

Constitutional and Legislative Affairs Committee

(CLA(4)-21-12)

CLA181

Constitutional and Legislative Affairs Committee Report

Title: The Play Sufficiency Assessment (Wales) Regulations 2012

Procedure: Negative

These Regulations which are made under section 11(1) of the Children and Families (Wales) Measure 2010:-

- **set out the required content of a local authority's assessment of the sufficiency of play opportunities in its area;**
- set out the individuals and groups that a local authority must consult;
- require an action plan to be prepared as part of the assessment by each local authority;
- provide for the frequency of the assessments, and the manner in which the results of the assessments must be published.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 (ii) in respect of this instrument - that it gives rise to issues of public policy likely to be of interest to the Assembly

- In November 2010, the Children and Young People Committee of the third Assembly published the report of its Inquiry *into 'safe places to play and hang out'*. In the report's first recommendation, the Committee urged the Welsh Government:

"...to complete its review of the standards and guidance for play at the earliest opportunity.... The guidance should include a clear definition of 'play' that includes both structured and free play.... [Our emphasis]."

- The Welsh Government **subsequently accepted the Committee's** recommendation and made clear that:

“Greater clarification will be provided on the meaning of ‘play’ and the term will be sufficiently broad to include both ‘structured’ and ‘free play’.”

- Paragraph 8.2 of the Explanatory Memorandum (EM) refers to the Welsh Government consultation on the draft regulations and indicates that a significant proportion (as many as 56%) of those responding may want greater clarity in the regulations, and were *“primarily concerned about the relation between freely chosen play and adult led recreational activities.”*
- The EM states that *‘the summary report responds to this concern in more detail’*, that *“the Regulations and the Statutory Guidance have been amended accordingly”* and that *“A summary of the amendments...has been made available on the Welsh Government’s web site.”*
- **At the time of the Committee’s meeting the summary report was unavailable on the Welsh Government website.** Although, copies of the report were made available at the meeting, this did not provide the Committee with sufficient time to be able to assess whether the Welsh Government has fully addressed the **recommendation in the Children and Young People’s Report** or the concerns raised by respondents to the consultation on the draft regulations.
- The Committee was also mindful of its role in drawing attention to subordinate legislation that addressed concerns and recommendations made by Assembly Committees.

Simon Thomas AM
Acting Chair, Constitutional and Legislative Affairs Committee

22 October 2012