

Agenda – Children, Young People and Education Committee

Meeting Venue:	For further information contact:
Committee Room 1 – Senedd	Marc Wyn Jones
Meeting date: Thursday, 6 October 2016	Committee Clerk 0300 200 6565
Meeting time: 09.15	SeneddCYPE@assembly.wales

09.15 – 09.30 – Informal Meeting

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Children's Commissioner for Wales – Annual Report 2015/16

(09.30 – 10.30)

(Pages 1 – 11)

Paper 1 – Children's Commissioner for Wales – [Annual Report and Accounts 15-16](#)

Sally Holland, Children's Commissioner for Wales

Hywel Dafydd, Policy and Public Affairs Manager

Sara Jermin, Head of Performance and Communications

Attached Documents:

Research Brief

Break – 10.30 – 10.40

3 Inquiry into Youth Work – Evidence session 1 – Council for Wales of Voluntary Youth Service (CWVYS)

(10.40 – 11.34)

(Pages 12 – 36)

Keith Towler, Chair – CWVYS

Catrin James, Regional Co-ordinator – CWVYS

Paul Glaze, Chief Executive – CWVYS



Attached Documents:

Research Brief

CYPE(5)-06-16 – Paper 2

4 Inquiry into Youth Work – Evidence session 2 – Wales Principal Youth Officers' Group (PYOG) & Welsh Local Government Association (WLGA)

(11.40 – 12.40)

(Pages 37 – 49)

Dr Chris Llewelyn – Director, Lifelong Learning, Leisure & Welsh Language – Welsh Local Government Association

Barbara Howe – Youth Service Manager, Torfaen County Borough Council

Jason Haeney – Principal Youth and Community Officer, Neath Port Talbot County Borough Council

Tim Opie – Lifelong Learning Policy Officer (Youth) – Welsh Local Government Association

Attached Documents:

CYPE(05)-06-16 – Paper 3

5 Paper(s) to note

(12.40)

Letter from Cabinet Secretary for Education – further information following meeting on 13 July

(Pages 50 – 51)

Attached Documents:

CYPE(05)-06-16 – Paper 4 – to note

Letter to the Secretary of State for Health – further information following meeting on 14 September

(Pages 52 – 53)

Attached Documents:

CYPE(05)-06-16 – Paper 5 – to note

Letter from the Committee Chair to the Chair of the Constitutional and Legislative Affairs – Wales Bill

(Pages 54 – 59)

Attached Documents:

CYPE(05)-06-16 – Paper 6 – to note

Document is Restricted

Agenda Item 3

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and
Education Committee
Ymchwiliad i Waith Ieuenctid | Inquiry into Youth Work

YW 08

Ymateb gan : Cyngor Cymreig y Gwasanaethau Ieuenctid
Gwirfoddol (CWVYS)

Response from : Council for Wales of Voluntary Services (CWVYS)

CYPE(05)-06-16 – Paper 2

Question 1 – What are your views on young people’s access to youth work services, including, for example:

- levels of provision across Wales and any regional variation;
- issues relating to access for specific groups of young people e.g. language, disability, rurality, ethnicity.

Access is directly and adversely affected by the huge variations in spend by local authorities (LAs) via the Revenue Settlement Grant (RSG) because of non-hypothecation. This is evidenced by Welsh Government Statistics Unit report for 2014-15:

<http://gov.wales/statistics-and-research/youth-services/?lang=en>
and

<http://gov.wales/docs/statistics/2015/151020-youth-work-2014-15-en.pdf>

These figures are LA-only (no similar audit exists for the voluntary youth work sector; an issue for us in terms of evidence-base).

The key issues here being:

- a) non-hypothecation of funds to LAs;
- b) lack of leadership from Welsh Government to ensure that all funds are spent as intended;
- c) where does the non-spend on youth services go?
- d) the impact on life choices/life chances for young people as a result of the huge underspend
- e) the lack of an effective and efficient Wales-wide service

There are knock-on effects of limited RSG spend on youth services to the voluntary sector i.e. if a LA spends 100% of its budget as allocated then the voluntary sector might expect to receive some support but

where it is below, say, 75% ,that knock-on effect is hugely negative. The voluntary youth work sector works with 250,000 young people aged 11–25 years, with roughly 30,000 volunteers and 3,000 paid staff involved. CWVYS currently has 90 member organisations – located across Wales and with a 50/50 split between national organisations e.g. the Urdd; Boys’ and Girls’ Clubs of Wales; Youth Cymru; Prince’s Trust Cymru; ScoutsCymru; Girlguiding Cymru etc; and local/community organisations such as Cwmbran Centre for Young People; Dr Mz; GISDA; West Rhyl Young People’s Project; The Tanyard Youth Project; Ethnic Youth Support Team; YMCA Swansea etc.

CWVYS members include those working exclusively with deaf young people and also young people with physical disabilities – both report a lack of investment in basic needs.

Additionally, emotional wellbeing and mental health issues for young people are being regularly outlined as areas of concern within the sector. The Together 4 Children and Young People programme is a good initiative and youth work has a hugely important role to play – but not enough is known about it.

Several CWVYS members deliver programmes on ethnicity e.g. Ethnic Youth Support Team (EYST) based in Swansea, which provide a wide range of excellent provisions (see www.eyst.org.uk) Of particular concern is the rise of attacks (personal/physical/psychological) on young people and their families in certain communities as a result of the EU referendum process and result. 25% of population of Cardiff is from a BME background (with city population in total to rise by 30% in next 10 years) and 12% in Swansea.

Issues of transport availability and access to digital connections (cost/location) are real for young people living in rural areas, as is the closure of youth centres due to certain LAs deciding to deliver in future from ‘hubs’ within main pockets of population.

The support needs of 18–25 year olds and how they can be met is an area of growing concern, particularly with regards to funding such vital work.

If you believe that there are particular problems, how do you think they could be resolved?

CWVYS believes that an opportunity exists to create a National Youth Service that provides an improved, more efficient and cost-effective range of modern services for and with young people. This would be funded by the 'reclaiming and hypothecation' of RSG monies.

This has been our consistent perspective for the past 4 years – as outlined in *'The Future of Youth Services in Wales'* which was published in 2012.

Essentially, this paper presented four options to the then Minister for Education in response to his question to the sector at the National Youth Work Conference in March 2012, namely: 'Do you want a national or a regional youth service?'

Copies of *'The Future of Youth Services in Wales'* are freely available upon request. However, in brief, the paper outlined the following two main, preferred options:

A National Youth Service Council for Wales

We propose a National Youth Service Council for Wales (NYSCW) with an expanded remit like that for YouthLink Scotland. This leaves direct responsibility for the funding of the youth service, and the distribution and monitoring of those funds, with the Welsh Government.

CWVYS believes that NYSCW structures should be consistent with the concept of a unified youth service and focus on substantive areas of work rather than sectors.

An outline of how the NYSCW might look is shown at Question 5 on **pages 18–19** of this response.

Strengths:

A single, integrated body would be responsible to the Welsh Government for supporting the delivery of the youth service strategy, for advice to Ministers and Welsh Government officials, for the maintenance of quality and standards, and for the registration of

youth workers.

Membership of NYSCW would give organisations a stake in the governance of the Council and would demonstrate eligibility for government funding.

The NYSCW Board would comprise an independent Chair and full representation from the current voluntary and maintained youth services.

Expertise and experience from the whole of the youth service would be brought together in one organisation.

Administrative costs would be very small compared with Revenue Support Grant levels of funding for administration through the 22 local authorities. This is based on an assumption that the delivery of the youth service would be through a small number of regional bodies funded directly by the Welsh Government but supported by the NYSCW Programmes Division.

The NYSCW would lead on the development of opportunities for commissioned services via its National Programme Directorate. It would follow a 'commissioned nationally, managed regionally, delivered locally' plan.

A new, constructive and challenging partnership between the Welsh Government and the Council would be established as an essential element for ensuring the maintenance and development of opportunities for young people and for capitalising on the contribution of young people to the economic and social development of Wales.

The new Council would have a formal remit for developing constructive partnerships between the youth service and business, schools, further education and higher education.

The NYSCW would have responsibility for professional standards and youth worker registration and would be ideally placed to work with Education and Training Standards (Wales) in relation to youth work

qualifications, pay, conditions of service and agreements with JNC as well as with Estyn in relation to reporting on and monitoring standards of delivery.

Potential challenges:

It is expected that local authorities would be required to give up responsibility for the delivery of the youth service and the funding associated with it. Funding would be transferred directly to organisations and/or regional bodies and responsibility for the delivery of the National Youth Work Strategy and monitoring its effectiveness vested in the new Council.

Arrangements would need to be made for the appointment of regional youth service managers to replace the existing staffing structures of the local authorities.

The current distinction between voluntary and statutory local authority organisations would disappear. All engaged in the governance, management and operation of organisations would need to recognise this and the consequent implications for funding, management and quality assurance.

The Welsh Government and the NYSCW would need to agree (a) revised structures (national and/or regional) for the delivery of the youth service (b) a funding model for the youth service as a whole and (c) a funding allocation for the operation of the Council and its Directorates.

A position paper jointly presented with the Chair of the Wales Principal Youth Officers' Group (PYOG) at the Ministerial Youth Work Reference Group (YWRG) in December 2014 paved the way for a comprehensive, externally commissioned report to the YWRG in 2015.

However, in spite of these discussions there has been no further mention or consideration of such proposals.

It would be useful to know whether the Minister is minded to re-address these issues.

Question 2 – How effective do you think the Welsh Government strategy and policy on youth work is?

In considering this question you may wish to think about:

- the Welsh Government’s specific youth work policy and strategy such as ‘The Youth Work offer’; The Wales Charter for Youth Work; The National Youth Work Strategy for Wales 2014 to 2018;
- Welsh Government departmental responsibilities and whether there is a cross-departmental and co-ordinated approach to support youth work provision.

We would like to know whether the Youth Work Reference Group is to continue to meet and to discuss high-level strategic issues.

If not, will the ‘Charter’ result in a new/re-shaped ‘Reference Group’ to take this work forward? There is a need for the WG to act quickly and assert the roles of either the existing Group or another.

Currently, there is a view that the Charter ‘exists’ on a piece of paper only and also as a previous Ministerial ‘concept’ but with no further thinking on how it might be enacted upon within the sector. A basic offer for all young people is welcomed (although the Charter says nothing ‘new’ about the delivery of youth work in Wales) but there is currently no guidance on how this can or might be implemented.

Communication generally needs to be improved across the sector. A relatively quick and short piece of work by the WG (and/or by the sector?) as a summary on where ‘we are at’ on each item of the National Strategy e.g. youth work in schools; the Quality Mark; National Outcomes Framework; funding for the voluntary sector post 2016/17; Youth Engagement and Progression Framework etc; would be useful. However, a summary of where ‘that’ takes us is of equally critical importance.

How do you think the Welsh Government could approach its youth work strategy and policy differently / to better effect?

The Charter has the laudable aim of ensuring a minimum offer for all young people in Wales.

However, the issue of youth voice is perhaps not as clearly defined as it might be – which is unfortunate given the National Assembly’s recent drive to encourage young people to participate in democratic engagement processes.

Wales used to lead the way in young people's participation. Wales currently has no recognised Youth Assembly, resulting in no seats being taken up at the UK Youth Parliament. Serious questions are being asked in other UK nations about Wales's absence.

Voices of young people need to be expressed, listened to and acted upon in a new Wales Youth Assembly.

Question 3 – What are your views on the funding available for youth work, including through Local Authority, Welsh Government, European Union, and Third Sector.

Youth Service Grant Funding (Welsh Government/LA/Voluntary Sector)

- £40.5M annually is made available by the Welsh Government for youth services via the Revenue Settlement Grant (RSG), Youth Work Strategy Support Grant (YSSG), National Voluntary Youth Work Organisation grants (NVYO) and CWVYS core funding.
- The Revenue Settlement Grant (RSG) is non-hypothecated funding of approximately £37M for local authorities, who are able/permitted to spend the allocations how they wish. This results in an inconsistent spend on youth services with the attendant 'knock-on' effect on voluntary youth organisations.
- Total Welsh Government grant made directly to local authority youth services i.e. to PYOs (YSSG) is £2.756m. The *YSSG* supports implementation of the National Youth Work Strategy.

Criteria for the YSSG:

- To support implementation of the YEPF Implementation Plan, including supporting/facilitating the contribution of the voluntary sector.
- To support open access provision to meet local need and fill gaps identified within the *Local Authority Single Integrated Plan*.
- Up to 25% can be spent on supporting training needs for staffing (including the voluntary sector), this grant may not be used to fund generic training which should be delivered through local

authorities such as safeguarding, health and safety and food hygiene.

Voluntary Youth Work Sector Funding

- NVYO grants account for £679,000 per year for 2015–2018 i.e. 1.6% of overall youth service budget.
- CWVYS core funding is £105,000 for 2016/17 i.e. 0.25% of overall youth service budget.

CWVYS is working on future sustainability plans. If Welsh Government support is not forthcoming in 2017/18, CWVYS will close in August 2017.

Third Sector

The voluntary youth work sector in Wales involves more than 250,000 young people, at least 30,000 volunteers and 3,000 paid staff. WCVA estimates that there are at least 2,554 voluntary groups specifically involved with young people or 7.7% of all voluntary groups in Wales (WCVA Third Sector Statistical Resource, 2016).

The voluntary youth sector is playing an exceptionally important role in supporting the development, well-being, self-esteem, employment skills and life skills of young people. Direct funding from the Welsh Government to the voluntary sector is exceptionally small, especially compared to the funding available for local authority provision. Because of this historical imbalance and low level of financial support, the voluntary youth sector is facing severe difficulty in trying to absorb the planned reductions whilst maintaining services to young people in accordance with the National Youth Work Strategy for Wales.

The voluntary sector needs core funding to ensure that it can develop opportunities for young people and support its volunteers. Investing in the voluntary sector is extremely cost effective. WCVA estimates for the whole of the voluntary sector in Wales that 145 million hours of effort are provided by volunteers (equivalent to £1.7 billion or 3.2% of Wales GDP). When added to the estimated £2 billion of third sector income, this totals some £3.7 billion or 6.8% of Wales GDP (WCVA Third Sector Statistical

Resource, 2016). Voluntary sector youth groups in Wales benefit from 11 million hours of volunteer effort per year.

European

FUNDING: ERASMUS+

Over its lifetime, Erasmus+ will see a significant increase in EU funding (+40%): **a budget of €14.7 billion** for development of knowledge and skills.

Two-thirds of its funding will provide grants for more than **four million people** to study, train, gain work experience or volunteer abroad in 2014–2020.

Almost **one billion Euros** will be allocated to the UK alone over seven years. In the UK, it is expected that nearly **250,000 people** will undertake activities abroad with the programme.

Erasmus+ goals

The European Union links Erasmus+ to policy objectives such as Europe 2020.

- Through Erasmus+ the EU aims to achieve the following by 2020:
- **over 500,000 young people will have the chance to volunteer abroad or take part in youth exchanges**
- mobility of 2 million HE students within Erasmus+ programme countries
- mobility of 135,000 students to/from Erasmus+ partner countries
- mobility of around 300,000 staff from higher education
- 200,000 master's student loans
- 25,000 scholarships for Joint Master degrees
- 25,000 Strategic Partnerships between 125,000 institutions, to implement joint initiatives; promote exchange of know-how and links with world of work
- 150 Knowledge Alliances between 1,500 HE institutions and enterprises
- 1,000 Capacity-Building projects between HE institutions
- 800,000 youth workers, lecturers, teachers, trainers and

education staff to teach or train abroad

- 650,000 vocational students to engage in education AND training abroad
- more than 200,000 teachers collaborating online and involving more than 100,000 schools through eTwinning
- 800,000 lecturers, teachers, trainers, education staff and youth workers to teach or train abroad
- The sector also has the opportunity (currently) to engage in bidding for European Social Funds and European Regional Development Funds.

However, many members report that their access to LA-designed bidding processes for ESF is very limited and anecdotally amounts to a 'zero-hour contract' basis. However, where members have been lead bodies there have been successes e.g. YMCA Swansea has received £2.6M in European support since 2012.

If you believe there are problems in this area, how do you think they could be resolved?

- The inward investment into Wales of charitable trust funding to the voluntary youth work sector is something we highlight on a regular basis but is not fully recognised.
- Without project monies from large funders such as Comic Relief, Tudor Trust, BBC Children in Need (via the Wales office), Big Lottery Fund (Wales office), Erasmus+ etc; plus several small to mid-sized trusts across the UK, Europe and occasionally beyond, many of our Member organisations would either not exist or would not be able to deliver such high quality services.
- This 'plays well' for Wales but is largely ignored within Wales.
- Quantifying the volume and type of funding would be a relatively large piece of work – but would be a valuable indicator of such inward investment.
- Our 5 Nations colleagues at YouthLink Scotland and the National Youth Council for Ireland have delivered two excellent pieces of work in which the Committee might well find of real interest.

Both items relate to the economic and social value of youth work in those nations.

- Wales desperately needs the same level of analysis and evidence-based reporting. Scotland and Ireland engaged independent economists to provide the following:

http://www.hallaitken.co.uk/component/option,com_docman/Itemid,10/gid,437/task,doc_download/

http://www.youth.ie/investing_in_youth_work_pays_off

Question 4 – Are there any other issues you consider relevant to the Inquiry that you think the Committee should be made aware of? (for example: workforce related issues; the Quality Mark for Youth Work in Wales; buildings and infrastructure; youth work in schools; transport issues; access to digital technology; Welsh Government’s consultation on proposals to register and inspect some out of school education settings).

- The Quality Mark for Youth Work in Wales (QM) has generated a level of interest amongst voluntary youth work sector organisations. However, the sustainability of the QM beyond March 2018 is open to question. In addition, the current rounds suggest that only 12 organisations will be eligible to carry out the QM process with support via the private sector consultancy firm commissioned by the Welsh Government to deliver this contract. Whilst the development of the QM is broadly welcomed, it is open to question as to which organisations might benefit and how much of an advantage they might find themselves at as a result of obtaining a QM at any of the three levels (bronze, silver and gold).
- The registration of youth workers (via the Education Workforce Council); and youth work in schools. CWVYS understand that there is a desire to register degree-level youth workers at £45.00 each from April 2017. However, there is an apparent aim to rename currently qualified youth workers at Level 2 and Level 3 as ‘Youth Support Workers’, who are unlikely to be required to register. The inference here is that schools will only

accept registered youth workers, who constitute a very small number of people.

Questions here are:

- a) Given the very small numbers of degree-level qualified youth workers, will the much-vaunted concept of 'youth work in schools' therefore be a much-reduced (less effective?) policy?
 - b) is this a potential restriction of trade for the vast majority of youth workers and organisations?
 - c) does this potentially undermine the aspirations of the Wales Charter for Youth Work in reducing the choices and life chances for young people in Wales?
- The commissioning or outsourcing of youth services by local authorities (LA) and other agencies. As in the case of day-to-day working, with each LA 'doing things differently', there can be 22 variations on a theme: that's difficult at the best of times for our national member organisations in particular, who need to be aware of and operate within that way of working when they all have only a fairly limited 'HQ' capacity.
 - The lack of available monies to invest in infrastructure and buildings creates significant problems for the voluntary youth work sector. Whereas funding for projects and developmental programmes are available for those who have the time and ability to source them, cuts are seeing our members closing down parts of buildings that need urgent refurbishing and LAs divesting themselves of youth centre buildings. An example of the latter: Cardiff Council sought to close 13 of its 19 neighbourhood youth centres under its latest cost-saving initiative (total youth service budget reduced from £3M to £1M). Working closely with the voluntary youth work sector, it has established an Innovation Fund which has seen universal youth work being commissioned-out via a grants programme: a good opportunity for some of our members. However, the

issue of Community Asset Transfers (CAT) has reared its head of late: one of our members took on a CAT building from a LA last year and has been delivering youth work from it – but the LA now wishes it to be returned for a property development scheme!

- Finally, we would suggest that there are questions to be asked about the procurement process operated by Welsh Government. CWVYS Trustees have asked us to raise this at the highest possible levels. Most of the recently commissioned pieces of research and significant contracts regarding youth work in Wales have been awarded to individuals and companies based outside of Wales – and nearly all with a link to the National Youth Agency in England i.e. former employees now set up as consultants. We are surprised that some of these opportunities do not appear to have been commissioned via the sell2wales website.

This is not intended to spotlight or criticise those individuals.

However, the process and the ‘England-only’ supply chain is an identified problem within the sector. We conclude that the Committee could be interested in finding out why this is the case, perhaps? Examples to the contrary: a CWVYS-led consortium bid for the Quality Mark failed in open competition. We have no problem with a ‘fair fight’ and completely accept the decision taken. However, other important pieces of work affecting the future direction of youth work in Wales have been placed outside Wales – the rationale for which is hard to determine.

Question 5 – If you had to make one recommendation to the Welsh Government from all the points you have made, what would that recommendation be?

The creation of a sustainable and developmental National Youth Service that meets the needs of young people aged 11–25 years and of the sector in Wales.

The policy and legislative basis of the National Youth Service includes National Youth Work Strategy for Wales (2014–18) and attendant developments such as the Quality Mark for Youth Work in Wales and National Outcomes Framework for Youth Work in Wales plus design and development of future National Youth Work Strategies; Youth Engagement and Progression Framework (2013–); The Wellbeing of Future Generations (Wales) Act (2015); The Rights of Children and Young Persons (Wales) Measure 2011; Extending Entitlement (2000); Social Services and Wellbeing (Wales) Act (2014); A Curriculum for Life (2015); *Youth Work in Wales: Principles and Purposes* (2014);

Such a body might look like this:

NATIONAL YOUTH SERVICE COUNCIL FOR WALES
(NYSCW)

NYSCW Board

- Independent Chair (by Public Appointment)
- 4 representatives from voluntary youth services,
- 4 representatives from local authority youth services
- 3 co-options for specialist skill and experience outside the youth service

NYSCW Directorates

Registration & Ethics

- Reports directly to Sub-Committee of the Board on matters of ethics and registration

National Finance & Audit

- Advice/guidance on finance (reports to Welsh Government)
- Audit function (reportable to Welsh Government)
- Grants and procurement policy and practice (Revenue Support Grant and other grant/tender opportunity programmes)
- Internal audit function

Communications

- Marketing (including Youth Work Excellence Awards; ‘Youth Work in Wales: Principles and Purposes’; Youth Work Conferences)
- Information & Advice
- Welsh Language
- Volunteering

Workforce Development

- Credits & Qualifications Framework for Wales
- Continuous Professional Development
- Training Consortium
- Youth Work Training Grant

Policy Advice & Research

- Responding to Welsh Government, National Assembly for Wales and other consultations
- Policy development
- Advice to frontline service providers
- Evidence-based research to inform policy positions (identifying and securing research projects; link role to Higher Education/Further Education/Welsh Government/the sector)

National Programmes

- Youth work delivery (national; regional; local)
- Good practice development e.g. collaborative partnerships; consortia working; community engagement
- Brokerage between youth services and other sectors e.g. education; health; employment; training
- Commissions nationally, delivers locally/regionally
- Line management of Regional Development Officers who provide support for both voluntary and local authority national/regional/local members and for non-members

Additional notes

- All youth work organisations would be encouraged to be a member or an associate member of the Council.

- All members would sign up to a Code of Practice/Ethics
- Eligibility for Welsh Government funding would be dependent on membership of the Council.

Agenda Item 4

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and
Education Committee

Ymchwiliad i Waith Ieuenctid | Inquiry into Youth Work

YW 17

Ymateb gan : Grŵp Prif Swyddogion Ieuenctid Cymru a Cymdeithas
Llywodraeth Leol Cymru (CLILC)

Response from : Wales Principal Youth Officers' Group (PYOG) & Welsh
Local Government Association (WLGA)

CYPE(05)–06–16 – Paper 3

Question 1 – What are your views on young people's access to youth work services, including, for example:

- levels of provision across Wales and any regional variation;
- issues relating to access for specific groups of young people e.g. language, disability, rurality, ethnicity.

1. For the benefit of this and following answers in relation to this inquiry, the PYOG (the network of strategic leads for the Youth Service in each of the 22 local authorities in Wales) wishes to recognise and reinforce the Committee's apparent intention to consider youth work services', as distinct from other (no less valued but different) work with young people – the key purpose of youth work being defined to '*Enable young people to develop holistically, working with them to facilitate their personal, social and educational development, to enable them to develop their voice, influence and place in society and to reach their full potential*' National Occupational Standards (NOS)'. The work is carried out with young people aged 11–25 years and is done so via a voluntary engagement.

2. The process of registering youth workers with the education workforce regulator, the Education Workforce Council (EWC), from April 2017 should assist in providing further clarity on the professional status of youth work.

3. Under the *Learning & Skills Act* (2000) Section 123, local authorities are charged with the statutory responsibility of providing, securing or participating in Youth Support Services in

Wales. The Youth Service (the framework by which youth work is delivered) is a key element of this offer and is often the lead agency (as has been recognised via recent Estyn YSS lines of enquiry) in this process, including a substantial role in increasing capacity via support and training for organisations within a local area. This is done by carefully considering the needs of young people aged 11–25 in each local authority area against the resources available to discharge this function, including prevailing demographic trends (age, gender, geographic dispersal, protected characteristics etc). Provision is also delivered in the context of requirements in *Extending Entitlement*, the Welsh Government Directions and Guidance derived from the *Learning & Skills Act*.

4. By its nature, youth work is available to all young people, regardless of background or ability, an offer and approach (known as universal or open access), which is highly valued by young people and which is reinforced by the WG *National Youth Work Strategy for Wales* (2014–18, page 2). It is widely recognised that such an approach can remove stigma¹ and put many young people in touch with more specialist provision who may not otherwise have had the knowledge or ability to do so.

5. In light of recent tight funding challenges in local authorities and also in part due to Welsh Government policy (in particular the Youth Engagement and Progression Framework), youth work has seen an increased targeting of its services e.g. towards young people not in education, employment or training (NEET), meaning that fewer young people are accessing the provision whilst also resulting in fewer opportunities for them to mix with and learn from others from different backgrounds. The PYOG does recognise that youth work skills are particularly valued and effective in such circumstances e.g. re-engaging young people who have become disengaged from mainstream services e.g. formal education.

6. Feedback on youth work provision in Estyn inspection reports in recent times indicate a strong performing sector e.g. during the recent era of Young Peoples' Partnerships, whilst the leadership and

management of YPP's drew criticism in a number of areas following inspections, the quality of youth service delivery was found to be consistently high and remains so, particularly around relationships with young people.

7. The PYOG recognises the variation in core (Revenue Support Grant, RSG) funding between local authorities across Wales, which the Committee has drawn attention to (mentioned in greater detail later in this response). However, this does not always have a direct correlation with either level or quality of provision e.g. youth work is also funded by a variety of other sources such as ESF, Families First, Communities First and other local, and national funding streams.

If you believe that there are particular problems, how do you think they could be resolved?

8. The over-riding concern of the sector currently is that of stability and sustainability. Despite ongoing funding challenges and the subsequent changes to available budgets, as well as shifting policy approaches from Welsh Government, local authority youth services are keen to retain the benefits of youth work and so have sought to reconfigure provision e.g. via streamlining services, merging with Youth Offending Services and generating income via other sources. Some areas are considering or have taken rather more acute action in commissioning services or changing governance structures by moving to alternative delivery models (ADM's). The new structures taking shape and learning taking place as part of this process is constantly shared across PYOG membership. Regardless of what new structures are determined, the PYOG maintains that the unique identity of the intervention and support offered by youth work needs to be retained and recognised for the benefit of the young people it comes into contact with.

9. The voluntary sector has an important part to play in the delivery of youth services and they are also affected by the current challenging circumstances. A number of voluntary sector organisations rely on local authority funding either directly or

indirectly via the level of in-kind support offered.

10. In this context however, youth workers across Wales remain totally committed to supporting and serving the young people they work with on a daily basis. The work-force and young people are fully engaged in the necessary process of change at local level – change which can bring a welcomed and fresh approach, as well as improved outcomes.

11. The PYOG also contends that the notion of *education* has received a rather narrow focus in Wales – whilst formal education is of course important, we all learn in different ways and at different stages and **non-formal and informal learning opportunities have an important role to play in both accessing formal learning and as a mechanism for learning in its own right.** The benefits of these approaches need to be better understood and recognised in a broader contextualisation of education.

12. In an era with increasingly targeted policy, the PYOG is concerned that many of the traditional benefits of youth work are being lost. One of the defining features of youth work is that of association and the educative power of playing one's part in a group – groups of young people of all backgrounds and abilities learning from each other's different circumstances and aspirations, which can also be hugely beneficial for emotional well-being. For example, if young people deemed to be NEET are only being exposed to other young people who are NEET, it can be more challenging to change attitudes and mind-sets.

13. A few years ago, the then Children's Commissioner for Wales expressed concern around a lack (or absence) of institutional knowledge in certain areas of policy across Welsh Government departments in relation to children and young people's issues. This has also been evident for youth work as a high turn-over of civil service staff has resulted in a continual need to re-visit the meaning and purpose of youth work at strategic level. It would be useful and productive to look at developing a shared vision and understanding

of youth work, including the values underpinning that provision and support.

Question 2 – How effective do you think the Welsh Government strategy and policy on youth work is?

In considering this question you may wish to think about:

- the Welsh Government’s specific youth work policy and strategy such as ‘The Youth Work offer’; The Wales Charter for Youth Work; The National Youth Work Strategy for Wales 2014 to 2018;
- Welsh Government departmental responsibilities and whether there is a cross-departmental and co-ordinated approach to support youth work provision.

14. *Extending Entitlement* was an ambitious document which clearly articulates the 10 Entitlements which young people should expect from youth support services in Wales. Its content of course remains relevant today but perhaps requires a new focus, clearly articulating the role of youth work. In recent years there have been a few attempts to re-write *Extending Entitlement*, whilst other policies have emerged and taken priority e.g. the 7 Core Aims in *Rights to Action; Learning Pathways* (2004); *Learning & Skills (Wales) Measure* (2009); *Youth Engagement & Progression Framework* (YEPF, 2013). Should a review of *Extending Entitlement* (and the role of youth work within) be deemed a priority again, the PYOG would welcome full involvement in such a process.

15. In relation to more recent youth work-specific strategy and policy, whilst the PYOG welcomes the recent focus by Welsh Government on the profession with some merit to some of the content and themes e.g. the Charter makes a useful attempt to distil the 10 Entitlements in relation to the contribution of the youth work sector, due to the lack of involvement of the sector in their development and uncertainty regarding their status, there is an apparent low impact of these at strategic and operational level. The PYOG considers too many strands of work and recent publications to have been missed opportunities.

16. The writing of the first WG strategy for youth work in Wales *National Youth Service Strategy for Wales: Young People; Youth*

work; Youth Service (2007) saw colleagues from the field of youth work fully engaged in its development, from conception stage. Numerous meetings and events were held across the sector to elicit views of individuals and organisations, who were able to influence and shape it and to comment on the deliverability of its themes and priorities. This brought about not only a boost to morale as it engineered a great deal of welcomed debate (not all of it comfortable but necessary nonetheless) and cross-sector working and learning. The real benefit of this approach was ‘buy-in’ with individuals and organisations taking ownership. Whilst the evaluation of the strategy was never completed (a missed opportunity for learning for future strategies), the strategy included clear actions for each part of the sector (Welsh Government; local authorities; voluntary sector organisations and the higher education sector), whereas the current strategy includes actions only for Welsh Government.

17. More recent times have seen a different approach in the production of Welsh Government policy and strategy. There has been far less involvement of the sector and, at times, work and/or documents have been published in circumstances where the sector has not been informed beforehand e.g. the announcement of the development of the National Outcomes Framework by the National Youth Agency, at the National Youth Work Excellence Awards in 2015 and the recent Youth Work Charter, launched at the WG Youth Work Conference in March. Likewise, the current strategy was developed without involvement of the sector. This is important as youth work organisations are delivering front line youth work on a daily basis, have practical experience and understanding of the funding issues and have an understanding of what works. For any strategy to be successful, it requires the full understanding of and buy-in from the workforce delivering it.

18. Following the closure of the *Wales Youth Agency* in 2006, youth work capacity, leadership and influence within WG has declined over time. In 2007, when WYA staff transferred into the Civil Service, the then Branch had 10 members of staff. The branch was then reduced over 10 years to three members of staff, losing its profile and status

in the process, which has also seen its status as a branch reduce to a small team within a branch. This shows a systematic downgrading of youth work within Welsh Government.

19. Welsh Government could do more to improve the profile of youth work across the organisation and outwards. The PYOG would be more than willing to play its part in doing so and, by doing so, could increase the impact currently being made by sharing knowledge, expertise and capacity. Regrettably, it is rare that Welsh Government engages with important youth work stakeholders (including the PYOG) unless invited to do so e.g. by attending PYOG meetings. Whilst developing the YEPF, youth work's profile did receive a boost and the sector was presented with opportunities to engage in its development. However, whilst appreciating this recognition, this was not specifically about youth work but rather an aspect of youth work – that of work with young people NEET. Likewise, a great deal of youth work goes on in communities as well as schools, a process valued highly by those engaging with it, as well as the wider community involved, but often over-looked elsewhere. As can be seen by the recent PYOG publication [*The role and value of youth work in current and emerging agendas in Wales*](#), youth work's contribution is extensive. However, this is not obviously apparent in recent Welsh Government policy, which has focussed on young people NEET and youth work in schools.

20. Welsh Government has established a Ministerial *Youth Work Reference Group*, which has met a number of times in the last couple of years. However, this has been ineffective as it has not produced any tangible outcomes, membership has become disillusioned and agendas are didactic. This may be in part due to its sprawling membership which, in attempting to capture views across the sector is too broad and has failed to make an impact.

21. The PYOG would like to see more joined up planning between departments in Welsh Government where there are obvious links to youth work. Examples of this include the development of Families First new programme, Play, YEPF, Youth Work, Careers Wales, Employment/Skills, Social Care, Health and wellbeing – so many of

these areas impact on young people and youth work and yet seem to be developed in isolation of each other.

How do you think the Welsh Government could approach its youth work strategy and policy differently / to better effect?

22. Welsh Government's role is to set the strategic direction for youth work in Wales and local authorities, who have the statutory duty to deliver youth services, are responsible for delivering that strategic vision. It is preferable therefore that local authorities be fully involved in discussions with Welsh Government on the development of that vision. With a shared vision that is based on sound knowledge and experience of best practice, then it is much more likely that the vision will be delivered successfully. The Youth Service has a strong tradition in being positive, flexible and in working in partnership both across and beyond the sector itself – as a collective of delivery organisations, the sector is constantly in touch with young people on the 'front line' and therefore is well practiced in understanding and articulating their needs. It is felt that this knowledge would help shape more effective central government policy and strategy.

23. Whilst using an educative approach, youth work by its nature supports young people, regardless of their background, ability or need. As a number of policy areas affect the lives of young people (health & social care, housing, culture & sport, transport etc.), central youth work policy needs to reflect this accordingly – for example, other current relevant legislation such as the *Social Services & Well-being Act*, *Future Generations Act*.

24. However, having made reference to this, youth work is not always well understood. As an education provider in its own right, whilst valued almost universally, its contribution is not always recognised, particularly at strategic level. The PYOG would like to see the status of youth work receive a higher profile within Welsh Government.

Question 3 – What are your views on the funding available for youth

work, including through Local Authority, Welsh Government, European Union, and Third Sector.

25. As with all other public sector organisations, funding for youth work continues to be challenging and has seen a reduction over a number of years. Youth work is responding to these challenges as positively, however, the reduction in funding has posed a serious strain on the delivery of youth services in their originally intended manner of being universal/offering open access provision.

26. The way in which youth work in Wales is funded can be seen as both a strength and weakness – whilst levels of local authority core funding vary, services continue to be innovative in accessing external funding. This can bring added value and flexibility to the way in which services are shaped and delivered. However, where services either identify a desire (or where circumstances dictate a need) to access such funding streams, the application process can be intensive and time-consuming, as well as requiring a skill set not always readily available in the work-force, changes focus for managers and can take workers away from direct contact with young people.

27. Given the opportunities which European funding has offered young people, there is a strong probability that the Brexit vote will negatively impact young people more than for other British citizens. For example, if it disappears, the Erasmus+ programme will leave a substantial gap in funding and opportunities for young people gaining experiences via exchanges with other European countries. Further, a great deal of the successful work carried out to implement the ‘brokerage’ and ‘support’ role required within the Welsh Government Youth Engagement and Progression Framework (YEPF) Action Plan is currently funded for the next 3 years by ESF. Unless funded differently, this level of intensive support to young people may well disappear and lead the YEPF to be ineffective.

28. In relation to Third Sector organisations, whilst many of these are self-sustaining, local authorities support a great number of such organisations both in direct funding (e.g. via the Youth Service Strategy Grant), training and via in-kind support.

29. In the context of education service provision and the impact of youth work in this context, it is also worth recognising that the spend per head via youth work is a tiny proportion of that which is spent through our schools (for example). Total spend per head (for ages 11–19) in 2014–15 was £111 for youth work (Welsh Government Youth Work Audit) compared to £5,607 per head in schools.

If you believe there are problems in this area, how do you think they could be resolved?

30. Local authority youth services are facing challenges. This has meant the loss of staff, knowledge and experience, increased targeting of young people with particular characteristics, sharing of buildings and other facilities previously for specific use of young people accessing them and other capital resources e.g. mobile provision, which can have a particularly negative effect in rural areas. Whilst all involved in youth work continue to work hard to influence and innovate, given the almost unprecedented situation that local authorities face, numerous difficult decisions are being made on a daily basis and it is difficult to see how one service can be protected over other important services that local authorities provide.

31. Whilst the sector struggles to gain clarity and unity in the face of such challenges, in the context of how other professions are represented, youth work in Wales does not currently have a single organisation which can promote and represent its interests e.g. the National Training Federation for Wales (NTfW) representing the interests of work-based training organisations, Colegau Cymru representing the interests of Further Education Colleges and various unions representing teachers. Whilst facing similar funding issues in Scotland, youth work there has such a structure, which also acts as a critical friend to central government and, as such, has a strong link and profile within the Scottish Government. Both the voluntary sector and local authorities (via PYOG) have in recent years called for such a body, which could also act as an important link with the

Education Workforce Council. Institutional (or sectoral) knowledge is important as the history of a profession defines its future; apart from playing an effective role on behalf of youth work in Wales, it is also felt that such an organisation could assist in ensuring youth work in Wales is sustainable – if only as an important capacity builder as/when funding opportunities return.

32. The PYOG has also been surprised and somewhat concerned recently that the sector here in Wales has not been approached to lead on a number of strands of work (Quality Mark; Charter; National Outcomes Framework). Instead, Welsh Government has chosen to engage consultants from England (including associates of the National Youth Agency, whose remit does not extend to Wales) to lead these pieces of work. Whilst there are some excellent academics and youth work leaders in England, we consider that to also be the case in Wales – indeed, many in England are envious of much of the progress that has been made in relation to youth work in Wales in recent years e.g. the existence of Extending Entitlement; the professional document (written by and for the sector) that is [*Youth Work in Wales: Principles & Purposes*](#); its retention as an education service (a core principle) and a coherent work-force. Whilst not disputing their credentials, it is apparent that some of these individuals have limited knowledge of youth work here in Wales and it is therefore somewhat perplexing that they should be developing and leading most of the new policy.

Question 4 – Are there any other issues you consider relevant to the Inquiry that you think the Committee should be made aware of? (for example: workforce related issues; the Quality Mark for Youth Work in Wales; buildings and infrastructure; youth work in schools; transport issues; access to digital technology; Welsh Government’s consultation on proposals to register and inspect some out of school education settings).

33. As mentioned previously in this response, recent cuts to services have seen a big impact on Youth Service assets. Given this scenario, it would seem prudent to consider some kind of national audit of all community based buildings and assets belonging to the sector and to consider their level of use – e.g. a number of services are now sharing buildings with other providers, as part of a collaborative

effort.

34. Whilst its sustainability has yet to be determined, the Welsh Government Quality Mark is seen as a positive piece of work which has exercised the sector to learn and be involved. It is seen as a useful self-assessment tool and opportunity for shared learning, as well as an opportunity to obtain external verification of excellence.

35. *National Youth Service Strategy for Wales: Young People; Youth work; Youth Service* (2007) made reference to the Youth Service considering the role of new technologies when engaging with young people. This aspect has not been taken forward on a national basis. Whilst services are developed at local level to ensure that young people's needs are met via these new methods of social interaction, a national debate is necessary.

36. We have made reference to transport issues (particularly in rural areas but not exclusive to), youth work in schools (which has a place in the range of provision on offer but community provision being as important), buildings and infrastructure (which received a boost via the Youth Service Capital grant, which accompanied the first national Youth Service strategy but which was nearly 10 years ago) and workforce. The PYOG is aware of the recent consultation on inspection of some out-of-school settings but, apart from alternative curriculum programmes delivered by the Youth Service (which currently fall under inspection remit anyway), does not anticipate the proposals affecting youth work and the sector has not received any information to indicate this to be the case. Youth work is a non-formal/informal education activity, is not delivered via a formal education approach and does not fall under the definition of supplementary or complimentary school/s, tuition, training or learning centre (unless determined as an alternative education provision as previously stated).

Question 5 – If you had to make one recommendation to the Welsh Government from all the points you have made, what would that recommendation be?

The principles and purpose of youth work are predicated on its relationship with young people – via a voluntary relationship and a commitment to association. It has a strong history in working with and empowering young people; indeed, the central pillars of youth work in Wales have been recognised for some time as *Educative, Empowering, Expressive, Participative* and *Inclusive*. It is essential therefore that young people are fully involved in shaping services going forward. Whilst their engagement in national discussions and policy development so far has been very limited, the PYOG makes a plea for young people to be offered a view and be fully involved at every step, both in this inquiry and with any developments on behalf of Welsh Government.

ⁱ <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/744/74402.htm>

Agenda Item 5.1

Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Lynne Neagle AM
Chair
Children, Young People & Education Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

9 September 2016

Dear Lynne,

I agreed to write to you about the research on the Pupil Deprivation Grant (PDG) undertaken at Cardiff University. The investment made through the PDG since 2012 is having a measureable impact on raising the attainment of children from deprived backgrounds, and those that are looked after. All the evidence supports the view that the grant is helping to increase their life chances. Within the last few months research by Ipsos MORI/WISERD, our own Raising Attainment Advocate – Sir Alasdair MacDonald and the Public Policy Institute for Wales has demonstrated the excellent impact that the PDG has had.

The evaluation of the PDG was commissioned by Welsh Government in April 2013 with the aim of conducting a process and impact evaluation of the PDG. The Ipsos MORI and WISERD team at Cardiff University were awarded the initial contract for a period of two years. Following the announcement of the increase in PDG funding the contract was extended by a further year in April 2015.

The evaluation incorporates a number of elements. In year one (2013/14 academic year) evaluation activity included: a survey of 201 schools; in-depth case studies among 22 schools, of which 12 were complete at the time of reporting; and in-depth analysis of pupil attainment and absence data from the National Pupil Database (NPD). The first year report was published in October 2014:

<http://gov.wales/docs/caecd/research/2014/141022-evaluation-pupil-deprivation-grant-year-1-en.pdf>

Key findings in year one highlighted that the introduction of the PDG led to schools funding a significant amount of new activity aimed at supporting pupils they identify as disadvantaged. Although the PDG represents a relatively small proportion of the total school budget (less than 4% on average), it amounted to significant sums of money that schools spend on activities to tackle disadvantage. Over half the

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

interventions funded using the PDG were not run in schools prior to the PDG's introduction. Even where activity pre-dated the PDG, it has usually been scaled-up as a result of the additional funding available to schools.

Year two (2014/15 academic year) evaluation activity included the remaining 10 case studies and further analysis of the NPD data. This report was published in December 2015:

<http://gov.wales/docs/caecd/research/2015/151203-evaluation-pupil-deprivation-grant-year-2-en.pdf> .

In year two key findings noted that the way the PDG is spent by schools appears to have evolved over the grant's lifetime. Several case study schools explained they had initially invested in resources and establishing data monitoring systems to track pupils' progress using the funds, but that funds are now concentrated on the delivery of interventions, and specifically on funding staff time to deliver them

For this third year (2015/2016 academic year) of evaluation the contractors have undertaken a refresh of the NPD impact analysis. The first draft of the final report is due to be received from the contractor shortly with a view to being published by the end of the year.

Yours sincerely



Kirsty Williams AM/AC
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Agenda Item 5.2

Vaughan Gething AC/AM

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon
Cabinet Secretary for Health, Well-being and Sport

Rebecca Evans AC/AM

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol
Minister for Social Services and Public Health



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref : MA-P-VG-6575-16

Rt Hon Jeremy Hunt MP
Secretary of State for Health
Richmond house
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13 September 2016

Dear Jeremy,

We are writing in response to the UK Childhood Obesity Strategy which impacts across our portfolios in terms of the potential impact on NHS services and the contribution to our approach to reduce levels of preventable obesity in Wales.

We are pleased to see commitment to strong UK action to reduce sugar in those foods contributing the most to our children's diets, and welcome the approach extending to all food sectors. We urge that strong leadership is taken, to emulate the approach taken for salt reduction.

We are disappointed with the lack of action in the strategy to further restrict the advertising of food and drink to children that are high in fat, sugar and salt. Whilst the Welsh Government recognises and supports the necessary review of the nutrient profile model as a first step, more action is needed to restrict high fat, salt and sugar foods to our children. We therefore continue to urge you support a ban on all advertising of high in fat, sugar and salt foods and drinks before the 9pm watershed.

The Welsh Government also recognises there is a shift in children's screen time away from television, and that digital marketing strategies are rapidly growing and are a potentially influential area.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

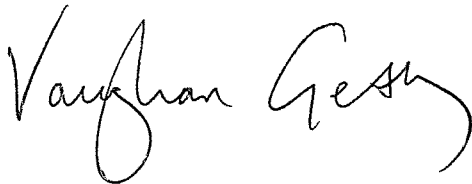
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

In our response to the Committee of Advertising Practice consultation on the introduction of restrictions on non-broadcast advertising of food and soft drinks this summer, we have called for the toughest possible measures to be introduced. Whilst we recognise that evidence could be stronger, we consider that the stakes are high enough to justify strong regulation across all forms of promotion of high fat, salt and sugar food and drink to children.

I hope such a stance will be emulated across the UK.

I am copying this letter to the Secretary of State for Wales and Ministers in Scotland and Northern Ireland.

Yours sincerely,



Vaughan Gething AC/AM

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon
Cabinet Secretary for Health, Well-being and Sport



Rebecca Evans AC/AM

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol
Minister for Social Services and Public Health

Huw Irranca-Davies AM
Chair, Constitutional and Legislative Affairs
Committee

29 September 2016

Dear Huw

Wales Bill

Thank you for your letter of 18 July 2016, regarding the Constitutional and Legislative Affairs Committee's current scrutiny of the Wales Bill. We very much appreciate the opportunity to feed into that process.

As you are aware, our predecessor committee considered the draft Wales Bill with three specific things in mind:

- Was the draft Wales Bill clear?
- Did it affect the Assembly's competence in relation to children, young people and education; and
- What did the draft Bill mean for the Assembly's ability to legislate in the future.

In considering the Wales Bill now, the Committee believes that these three areas are still very relevant, and looked at the impact of the Wales Bill along these same broad lines. In general terms, the views of the Children, Young People and Education Committee (CYPE) remain as set out in our letter to the Secretary of State in November 2015. Of particular concern are (a) the roll back of competence in specific areas, and (b) the clarity of the reservations.

These two areas are likely to cause concern across Assembly Committees. This response sets out the specific concerns of CYPE Committee, in relation to the effect of the Bill on matters within its remit, together with general observations of Committee members.



Is the Wales Bill clear and are there ways it can be made clearer?

The Bill contains over 200 specific reservations, wide-ranging general reservations, new “necessity” tests and broadened requirements for consents. The combination of these tests and reservations has made it difficult to assess with confidence the impact of the Bill on those areas that fall within the Committee’s remit.

Unfortunately the Explanatory Notes that accompany the Bill do not explain or rationalise why certain reservations have been included or expressed as they have been. There is also no overarching principle that enables a clear understanding of why certain reservations have been included and how wide reaching they will be. This has made scrutiny more difficult, and in relation to many reservations listed below, further clarification as to the extent of their effect is required.

Does the Wales Bill affect the Assembly’s current competence in relation to children, young people and education?

During our discussions (both on the draft Bill and the Wales Bill) the Committee identified specific reservations which appear to reduce the Assembly’s competence in relation to children, young people and education and the matters that affect them:

Reservation 37 – The prevention, detection and investigation of crime

This reservation is potentially very wide and could have significant implications if the Assembly wished to legislate in areas concerning child protection, for example.

The exception to this reservation (areas where the Assembly will have competence) would allow the Assembly to legislate in relation to “powers of entry, search and seizure relating to the investigation of an offence of a kind provision for the creation of which is within the Assembly’s legislative competence.” However, despite the inclusion of this exception, this reservation is potentially wide-ranging and it is not clear without further clarification what this particular restriction could cover. The Committee is concerned that this reservation could limit the Assembly’s power to legislate, and believes that further clarification on the intention of reservation 37 is required.

Reservation 61 – Charities

As drafted, this reservation could impinge on the Assembly’s ability to legislate in relation to private schools with charitable status as well as, for example, institutions in the Higher and Further Education sectors.

The explanatory notes state that the “reservation will not affect the ability of the Assembly or Welsh Government to confer, impose, or modify functions of public bodies operating within devolved areas who also happen to be charities”. While



explanatory notes can be a useful interpretative tool for the courts, they have no legal effect and could be changed prior to Royal Assent. Therefore, for the sake of clarity, the Committee believes that the explanation provided in the explanatory notes should be placed on the face of the Bill.

Reservation 174 to 177 – Family relationships and children

Under GOWA, specific elements of family law were devolved. These are listed under GOWA as being:-

*“(a)Welfare advice to Courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
(b)Welsh family proceedings officers.”*

However, these areas are no longer listed as exceptions in the Bill and it is unclear whether the reservations as drafted would remove this limited competence that the Assembly currently possesses. The Committee believes that the position must be made clear.

Reservation 175 includes “Parenthood, parental responsibility, child arrangements and adoption.”

In the interpretation section “child arrangements” is defined as including the subject matter of Part 2 of the Children Act 1989. Part 2 covers Court Orders with respect to children in family proceedings and would have been regarded in any event as coming within the “family law and proceedings” exception in heading 15 of Schedule 7 to GOWA. The inclusion of Part 2 in the reservation makes no change in the Assembly’s legislative competence. However, the reservation does not limit itself to only Part 2 of the Children Act as it merely “includes” it under “child arrangements”. The explanatory notes are unhelpful and give no further detail. The Committee believes that further clarification is needed before a clear conclusion can be reached that this does not represent a change in the legislative competence of the Assembly.

More significant, and of greater concern to the Committee, is that reservation 175 includes adoption. Apart from inter-country adoption, adoption services (such as the recruitment of adopters, training, matching and post-adoption support) is currently devolved in its entirety. This change would only leave the Assembly competence in relation to adoption agencies and their functions. This is clearly a reduction in the Assembly’s current legislative competence, and the Committee cannot support this.



Reservation 176 includes the subject-matter of Parts 4 and 5 of the Children Act 1989 and other proceedings related to the care, supervision or protection of children. However, it is not clear whether “subject matter of Parts 4 and 5” means the contents of Parts 4 and 5. If so, for clarity, the Committee believes this should be confirmed by the UK Government or preferably a definition inserted into the interpretations section of the Bill.

Part 5 of the Children Act 1989 for example is headed “protection of children.” Although technically a title in legislation has no legal effect, the Committee believes that there needs to be an assurance that the “protection of children” is not being reserved, especially as the Assembly currently has full legislative competence in relation to “protection and well-being of children.”

Reservation 187 – Equal Opportunities

Under the current arrangements the Assembly can amend equality legislation insofar as its legislation relates to equal opportunities for public authorities. While some limited competence would exist by virtue of some exceptions in the Bill, the Committee is extremely concerned that this reservation includes the subject matter of the Equality Act 2006 and the Equality Act 2010 and would therefore reduce the Assembly’s legislative competence significantly.

The Committee cannot support this reduction in legislative competence, and seeks urgent clarification as to why legislative competence is being rolled back in this respect.

Reservation 194 – School teachers’ pay and conditions

School teachers’ pay and conditions are expressly reserved in the Bill. Teachers’ pay and conditions was not a devolved area under the current settlement and was protected by the current provisions on Minister of the Crown consents.

The Welsh Government have asked that this should not be a reservation and should be reconsidered especially in light of the fact that it was the UK Government that requested the Silk Commission to consider the devolution of Teachers’ Pay and Conditions. The Secretary of State for Wales gave a commitment in his letter dated 3rd September 2015 to the First Minister to give further consideration to the devolution of teachers’ pay and conditions. The Committee therefore seeks urgent clarification as to why teachers’ pay and conditions has been listed as a reservation.

Restrictions on Criminal law

The Committee notes that one of the new restrictions under the Bill is that an Assembly Act must not modify or create a criminal offence in a “listed category.” Sexual offences (including offences relating to indecent or pornographic images) is included in the listed category of offences. The example below demonstrates



how the proposed settlement would reduce the Assembly's competence in relation to the criminal law and specifically affect the remit of this Committee.

Example - Sexual exploitation of children

In the context of sexual exploitation of a child, the definition of "sexual exploitation" in the Sexual Offences Act 2003 includes "recording" indecent images of a child. The Policing and Crime Bill amends that definition to clarify that "streaming" and "transmitting" indecent images of a child are included in the definition.

This is within the legislative competence of the Assembly because it relates to the following Schedule 7 subject:

- the protection and well-being of children.

There are no relevant exceptions (for example, sexual offences is not an exception). Therefore, this part of the Policing and Crime Bill is currently within the legislative competence of the Assembly and the Assembly's consent is needed before the UK Parliament can legislate in this area.

Under the Wales Bill, Assembly legislation will not be able to modify or create a sexual offence. The Policing and Crime Bill's amendment to the definition is modifying (or possibly creating) a sexual offence, therefore under the Wales Bill it would be outside the Assembly's competence and no LCM would be needed.

How will the draft Bill affect the Assembly's ability to legislate effectively in future?

The Committee remains concerned that the reservations, necessity tests and other restrictions in the Bill will unnecessarily constrain the Assembly's ability to legislate effectively in areas where it already has powers or functions. I refer the Committee to the example set out in our letter to the Secretary of State for Wales with regard to the designation of the Chief Officer of police as a partner on safeguarding boards.

The Committee did, however, welcome the removal of the reservation relating to the Children's Commissioner in England. This means that while the UK Children's Commissioner will remain a reserved authority, the Assembly in future could legislate to extend the remit of the Office of the Children's Commissioner for Wales subject to the consent of the relevant Secretary of State.

This represents a step forward from the current position. However, the Committee notes that any future proposals for the extension of powers for the Commissioner could still be vetoed by a UK Minister.



The Committee believes that, given the lack of clarity in the reservations and general restrictions, there must be scope to amend these in the future. The Committee acknowledges that GOWA Section 109 Orders are likely to remain in place, but that this can be a lengthy, and complicated, process. In order to secure a more streamlined process, there should be a more flexible system whereby a reservation or general restriction could be amended, possibly with the consent of a Minister of the Crown.

Conclusion

The Committee has grave concerns about the proposed reduction in the Assembly's competence in areas that fall within the Committee's remit.

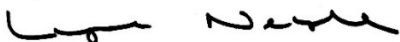
The Committee is extremely concerned about the lack of clarity in the Bill, and believes that:

- reservations should be underpinned by principles, which can be explained clearly and simply; and
- the full extent of the specific reservations should be explained in the explanatory notes accompanying the draft Bill.

The Committee believes there should be a more flexible system whereby a reservation or general restriction could be amended, possibly with the consent of a Minister of the Crown.

The Committee acknowledges that the legislative timetable for the Bill makes consideration of these matters difficult, but believes that these matters must be addressed before the passage of the Bill is complete.

Yours Sincerely



Lynne Neagle AC / AM
Cadeirydd / Chair

