

**National Assembly for Wales**

**Children, Young People and Education Committee**

**CYPE(4)-30-14 – Paper to note 1**

**Additional information from the Children’s Commissioner for Wales following the meeting on 13 November**

**Social Services and Wellbeing (Wales) Act**

**The Act has related to many issues that have been prioritised during Keith Towler’s time as Commissioner. In particular, safeguarding, independent advocacy, care leavers and wellbeing. The Commissioner is pleased that some of the most concerning issues that children and young people have raised with him have been addressed through the legislation. However, he remains deeply concerned that the legislation does not reflect the distinct needs of children and young people. It is essential that this is now reflected through guidance, eligibility criteria and the code of practice. The Commissioner has not seen sufficient evidence during the discussions in 2013/14 to reassure him that this would be the case. For example, the Eligibility Technical Group recognises that the eligibility framework must be sensitive to differing needs, context and outcomes for children, adults and carers. However, this acknowledgement is not sufficiently demonstrated in the content of the remainder of the analysis in the report which is adult centric and does not pay sufficient regard to the position of children.**

**The wider issue of eligibility ‘pass-porting’ appears on the basis of the report to relate only to children at harm or at risk of harm. However there is a strong case for consideration of other groups of children who should automatically be considered as having social care and support needs. For example, the impact of parenting capacity on child well-being outcomes for those whose parents have substance misuse issues or where domestic abuse is identified. This would better support the preventative approach within the Act and would go some way to ensure that the population of 'children in need' would receive an intervention after reaching the new threshold test.**

**We wish to assure members of the CYPE committee that the Office of the Children’s Commissioner is engaging thoroughly with the legislative process to ensure that the safeguarding and promotion of the rights and welfare of children and young people in Wales is as robust as possible.**