

Carl Sargeant AM
Cabinet Secretary for Communities and Children

8 August 2017

Dear Carl,

Follow up from general scrutiny session on 20 July

Thank you for your time in Committee at the end of term. During the course of the meeting you undertook to provide additional written information on the areas below, to supplement your oral evidence:

- The Child's Rights Impact Assessment (CRIA) process, including the system in place to monitor its use and examples of changes to policy which have occurred as a result of a CRIA;
- The relative independence of Wales' statutory commissioners model as compared with those in other countries (focusing on the Children's Commissioner in particular);
- The timescales to which Children First pioneer areas are working;
- An update on when the childcare workforce strategy will be delivered, and further detail on its content and plan for implementation;
- A note on the work being undertaken by your team in relation to children and young people in preparation for the UK's withdrawal from the EU;
- Details on recent (academic) evaluations of Flying Start and other similar post-code based schemes, with specific comparisons of outcomes for those children who access the schemes and those who do not.

During the course of the session you also undertook to provide early in the autumn term a definitive response to the question of whether you will re-establish a stakeholder advisory group on Advocacy. The Committee looks forward to receiving this information once available.



Further to the session the Committee also wanted to follow-up on the following specific areas:

Child poverty

As discussed in Committee, progress in tackling child poverty at a Wales level will now be assessed using the **46 National Indicators** underpinning the *Wellbeing of Future Generations (Wales) Act 2015*, in addition to a report every three years on the extent to which objectives in the Child Poverty Strategy have been achieved, as required by the *Children and Families (Wales) Measure 2010*.

In response to the consultation on the National Indicators during the Fourth Assembly, as Minister for Natural Resources, you issued a written statement which stated:

In terms of the responses around ensuring we are capturing the well-being of children, we accept that this is important for understanding the well-being of future generations... However, many of the areas of subjective well-being are captured through the National Survey for Wales which does not cover children, and it will be for the next government to consider options for how this can be collected in the future. **(17 March 2016)**

As Child Poverty now resides within your Cabinet portfolio, the Committee would welcome further information on action taken by the Welsh Government to address this discrepancy, to ensure the collection and analysis of children's subjective well-being informs the approach to empowering resilient communities.

Childcare offer

The Committee noted the steps being taken to deliver the manifesto pledge relating to the childcare offer in Wales. As a Committee we intend to keep a close eye on the extent to which delivery of this pledge will impact on other important policy priorities for children and young people.

Communities First

Since our general scrutiny session you have received the recommendations made by the Equalities, Local Government and Communities (ELGC) Committee's Inquiry into learning the lessons from Communities First. Recommendation 1 of that report aligns with our discussion in Committee, which explored how the Welsh Government is working with local authorities to support the continuation of the most effective Communities First programmes for children and young people.

As you are aware, the Child Rights Impact Assessment (CRIA) undertaken during the decision making process to phase out Communities First highlights that 207



of the 647 (32%) Communities First projects in 2016-17, are focused particularly on children and young people. The CRIA further states that to mitigate the impact following the decision to phase out Communities First, local authorities will be expected to produce exit strategies and Welsh Government officials will work closely with them on developing and delivering these strategies to maintain valued services, including those for children, young people and their families.

Where there is evidence of existing Communities First projects benefiting children and young people, the Committee believes that all opportunities should be taken by the Welsh Government to ensure that their activity continues. The Committee was concerned to hear you say in your evidence that the continuation of projects currently delivering services for children and young people will be a matter for the local authority to deal with locally. We concur with ELGC Committee's recommendation that the Welsh Government should work with local authorities to identify all programmes currently delivered by Communities First which should be delivered by other statutory bodies, and that responsibility for those programmes which are successful and are valued by local communities is transferred to the relevant statutory body.

Where there is no obvious statutory provider to deliver services, we also support recommendation 11 from ELGC Committee's report, which encourages adjustments be made to relevant Welsh Government programmes to mitigate against unintended consequences from the closure of Communities First. The Committee would welcome an update on your response to the ELGC Committee's recommendations in those areas which relate to children and young people.

Children's rights

The continued importance of embedding and strengthening children's rights across all government policy and legislation remains a key concern for the Committee. We remain to be convinced that:

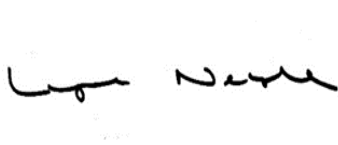
- the Wellbeing of Future Generations Act (WFGA) alone is sufficient for ensuring that due regard is paid to the rights of children, especially as it does not include an explicit legal duty of due regard to the United Nations Convention on the Rights of the Child (UNCRC);
- the UNCRC does not need to be extended to domestic legislation, such as the Additional Learning Needs and Education Tribunal (Wales) Bill currently before the Committee. As set out in the [Committee's Stage 1 report](#) on the Bill (paragraph 282 and recommendation 31), the Committee believes that it is vital that the UNCRC filters down through policies to those responsible for delivery 'on the ground', and that the principles of the Convention are understood in the delivery of duties. The Committee believes that the Bill should include a specific duty on relevant bodies to have due regard to the UNCRC.



During our session you noted that you maintained an open mind on amending existing legislation if it was identified as an issue in the January 2018 Compliance Report on the children's rights scheme. We look forward to receiving an update on developments in this regard once the Compliance Report is available.

The Committee would be grateful for a response by **Tuesday 12 September** to inform its work over the next term. I will share a copy of this letter with the ELGC Committee given the relevance of certain aspects to its portfolio.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Neagle', with a stylized flourish at the end.

Lynne Neagle AC / AM
Cadeirydd / Chair

