not going to be able to finish the questions as anticipated. Therefore, we have decided to move to part 3 of the proposed Measures as it is the new part, so to speak. Perhaps we will follow up the other questions that we wanted to ask via correspondence. I believe that Jeff would like to start.

[103] **Jeff Cuthbert:** I appreciate that, to a degree, the Deputy Minister has already dealt with some of the issues in part 3 of the proposed Measure with regard to family integrated support teams, so I hope that I am not duplicating questions. The proposed Measure has a strong presumption towards supporting the families of children who would be at risk of becoming in need if support were not provided in order to avoid the need for some children to be taken into care. What implication does this presumption have for future developments in relation to children's law in Wales?

[104] **Gwenda Thomas:** It is an opportunity to look at the scope that the LCO, which preceded the proposed Measure, has given us within the law in Wales and at the scope within field 15 of the Government of Wales Act 2006, which goes right across social welfare. We made it clear when the LCO was being discussed that regularising law on children's issues is very important. The proposed Measure is part of that process.

[105] **Jeff Cuthbert:** Thank you. Do you accept that keeping children in vulnerable families through intensive work is only one way of tackling the problem? What are the possible implications of this policy for the care system, to what extent does the legislation reflect a desire to reduce the number of children in care, and is this appropriate? I will bolt on to that, if I may, the question of whether you feel that there is any danger of an unintended consequence that local authorities may divert resources from more direct services as a result of these policies.

[106] **Gwenda Thomas:** Keeping children within their families is only one option, but the Welsh Assembly Government has made it absolutely clear that we approach children's services from a rights-based perspective. Children have a right in law to live with both parents when it is safe for them to do so. That is only one option and if that is not in the best interests of the child, clearly, we will need to look at alternatives, such as care, and that includes foster care.

[107] On the diverting of resources, I am sure that, with the support of the Social Services Improvement Agency, the Welsh Local Government Association and the Association of Directors for Social Services Cymru, local government will want to look, in time, at the redistribution of resources towards preventative services. We have seen excellent examples of that, and this part of the proposed Measure is built upon the successful option 2 plan that has been in place in the Vale of Glamorgan and Cardiff. I am sure that local authorities will be committed to developing that agenda with regard to the rights of the child, and Jane has mentioned the United Nations Convention on the Rights of the Child. Diverting resources would, ultimately, not be a bad thing.

[108] **Brian Gibbons:** There is a continuing increase in the number of children coming into the care system or being looked after in Wales. It is still probably out of step to a certain extent with what is happening in England. One of the key parts of this proposal will be, as Gwenda said, to try to reverse that trend of children ending up in care, which is what option 2 showed us. So, one of the drivers of this is a clear evidence base of what works. This is evidence driving policy.

[109] **Gwenda Thomas:** Preventing children coming into care would not be the only aim, of course, and neither would looking at the implication for resources. The aim is to do what is in the best interests of the child, and I am sure that you will agree that this proposed Measure seeks to do that. It is most important to realise that this is what young people who have been through the care system are telling us: that, at the beginning of the problems in their families, they would have welcomed an initiative such as that which the integrated family support teams will now offer.

[110] **Jeff Cuthbert:** The next few questions are about evaluation, piloting, and academic research and practice. That was dealt with earlier in a question to Dr Gibbons, and he responded by saying that there was plenty of literature to that effect. So, I do not see any need to go back over that.

[111] I would like to move on to the establishment of integrated family support teams. The proposed Measure does not put a limit on the number of local authorities that could get together to deliver this service and establish an integrated family support team. Is there a danger that too many local authorities might join together and place all their efforts into one team covering a large area, which might not be able to service the number of families requiring support?

[112] **Gwenda Thomas:** There will be regulation, guidance and an inspection process for IFSTs. A national advisory board will be established to oversee the implementation of this work, and there will also be the local boards that I mentioned earlier. I think that I am right in saying this, Donna—if I am not, I am sure that you will say so—that in developing these, we will be making available £600,000 over three years for the development of the three pioneer pilot teams that we are looking to establish, and that that will aim to help 100 families. Where there is a large population, perhaps you would need just one IFST. In other areas, perhaps across one or more local authorities, one IFST could cover the requirements. I have issued a press release—I hope that it has reached the committee—which invited local authorities that are interested in these pioneer projects to come forward. We will be developing details on the optimum size of IFSTs. I am sure that it is right to say that one local board would also cover the same area, to give coherence.

11.00 a.m.

[113] **Ms Davies:** I will just build on what the Deputy Minister said. It allows us to put regulations and guidance in place that will prescribe to safeguard for some of the things that you are talking about, to make sure that there is sufficient cover across different areas, but also to provide flexibility for small authorities to come together.

[114] **Val Lloyd:** I have a supplementary question. How will you ensure equitable provision across Wales?

[115] **Gwenda Thomas:** Again, we will be looking at the regulation and the guidance, and that will be an important aim in the setting up of the IFSTs. The prescriptive model—it will be prescriptive—and the core teams to be deployed as part of IFSTs should ensure a high level of consistency across Wales in terms of the access criteria and the intervention that will be applied by the teams.

[116] **Val Lloyd:** Thank you for letting me ask that question, Jeff. Thank you, Minister.

[117] **Jeff Cuthbert:** My final group of questions is about funding issues. One reason why I ask them is that the proposed Measure places duties on local health boards to assist local authorities in running and resourcing the integrated family support teams. Will there be

additional funding for the IFSTs, and, linked to that, are you satisfied that the right number of teams will be established and properly resourced? Have you made an assessment of the costs of setting up and running the teams? Do you intend to ring fence any of the funding for the integrated family support teams? Finally, with the changes that are coming into the NHS in terms of its organisation in Wales, has there been discussion with the Minister for Health and Social Services in relation to the function of these teams and their work and the obligations of the local health boards? Do you feel that it will sit nicely enough within the revised structure of the NHS in Wales?

[118] **Gwenda Thomas:** To take up the point on additional funding, there will be additional funding of £2.3 million to cover us up to 2011. Each of the pioneer pilot projects will receive £1.8 million over the next three years—is that right, Donna, is it £1.8 million?

[119] **Ms Davies:** Just to clarify, there will be £0.6 million given to each pioneer area, each year, starting from 2010.

[120] **Gwenda Thomas:** So, £1.8 million, spread across the three years, up to the next comprehensive spending review. Within that, we envisage that it will cost between £400,000 and £500,000 to employ the staff and to develop the individual teams. In answer to your question on the new health units, the Minister for Health and Social Services is fully supportive of this development, and it does, for the first time, place a duty on local bodies to cooperate, and it will place a specific duty on local health boards to assist local authorities with the development of the IFSTs. That will be carried into the organisation of the health authority, and I believe that the commitment exists within the new health bodies to facilitate, and to seek to ensure the success of, the development of these teams.

[121] **Brian Gibbons:** The IFSTs represent a new and innovative structure or organisation, because I do not think that we have an equivalent body at the moment, whereby social services or local authorities and the health service are jointly contributing to a shared organisation. We have spent years talking about pooling or aligning budgets, and our capacity to do so has been limited, but this is a clear proposal in which budgets will be tightly aligned, pooled or integrated to allow services to be delivered in an integrated way. We know from all the reports—as Gwenda has said, from the Maria Colwell report to those of the present moment—that a lack of integrated and joint working between social services and health has failed children year in, year out. The IFS teams will be working with the most complex and difficult families, and we are trying to develop a unique and innovative model in Wales to crack this particular problem once and for all.

[122] **Val Lloyd:** Sandy has a supplementary question.

[123] **Sandy Mewies:** Thank you, Chair. You are being lenient, because I am not sure how closely this question connects with the proposed Measure; it is to do with the planning of the proposed Measure. You are setting up new organisations and bringing in the voluntary sector and so on, but one of the problems in the past has been communication, particularly with ICT, when the ICT in a big area such as social services does not match up with health. Has that been thought of and taken into account in the calculations that you have made on the resource implications?

[124] **Gwenda Thomas:** That has been considered, and you are right to mention what we envisage will be a targeted input by the voluntary and independent sectors. Communication within the teams will be important, and this will not end the statutory obligations that will remain with social services. We know that ICT has been developed effectively in social services, and we will look to the existing ICT systems to support the IFSTs. We need to capitalise on the best of all systems. I expect effective communication between the bodies. The staff for the IFSTs will be drawn from existing staff, so that should not have a

disproportionate impact. The responses to the consultation clearly show that there is commitment across the board to make this work.

[125] **Jeff Cuthbert:** I apologise if I missed it, but did you address the issue of ring fencing and whether that was being considered?

[126] **Gwenda Thomas:** The issue of ring fencing will be considered as we develop the regulations. I do not think that we can comment on that until we see how the IFSTs develop and what knowledge we can gain from the evaluation of the process, but perhaps Donna would like to add to that.

[127] **Ms Davies:** Building on what the Minister has said, these teams represent additionality, and the first year allows for capital infrastructure costs, so there will be £0.6 million per authority with some preparation lead-in, starting this year, because we want to start the developments. We are also making the links that will allow for some ICT infrastructure building and for making links to integrated children's services systems. However, as you said, the reality is that the money will be ring fenced; it will run for three years to resource the team and to set up the logistics around the team. We will use those three years for evaluation when it comes rolling it out, because it will only be trialled initially with the statutory pioneers in substance misuse. Inevitably, we will have to look at the business case of how much it would cost to roll it out to other areas, such as mental health and learning disabilities. Substance misuse has co-morbidity with those other matters, which will allow us to have a more robust business case and look at any additionality that is needed for the future spending review rounds.

11.10 a.m.

[128] **Brian Gibbons:** As Donna said, money will be allocated to the teams to deliver against their objectives. So, in that sense, the IFS teams will have their own operational budgets. One proposal is for the teams to have their own board made up of representatives of the NHS and social services, to ensure that the teams and the budgets are aligned and are working for the specific purposes for which they are established.

[129] **Val Lloyd:** To turn to referrals to the IFST, would you acknowledge that there is a possibility of subjective judgments being made about parents if all a local authority has to do is 'reasonably believe' or 'suspect' a parent of undertaking certain behaviours? Would a health professional be involved in referring someone who has, say, a mental disorder? What safeguards are in place for parents who disagree with the decision to refer them?

[130] **Gwenda Thomas:** There would be the involvement of health bodies, but the important thing to say is that the IFST mechanism cannot be imposed on any family; it is voluntary. The evidence that we have from option 2 and other academic research is that families are keen to be involved in such initiatives, and there is a waiting list in Cardiff for families who wish to be involved. It will be voluntary, and there will be an assessment process, as there is now, to target the most needy. Importantly, if a parent with problems presents to a health professional, it will be a requirement that the health professional considers the needs of the wider family in assessing the needs of the parent. That is the important underlying principle here: to look at the family as a unit.

[131] **Brian Gibbons:** There has been a problem over the past decade in that the necessity of targeting services has been recognised but the success of delivering against that has been very mixed. Probably one reason why it has been mixed is that, if a service is too targeted, the recipients of it can feel as though they are being stigmatised or labelled as a problem. There can be a perception of a particular service being for a particular problem. The great strength of this model is that it comes out of mainstream services. It is not about a 'problem' family

going to ‘problem’ family services somewhere; as Gwenda said, this mechanism will involve a referral from mainstream services and it will run as part of mainstream services. The reason why projects such as On Track in Rhondda Cynon Taf, Maesteg and so on have been successful is that, just like option 2, the access and exit points of those services are mainstream services, and so people are not stigmatised or labelled as being a particular problem. That is an attractive feature of this model, and I hope that it will successfully address the balance between targeted and mainstream services and will mean that people are not unduly labelled or stigmatised.

[132] **Val Lloyd:** Is self-referral possible? Were there any provisions for those families deemed to be at risk? You may have answered the second part.

[133] **Gwenda Thomas:** Self-referral exists now, and that will not change. There will definitely be the opportunity for self-referral.

[134] **Sandy Mewies:** I want to go back to the role of the voluntary sector in the future arrangements, because there has been evidence that parents, but also children, have a fear of contacting official services for reasons that are known to us, and they look to the voluntary sector as being less threatening and stigmatised. To what extent is the effectiveness of integrated family support teams dependent on the capacity of the voluntary sector to deliver interventions? Are Ministers satisfied that there is sufficient capacity to achieve this? If not, how much expansion will there need to be? Along the same lines, do you have any concerns that the statutory nature of the integrated family support teams may put parents off seeking help?

[135] **Gwenda Thomas:** They are very important points that you made and we do not believe that having IFSTs based in statutory services will deter families from accessing them. We really do not believe that and the evidence does not suggest that. That certainly was not the case, as I previously mentioned, on option 2, and the fact that we have a waiting list for that scheme shows that. The role and support of the voluntary sector will be the key, as we now see the voluntary sector supporting services. The voluntary sector was very much part of the consultation process, with Action for Children, formerly NCH, consulting widely. I believe that there was a response from about 200 organisations. A provision to co-opt members of the voluntary sector onto the boards, and to support the teams, is included in the proposed Measure. The point that you made about people not wanting to take advantage of official opportunities within social services is very important and, therefore, the early identification of families with problems is the key to this. That can happen right across all the sectors and whoever comes across a child in need or a parent in need as part of the family unit will be able to refer that family to social services or the IFSTs so that we can identify them early. That is what we have to achieve: early intervention to support families before there is a complete breakdown. That is of the essence in considering the importance of this proposed Measure.

[136] **Jenny Randerson:** I will move on to definitions now. Section 50(12) states that,

[137] “‘mental disorder’ means any disorder or disability of the mind’.

[138] Does that include learning disabilities? Is it therefore intended that families in which a parent or a prospective parent has a learning disability be covered by the proposed Measure?

[139] **Gwenda Thomas:** Yes. Disabilities are included within the scope of the proposed Measure, but the commencement of that provision will be in the future, when we have a robust body of evidence on the most effective intervention and workforce skills. We are funding Learning Disability Wales to look at better ways of supporting parents with learning disabilities, and that is being considered by the workforce group on the specialist skills

needed. As Donna has explained, we are going to look at parents with drug and alcohol misuse problems, but that it not to say that that work will not include people with learning disabilities. The work that we are funding Learning Disability Wales to do will lead to wider groups being encompassed in future.

[140] **Jenny Randerson:** Are you satisfied that the phrase ‘mental disorder’ fits well and chimes with the definitions of ‘mental disorder’ and ‘mental illness’ in Jonathan Morgan’s Member proposed LCO on the provision of mental health services? We thought long and hard about what that covered, and it definitely does not cover learning disabilities.

11.20 a.m.

[141] **Gwenda Thomas:** Thank you, Jenny. That is a very important point on which we need to be absolutely clear. Perhaps Mike can explain where there might be an overlap between this proposed Measure and Jonathan’s proposed LCO.

[142] **Mr Lubienski:** The reference point for the phrase ‘mental disorder’ comes from the Mental Health Act 1983. I would have to look specifically at the wording of the proposed legislative competence Order to which you refer to respond properly to that point. I must admit that I have not looked at it previously.

[143] **Jenny Randerson:** That would be helpful. We took a great deal of legal advice on that, and there were some issues with the definitions in UK Government legislation. Consistency is important.

[144] Moving on to another definition, section 50(7) deals with what constitutes a ‘family’ who would be referred to an integrated support team. The definition includes:

[145] ‘a child in need (or a looked after child), the parents of the child and, if the authority thinks it is appropriate, any other individual connected with the child’.

[146] Are you confident that the proposed Measure will cover all children who are vulnerable as a result of their parents’—or prospective parents’—substance abuse, alcohol misuse, domestic abuse or mental health difficulties?

[147] **Gwenda Thomas:** Yes, I am confident that the proposed Measure will cover them. This will come under the umbrella of the phrase ‘children in need’, as I have stated previously this morning. That is defined in the Children Act 1989.

[148] **Jenny Randerson:** Should the phrases ‘who has care of the child’ and ‘temporary absence’ be defined in the proposed Measure? For example, suppose a child’s aunt was the main carer but that that situation had existed for only four weeks. Would the phrase ‘who has care of the child’ refer to the parent or to the aunt? I can see that there might be scope for family dispute in relation to who is in the position of parent unless it was clearly defined in the proposed Measure.

[149] **Gwenda Thomas:** The provision of an integrated family support team covers any individual who cares for the child and may include the birth parent or others who may be the child’s primary carer. For example, if it is considered that they would benefit from the intervention of the IFS team, it can include an aunt, foster carer, or an older sibling if the child resides with them.

[150] **Jenny Randerson:** The point that I am trying to make, Deputy Minister, is that there may be an issue with how long a person has been in that position. You could envisage a position in which, because of a family crisis with the birth mother, for example, it may be

completely impossible for her to operate as a proactive parent on a daily basis, and so care would switch to an aunt, let us say. There could then be a real legal doubt as to who is acting in loco parentis at that point and who would therefore fall within the scope of the proposed Measure and be involved in any consultation.

[151] **Gwenda Thomas:** I would think that it would be considered from the perspective of what is in the very best interests of the child. We could mention the public law outline in this context and the requirement for local authorities to look at all possible options for safeguarding the interests of the child. Where that includes an aunt, and where the child can be successfully temporarily placed with another member of the family, then I cannot see—but I will ask Mike to come in on this—why the integrated family support teams could not consider, perhaps, a placement with a close family member or whoever provides the care for the child as being in the best interests of the child.

[152] **Mr Lubienski:** It is a good question, but we are trying to set out in this part of the proposed Measure, in these provisions, the potential class of people who could be referred to the project. For that reason, the breadth of the provision is very wide. That is why we included in the definition of ‘parent’, as you pointed out, a person ‘who has care of the child’. That could be someone who has the care of the child for a very short period of time. However, in a sense, one need not be concerned that it is too broad, because, in all of these questions, there will be an element of professional judgment on the part of the social workers who are considering the case and deciding which cases to refer. In the proposed Measure, we have tried to introduce great breadth so that they can use their discretion.

[153] **Jenny Randerson:** I will move on to section 52, which refers to the fact that the IFST should include ‘prescribed persons’. Do you think that the term ‘prescribed persons’—the list of those prescribed persons—should be included on the face of the Measure?

[154] **Gwenda Thomas:** Section 52 deals with the establishment of IFST boards. Placing these specific duties on the face of the Measure was strongly advocated by stakeholders, to demonstrate the important leadership and accountability of key individuals at senior level to IFSTs. Guidance can set out other members who should be on the board and allow for local authorities and local health boards to consider other partners that will be key to delivering the service. An example of that would be the youth offending teams.

[155] **Gareth Jones:** Hoffwn ofyn rhai cwestiynau ynglŷn â'r timau proffesiynol sy'n cefnogi teuluoedd—y timau integredig cymorth i deuluoedd. Mae adran 52 yn rhoi dyletswydd ar awdurdod lleol i sicrhau bod y timau hyn yn cynnwys y bobl berthnasol, broffesiynol a restrir yn y rheoliadau. A yw'n fwriad bod gan y timau hyn rywbeth tebyg i swyddogaethau a threfnyddiaeth y timau troseddau ieuencid, sydd yn amlddisgyblaethol ac yn atebgol i fyrdau rheoli'r timau troseddau ieuencid?

Gareth Jones: I would like to ask some questions about the professional teams that support families—the integrated family support teams. Section 52 places a duty on local authorities to ensure that these teams include the relevant, professional people listed in the regulations. Is it intended that these teams have similar functions and organisation to the youth offending teams, which are multi-disciplinary and are responsible to the youth offending teams' management boards?

[156] **Gwenda Thomas:** Yr wyf yn deall eich pwynt ynglŷn â chyfansoddiad y tîm, ond bydd rhyw bump neu chwech aelod—

Gwenda Thomas: I understand your point regarding the make-up of the team, but there will be around five or six members—

[157] I am sorry; I can hear the translation through the headset. I will change the channel.

[158] Mae'r tîm proffesiynol yn bwysig. The professional team is, of course,

wrth gwrs. Bydd gan y tîm rhyw bump neu chwech aelod. Golyga hynny y gall y timau troseddau ieuencid gael eu cynnwys. Fodd bynnag, byddai'r tîm yn gweithio mewn partneriaeth â chyrrff fel y timau troseddau ieuencid ac yn derbyn atgyfeiriadau ganddynt. Y peth pwysig yw nad yw'r timau integredig cymorth i deuluoedd yn mynd i weithio mewn seilo. Byddant yn gweithio mewn partneriaeth â'r cyrrff eraill sy'n bwysig ym mywydau'r plant a'r teulu.

important. The team will have around five or six members. This will mean that the youth offending teams could be included. However, the team would be working in partnership with bodies such as the youth offending teams and would accept referrals from them. The important thing is that the integrated family support teams will not work in a silo. They will work in partnership with the other bodies that are important in the lives of children and the family.

11.30 a.m.

[159] **Gareth Jones:** Cyn belled ag y mae'r timau integredig cymorth i deuluoedd yn y cwestiwn, lle maent mewn perthynas â'r system cyfiawnder ieuencid, a ydynt yn debygol o roi cefnogaeth yn gynnar i blant a phobl ifanc, cyn i'w problemau ddwysáu?

Gareth Jones: As far as the integrated family support teams are concerned, where they have a relationship with the youth justice system, are they likely to provide support to children and young people early on, before their problems escalate?

[160] **Gwenda Thomas:** Mae'n bwysig ceisio gwneud hynny. Os gallwn ymyrryd yn gynnar ym mywyd teulu neu blentyn, yr wyf yn siŵr y byddai plentyn yn elwa o hynny. Dyna'r cynnig yr ydym yn ei gyflwyno, i geisio gwneud hynny.

Gwenda Thomas: It is important to try to do that. If we can intervene early in the lives of a family or a child, I am certain that the child would benefit from that. That is the proposal that we have brought forward, to try to do that.

[161] Wedi dweud hynny, os bydd plentyn yn y system cyfiawnder yn profi problemau yn y modd yr ydych yn sôn amdano, mae'n bwysig ein bod yn cefnogi'r plentyn drwy'r broses honno fel y caiff fyw'n hapus mewn uned deuluol. Haws dweud na gwneud yw hynny'n aml, ond dyna'r bwriad sylfaenol yng ngwaith y timau integredig.

Having said that, if a child who is in the justice system experiences problems in the way that you describe, it is important that we support the child through that process so that he or she can live happily in a family unit. That is often easier said than done, but that is the basic intention in the work of the IFSTs.

[162] **Gareth Jones:** Yr ydych wedi cyfeirio at seilos a'r pwysigrwydd o beidio â gweithio felly. Mae'n bwysig bod aelodau'r timau integredig yn cael hyfforddiant a chefnogaeth y tu hwnt i'w maes gorchwyl; hynny yw, eu bod yn gweithio y tu hwnt i faes y tîm. Sut ydych yn bwrw ymlaen â hyn o ran cynllunio gweithlu ar gyfer gofal cymdeithasol, a beth mae'r Llywodraeth yn ei wneud i sicrhau bod y ddwy strategaeth yn cydweddu ac yn gweithio gyda'i gilydd?

Gareth Jones: You referred to silos and the importance of not working in that way. It is important that members of IFSTs receive training and support beyond their brief; that is, that they work beyond the team's remit. How are you taking this forward with regard to workforce planning for social care, and what is the Government doing to ensure that those two strategies are co-ordinated and work together?

[163] **Gwenda Thomas:** Bydd hyfforddiant yn bwysig iawn i aelodau'r tîm, gydag aelodau'r tîm hefyd yn datblygu'r gallu i gynnig hyfforddiant ehangach i'r gwasanaethau a datblygu sgiliau arbennig fel bod modd iddynt ymateb i ofynion y

Gwenda Thomas: Training will be very important to team members, with team members also developing the ability to offer wider training to the services and develop special skills so that they can respond to the needs of the families that we are discussing.

teuluoedd yr ydym yn sôn amdanynt.

[164] Yr ydych yn sôn am gynllunio gweithlu. Mae hynny'n hollbwysig. Mae Cyngor Gofal Cymru yn gweithio'n galed i gynnwys datblygu sgiliau'r gweithwyr cymdeithasol—mae hynny'n amlwg yn awr. Yr ydym yn eu cefnogi yn eu gyrfaedd wedi iddynt raddio, wrth iddynt feddwl am fynd yn weithwyr cymdeithasol ymgynghorol. Felly, yr ydym yn datblygu'r gweithlu i'r dyfodol.

You mentioned workforce planning. That is a vital element. The Care Council for Wales is working hard to include skills development for social workers—that is now clear. We are supporting them in their careers following graduation, as they think about becoming consultant social workers. So, we are developing the workforce for the future.

[165] Nid wyf yn siŵr a yw'r pwyllgor wedi cael gweld y llythyr a gefais gan y cyngor gofal. Mae'n sôn ein bod wedi troi'r gornel yng Nghymru a'n bod yn awr yn denu mwy o bobl, a'u cadw, i weithio yn y sector gofal. Mae hynny'n rhoi hwb i'r galon. Mae'r cyngor gofal yn gweithio'n effeithiol iawn i ddatblygu hyfforddiant. Hyfforddiant manwl fydd ei angen ar aelodau'r tîm, ac mae hynny'n bwysig. Fel y dywedais, byddant yn eu tro yn gallu cynnig hyfforddiant i'r gweithlu ehangach.

I am not sure whether the committee has had sight of the letter that I received from the care council. It says that we in Wales have turned a corner and that we are now attracting more people, and retaining them, to work in the care sector. That is a real fillip. The care council is working most effectively to develop training. Detailed training is what the team members will need, and that is important. As I said, they in turn will be able to offer training to the wider workforce.

[166] **Gareth Jones:** Yr ydym yn gwerthfawrogi eich bod yn gweld hyfforddiant fel mater o bwys, ac y bydd aelodau'r timau'n cael eu hyfforddi gan bobl achrededig a chwbl gymwys yn y maes.

Gareth Jones: We appreciate that you attach weight to the issue of training, and that the team members will be trained by people who are accredited and fully qualified in the subject.

[167] Beth sy'n cael ei wneud o fewn Llywodraeth Cymru i sicrhau y bydd gan y staff yr holl sgiliau y bydd eu hangen arnynt i ymwneud ag anghenion ddigon cymhleth rhai teuluoedd? A allwch sicrhau y bydd ganddynt y sgiliau a'r wybodaeth ar gyfer ymwneud â theuluoedd ag anghenion arbennig a chymhleth?

What is being done within the Government of Wales to ensure that staff have the necessary skills to deal with the difficult enough needs of some families? Can you ensure that they have the skills and information needed to deal with families with specific and complex needs?

[168] **Gwenda Thomas:** Byddwn yn defnyddio'r flwyddyn hon i baratoi ar gyfer datblygu sgiliau gweithwyr a fydd yn sefydlu'r timau integredig cymorth i deuluoedd. Credaf fod y flwyddyn hon felly'n hollbwysig o ran paratoi. Bydd y cynllun yn datblygu yn 2010. Soniais am ddatblygiad o ran hyfforddi gweithwyr yn y sector gofal a sut yr hoffem ddatblygu gyrfaedd yn effeithiol. Ni soniais am y fframwaith ôl-gymhwyso sy'n rhan annatod o'r hyfforddiant hwnnw. Pan fydd gan bobl y sgiliau addas, byddwn yn parhau i'w datblygu ac i ystyried pa fath o arbenigedd sydd ei angen ar y gweithlu er mwyn

Gwenda Thomas: We will use this year to prepare for the skills development of the staff who will establish the integrated family support teams. I think that this year is therefore extremely important in terms of preparation. The scheme will develop in 2010. I mentioned development in terms of training for workers in the care sector and how we would like to develop careers effectively. I did not mention the post-qualifying framework that is an integral part of that development and, once people attain the necessary skills, we will continue to develop them and to consider what kind of expertise is required in the workforce in order

datblygu timau fel y timau integredig to develop teams such as the IFSTs.
cymorth i deuluoedd.

[169] **Gareth Jones:** Efallai fy mod— **Gareth Jones:** I might have—

[170] **Val Lloyd:** I am sorry, Gareth, but I think that Dr Gibbons wants to come in on that point.

[171] **Brian Gibbons:** If you look at all the reports of things that go terribly wrong, you often find relatively inexperienced social workers working with families with highly complex needs. The whole point of the IFSTs will be to ensure, as Gwenda said, that the people who work with the most complex problems have the experience and the knowledge and that they will not be young social workers coming out with next-to-no experience. That has been a consistent message when failure has been the result and people have not had the relevant skills, experience and training to deal with such complex problems.

[172] **Ms Davies:** On what the Deputy Minister mentioned earlier about the preparations, the Ministers have mentioned the importance of option 2 in Cardiff and other areas. There is quite a strong body of accreditation in Cardiff University in terms of working with complex families. We have already commissioned part of the preparations in order to train those teams. We will recruit the teams in 2009-10 and we have commissioned workforce consultants on these skills so that the teams will get a few months' training, and additional enhanced training, to prepare them before we go live with this with our pioneers.

[173] **Gareth Jones:** Yr wyf yn hynod falch o glywed hynny, ond hoffwn eich gwthio ychydig ymhellach ar y mater hwn. Mae rhai plant yn perthyn i deuluoedd sy'n ymwneud ag achosion llys. A oes darpariaeth o fewn y Mesur arfaethedig hwn ar gyfer polisi arbennig ar sefyllfa o'r fath? Efallai y byddai hynny, eto, yn ymwneud â'r math o hyfforddiant yr ydych am ei ddarparu.

Gareth Jones: I am very pleased to hear that, but I would like to push you a little further on this issue. There are some children who come from families that are involved in court proceedings. Is there provision in this proposed Measure for a particular policy on such a situation? Perhaps that would again relate to the kind of training that you wish to provide.

[174] **Gwenda Thomas:** Byddwn yn meddwl ei fod yn ymwneud â datblygu'r holl sgiliau sydd eu hangen arnom ar draws y gweithlu. Efallai y byddai Donna yn gallu rhoi ateb mwy manwl i chi.

Gwenda Thomas: I would have thought that it was about developing all of the skills that we require across the workforce. Perhaps Donna can give you a more detailed answer.

[175] **Ms Davies:** The Deputy Minister mentioned the public law outline that was introduced in Wales earlier last year. That arrangement meant that how local authorities prepared for court proceedings, before a child went to court, had to change. As a result of that, they had to do a lot more work with the families in order to support them. Therefore, the IFST would work with those families when they were at that point of going through court proceedings and, more importantly, would probably be able to work more intensively with them before those proceedings. That would probably mean that a care order would not be required, because they could work with the family or there would be an alternative family member who could care for the child and with whom the child could be safely accommodated.

[176] **Gwenda Thomas:** We learnt a lot from the Swansea pilot scheme of the public law outline.

11.40 a.m.

[177] Digwyddodd hynny yn Abertawe a bu i ni ddysgu llawer o'r broses honno wrth iddo ddatblygu. Dangosodd hynny pa mor bwysig yw cefnogi teuluoedd yn gynnar iawn. Pe bai'r timau integredig cymorth i deuluoedd wedi bod ar waith, byddai hynny wedi creu mwy o arbenigedd yn y broses honno. Felly, gallwn edrych ymlaen i gynorthwyo yr hyn a fydd yn ofynnol o fis Ebrill eleni ymlaen.

That happened in Swansea and we learnt a great deal from that process as it developed. It showed how important it is to support families at a very early stage. If the integrated family support teams had been in place, it would have generated more expertise within that process. Therefore, we can look forward to supporting what will be required from April of this year onwards.

[178] **Val Lloyd:** Thank you very much. Have you finished your questions, because a few Members want to leave?

[179] **Gareth Jones:** I had one or two more questions, but if you want to leave it there, that is fine.

[180] **Val Lloyd:** Thank you for your forbearance. I am sorry, but we have regretfully run out of time. I thank Dr Brian Gibbons, Jane Hutt and Gwenda Thomas, the Ministers, for being with us today and for being so keen to answer our questions. I also thank the officials supporting them. Before I finally close the meeting, does any Minister want to make any additional comments? I see not. There will be the usual draft transcript of today's proceedings which will be sent to everyone for correction, if necessary. I also thank the Members for their forbearance with regard to us changing the agenda.

*Daeth y cyfarfod i ben am 11.41 a.m.
The meeting ended at 11.41 a.m.*