

# National Assembly for Wales

## Health, Social Care and Sport Committee

### Report on the Supplementary Legislative Consent Memorandum for the Children and Social Work Bill

5 December 2016

#### Background

1. On 10 November 2016, the Minister for Social Services and Public Health laid a Supplementary Legislative Consent Memorandum (No.2) ("the SLCM") for the Children and Social Work Bill ("the Bill") currently before the UK Parliament.
2. On 15 November 2016, the Business Committee referred the SLCM to the Health, Social Care and Sport Committee for consideration. In referring the SLCM, the Business Committee set a reporting deadline of 8 December 2016.
3. A Legislative Consent Motion, seeking the Assembly's consent to the relevant provisions in the Bill (as outlined in the SLCM) has been scheduled for debate in plenary on 13 December 2016.

#### The SLCM

4. Paragraphs 3-5 of the SLCM summarise the Bill and its policy objectives. Briefly, the UK Government's policy objectives for the Bill are "to improve decision making and support for looked after children in England and Wales; enable better learning about effective approaches to child protection and the wider provision of children's social care in England and enable the establishment of a new regulatory regime specifically for the social work profession in England."

#### Provisions in the Bill for which consent is sought

5. Briefly, the consent of the Assembly is sought for an amendment to the Bill which provides regulation-making powers for the Secretary of State to prohibit a relevant employer from discriminating against an applicant for a children's social care position because it appears to that employer that the applicant has made a protected disclosure. The amendment provides that the Secretary of State must consult the Welsh Ministers before any regulations are made for relevant functions relating to the social care of children in Wales.
6. Paragraphs 6 to 15 of the SLCM provide greater detail on the provisions for which consent is sought.

#### Reasons for making these provisions

7. Paragraph 16 sets out the Welsh Government's reasons for making these provisions for Wales in the Children and Social Work Bill, rather than in a piece of Assembly legislation. It states:

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"Making provisions for Wales in the Bill would afford the same protection to applicants for children's social care positions with relevant employers in Wales as those in England and Scotland. Any delay in implementing these provisions in Wales

could disadvantage workers here; the Welsh Government therefore considers that they should come into effect at the same time as in England and Scotland."

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### **Committee consideration and conclusion**

8. We considered the Memorandum at our meeting on 23 November 2016. We note the Welsh Government's reasons for making provision for Wales in the Bill and, based on these, we have no objection to the agreement of the Motion.

9. We do, however, have one matter to draw to the Assembly's attention. Should the Wales Bill come into force as currently drafted, an LCM would not be required in relation to the content of this particular supplementary LCM. This is because the subject matter of this SLCM is likely to be captured under the specific reservation heading 'Employment rights and industrial relations' (Schedule 1 – New Schedule 7A to the Government of Wales Act 2006) and, as such, would be outside the Assembly's legislative competence in the new settlement.