



Proposed Vulnerable Children LCO Response from Save the Children

Introduction

Save the Children is the leading UK charity working to create a better world for children. We work in over 50 countries, helping children in the most disadvantaged communities. Our focus on child rights is underpinned by the United Nations Convention on the Rights of the Child (UNCRC).

We chair and service the UNCRC Monitoring Group which has established a key role in recent years in both raising awareness of the UNCRC and developing understanding (amongst duty bearers and civil society) of what implementation of the Convention in Wales requires as well establishing structures for more effective monitoring of the implementation of the UNCRC.

We are just about to publish the Non-Governmental Organisations' (NGO) report on Wales' progress in implementing the UNCRC since 2002. This report will be submitted to the UN Committee on the Rights of the Child as they prepare to undertake their next periodic examination of the UK's record of implementing children's rights. The NGO report is being launched in Cardiff on the 20th November 2007. Members of the LCO Committee have been invited to attend the launch and we will ensure that the Committee Clerk receives a copy of the report as soon as it becomes available. The report's recommendations (which span a broad range of policy areas impacting on vulnerable children) signpost many different Measures that the Assembly could introduce within the new scope of their powers if the proposed LCO on Vulnerable Children came into force.

The LCO Committee has stated that it wants to hear the views of children and young people. We have had insufficient time to gather views of children and young people directly on the proposed draft LCO but the Committee should be aware that the launch of the aforementioned UNCRC NGO report is accompanied by Funky Dragon's launch of their children and young people's reports also for the UN Committee. These reports should include a lot of useful information for the LCO Committee on the views of children and young people in Wales today.

Tackling child poverty is a key theme of Save the Children's work in Wales and around the world and we are working on number of specific projects in Wales at this time. These include:

- a project in partnership with the Welsh Local Government Association working with local authorities to develop better approaches to tackling child poverty at a local level; and

- another project in partnership with the Bevan Foundation and the New Policy Institute on developing specific policy solutions for the Assembly level of governance to address the most severe and persistent child poverty in Wales.

Both these projects receive funding from the Welsh Assembly Government and both will provide concrete signposting to additional, useful Measures that could be enacted by the National Assembly if the proposed Vulnerable Children LCO were to come into force..

Save the Children also works with particular marginalised and vulnerable groups in Wales including Refugee and Asylum Seekers and Gypsy and Traveller Children. We have previously reported on the issues facing Refugee and Asylum Children in Wales¹ and have lobbied consistently for the last three years to improve services and policy as it affects these terribly vulnerable children and young people - both at a UK and at a Welsh Assembly Government level. We have clear policy recommendations that once again we would hope could be translated into new Measures if the proposed Vulnerable Children LCO as drafted – comes into force.

General Comments

Save the Children welcomes the proposed LCO and is supportive of the intention to use the LCO to improve the well being of vulnerable children and to tackle child poverty. The scope of the draft LCO is significant and has huge potential to make a real difference to the lives of Wales' poorest and most vulnerable children. We wholeheartedly support the intention to develop made-in-Wales policies for Wales' children and the need to consolidate the law as it relates to vulnerable children. We are however concerned that the legislature takes note that a focus on new legislation in and of itself is not enough. We believe much more must be done to follow through on the implementation of WAG policy and guidance.

We welcome the WAG's rights based children's policy and are mindful that this is a different approach to that of the UK Government. However, while we are not party to much information on how the WAG's policy agenda has in the past been thwarted by the lack of primary legislation in the area of child poverty and vulnerable children, we are all too familiar with how ambitious and worthwhile policy developed by previous Assembly Governments has failed to make an impact or affect the quality of children's lives because of a lack of attention to proper implementation plans and resourcing.

Save the Children believes the Proposed Vulnerable Children LCO Committee should get assurances from the Welsh Assembly Government (and perhaps the Welsh Local Government Association, the NHS in Wales and other key public bodies) that they have the capacity and resources to develop and indeed implement, legislation in the areas over which the Assembly Government is applying for competence. As has been stated in the Chamber it is only proper that the cost of new legislation is properly estimated and accounted for by governments.

By way of example to illustrate our concerns, we have been working with the Assembly Government for the last three years to develop improved policies and to provide improved services for vulnerable refugee and asylum seeking children – much good work has been done and we have some great policy proposals agreed by the WAG but we seem to be forever thwarted by a lack of capacity within the Assembly Government itself (at an official level) and/or a lack of resources to implement agreed policy. We are

¹ Save the Children (2005) *Uncertain Futures* available at www.savethechildren.org.uk

genuinely concerned where the additional capacity to make use of the extra powers afforded by this LCO, i.e. to develop additional polices and Measures - will come from.

- 1. Would the terms of the proposed Order allow for the implementation of the policy agenda on vulnerable children and child poverty by means of Measures? If not, how would the proposed Order need to be re-drafted and why?**
- 2. Are the terms of the proposed Order drafted appropriately, too narrowly or too broadly. If necessary how should the proposed Order be re-drafted and why?**

The draft Order and the accompanying Memorandum contain very limited detail on the proposed Measures for the implementation of the child poverty agenda and not much more on the proposed Measures to implement the WAG's forthcoming vulnerable children strategy. This makes it difficult to comment on the scope of the Order as drafted.

Save the Children welcomes the intention of the Welsh Assembly Government to take forward proposals to tackle child poverty, in particular to take action to place duties on public bodies to demonstrate their contribution to ending child poverty. We believe there is a lot of scope for public bodies to better target resources on those most in need with service delivery better co-ordinated and with a stronger focus on engaging those who are hardest to reach. Save the Children would like to see a requirement on public bodies to publish details of the proportions of their budget they spend on tackling child poverty and for this to be monitored alongside milestones and targets focused on improving outcomes for children. Our aforementioned Local Authority Pilot Project and the New Ideas Project will be able to provide advice and direction for possible future Measures particular those that could help us to eradicate the most severe and persistent child poverty in Wales.

We are pleased to see in the proposal the emphasis on early intervention; more support for parents as well as children/young people; the idea of a much broader definition of 'vulnerable' children who are entitled to receive support and the centrality of child poverty. However, we would like to see more of a focus in the proposed LCO on co-ordinated service delivery and multi-agency working which requires strong leadership from the WAG, CEOs of public bodies and the third sector and private sector delivery partners. The LCO Proposals needs be clear on how the WAG can use the proposed Order to promote effective leadership at every layer of public service. There are also issues around workforce development and making working with vulnerable children a more rewarding and valued profession. This will require increased resources. These issues will need to be addressed if the WAG is going to deliver on its commitments to tackle child poverty and safeguard vulnerable children. Legislation will not be enough.

We particularly support the proposal within the LCO of broadening the definitions of children or young people who are entitled to receive support to those "*at risk of being in need*" our work with Gypsy Travellers and Refugee and Asylum Seekers illustrates how very vulnerable children do not get the support they need not least because of the high thresholds within social services. However, we do query how broadening the definition will make any difference. Arguably, the definition of 'children in need' is already (in law²) quite broad but is actually interpreted narrowly as a means of gate-keeping scarce resources for those most in need. Without more resources/better implementation - how

² Children Act, 1989

will changing the definition in law (in and of itself) make any difference? For the last decade policy makers across the UK have been trying to push the re-focusing debate in social services (to get them doing more early intervention/prevention work) to limited effect in our increasingly risk averse society.

If the LCO is granted we believe it will provide a much awaited opportunity for the Welsh Assembly Government to legislate for (in effect) the prohibition of the corporal punishment of children in the home. Successive Welsh Assembly Governments have set out their principled opposition to the law as it stands and as the recent short debate in the National Assembly illustrated, there is strong cross party support across the Assembly itself for legal reform in this area.

We are aware that over the last five years, the WAG have made repeated representations to the UK Government to change the law on corporal punishment as it affects children in Wales - but to no avail. The recent announcement that the UK Government still does not intend to change the law as it stands is extremely disappointing. It flies in the face of all the evidence about effective parenting and shows the UK up as a country that disregards children's human rights. It remains disappointing that at this time the National Assembly for Wales cannot follow the path it has said it wishes to follow; to demonstrate respect for children's rights and bring forward policy that can afford children (especially vulnerable children) adequate protection.

Save the Children urges the Committee to do all it can to ensure that the final LCO is drafted in such a way to enable the National Assembly to be given sufficient power to enact change in this area of policy.

The Proposed Vulnerable Children LCO includes provision for the Assembly Government to have the power to determine/change the Children's Commissioner's role and function (clause 15.7 of the LCO). Save the Children is very concerned about the changes in the accountability of the Children's Commissioner introduced by the Government of Wales 2006 which means the Children's Commissioner is now accountable to the Welsh Assembly Government rather than the National Assembly. This is completely out of line with the UN endorsed standards that govern independent human rights institutions (the so called *Paris Principles*) and we urge the Committee to ensure that the proposed LCO is amended to enable a Measure to be passed to change the reporting arrangement. An independent body concerned with safeguarding and promoting the rights of children or young persons should be accountable to the National Assembly for Wales rather than to the Welsh Assembly Government. Otherwise of course the government of the day can effectively limit the role of this 'independent' watchdog in a way that curbs the body's independence and the credibility and robustness of the institution.

We can see great potential with the proposed Vulnerable Children LCO to progress the child rights agenda in Wales. From a child rights perspective there are many other examples of Measures that if this LCO were agreed we would like to see enacted including: legislation to improve arrangements for promoting knowledge of the UNCRC; and more statutory requirements around the participation of children and young people in service development and in community regeneration. We are currently working with partners on a project to improve and develop frontline practice with regard to the safeguarding and protection of refugee and asylum seeking children. This project will signpost possible Measures when it concludes towards the end of 2008.

We are working with colleagues across the UK to develop a model of formal Guardianship for separated or unaccompanied children as recommended by the UN Committee on the Rights of the Child. Under the proposed LCO we are hopeful that the

Assembly would be able to consider a Measure introducing a groundbreaking and innovative model of Guardianship for children under the age of 18 arriving in Wales without a parent or legal guardian. Another Measure which is desperately needed would secure improved access for young asylum seekers in Wales to post-16 Education and Training including Further and Higher Education.

3. Are the definitions of ‘well-being’ and ‘social care’ in the proposed Order appropriate? If not, how should they be re-drafted and why?

Save the Children welcomes the definitions of well-being and social care in the proposed Order. We particularly welcome the fact that the definition of ‘well-being’ includes securing rights. We are hopeful that the LCO would enable the Assembly to incorporate more comprehensively in law requirements on public bodies to comply with the UNCRC - via new Measures.

4. The proposed Order includes a table setting out certain exceptions from the scope of Matters 15.1-15.8. Are these exceptions appropriate? If not, how should they be re-drafted and why?

Save the Children understands the reasons for the exceptions within the current devolution settlement but nonetheless is of the view that the exceptions will preclude some more radical and ‘quick win’ solutions for tackling the scourge of child poverty in Wales. For example, providing seasonal grants to the poorest families to help them provide for their children during times of increased expenditure such as the school holidays, transition to a new school and meeting extra fuel costs over the winter. Urgent and radical action is required to get us back on track to meet the 2010 and 2020 child poverty targets. The latest report from the Joseph Rowntree Foundation³ makes it clear that progress in Wales on tackling child poverty stalled some two or three years ago.

Keith Towler
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Save the Children
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³ Joseph Rowntree foundation (2007) *Monitoring Poverty and Social Exclusion in Wales 2007*. available at www.jrf.org.uk