

Gwenda Thomas AC / AM
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our LF/GT/0954/13

David Melding AM
Chair
Constitutional and Legislative Affairs
Committee

2 October 2013

Dear David,

Thank you for meeting with me on 30 September to discuss your Committee's report of its Stage 1 scrutiny of the Social Services and Well-being (Wales) Bill. We talked about Recommendations 8 and 13 where I sought your clarification for the rationale for them. I wanted to write setting out my views on these Recommendations.

Recommendation 8 - We recommend that the Deputy Minister should table an amendment to the Bill to apply the Affirmative procedure in the first instance to the making of Regulations under Sections 92 and 93, followed thereafter by the Negative procedure.

I recall our discussion about this during my evidence session with you. However, the discussion was mostly about whether the detail of the Regulations under these sections should be placed on the face of the Bill and less about the procedure for these Regulations. These powers are simply a restatement of those within the Children Act 1989 and are currently subject to the Negative procedure without issue. At our meeting you noted your Committee's preference for the Affirmative procedure to be used more widely but in this regard, I see no reason to depart from the arrangements already in place and which function well.

Recommendation 13 - We recommend that the Deputy Minister should table an amendment to apply the Affirmative procedure to Section 144 of the Bill.

It appears that this recommendation arises from a misunderstanding of the procedures for the powers under sections 143 and 144 which itself may have been based on a typographical error in the Explanatory Memorandum which stated that these powers were subject to the Affirmative procedure. This error will of course be corrected following Stage 2 proceedings.

Section 143 is in fact subject to the Negative procedure, whereas due to the nature of section 144, in that it inserts a Regulation making power into section 25 of the Children Act 2004, there is currently no procedure applied to that power.

Further, during my evidence session with you, I think that Suzy Davies AM misunderstood my intentions in relation to section 144. I do not think the Affirmative procedure should apply in this

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regard. I attempted to clarify this point at Committee however, this has not been reflected in your report nor in your recommendations.

On the point of section 147, the Health and Social Care Committee made recommendations in relation to the strengthening of partnership arrangements and I am minded to bring forward amendments to this effect.

In closing I would like to add that I am grateful for your view expressed in the meeting, that I have gone a long way to meeting your Committee's recommendations, I look forward to debating these matters further on 8 October.

Yours sincerely

A handwritten signature in cursive script that reads "Gwenda".

Gwenda Thomas AC / AM
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Deputy Minister for Social Services