

Carl Sargeant AM
Cabinet Secretary for Children and Communities

12 April 2017

Dear Carl,

The **Children, Young People and Education Committee** is one of the committees responsible for reporting to the Assembly on the Legislative Consent Memorandum for the Prison and Courts Bill.

At our meeting on 5 April 2017, Members indicated they agree with the Welsh Government that Clauses 4 -6 of the Bill make provision which would fall within the devolved subjects of “social welfare including social services”, “protection and well-being of children” and “care of children”. The Committee did not consider whether consent was needed for Clause 54 and Schedule 13 of the Bill as those provisions fall outside the Committee’s remit.

The Committee considers that the consent of the Assembly should also be sought for Clauses 8, 15-20 and Schedule 1 of the Bill, in so far as they make provision about the investigation of a death in a secure children’s home in Wales.

The Explanatory Notes to the Bill provide as follows:-

Clauses 4 to 20 and Schedule 1 place the Prison and Probation Ombudsman on a statutory footing. In so far as the Prison and Probation Ombudsman has a role in investigating deaths and complaints in secure children’s homes, the provision of secure children’s homes is devolved to Wales as part of paragraph 15 of Schedule 7 to the Government of Wales Act 2006 and the protection and well-being of children, and therefore this provision requires a Legislative Consent Motion.

The Committee wishes to receive clarification on the approach taken by the Welsh Government and why in particular the consent of the Assembly is not being sought for Clauses 8, 15-20 and Schedule 1 of the Bill.



To aid the Committee in meeting the reporting deadline of 4 May, a response by the Welsh Government in advance of this would be greatly appreciated.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Neagle'.

Lynne Neagle AC / AM
Cadeirydd / Chair

