
WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

Title: Proposed Children and Families (Wales) Measure

Date: 02 March, 2009

By: Dr Brian Gibbons, Minister for Social Justice and Local Government

Members will wish to note that the proposed Children and Families (Wales) Measure will be laid today, 2 March 2009. I will be making a Legislative Statement in Plenary tomorrow, 3 March 2009, to introduce the Measure.

The proposed Children and Families (Wales) Measure demonstrates the Welsh Assembly Government's commitment to improve the lives of vulnerable children and families in Wales, and the lives of those disadvantaged by child poverty. It will enable us to provide support to those families and children in greatest need who without additional support would be unfairly disadvantaged within our society.

The Children and Families (Wales) Measure makes statutory provision, through a legislative framework, to take forward the Welsh Assembly Government's commitment in terms of child poverty, and to take forward early development of its strategy for vulnerable children by bringing forward legislation to provide greater support to families where children may be at risk, and strengthened regulatory enforcement in children settings.

The Measure is cross cutting and is addressed in four parts:

- Part 1: Eradicating Child Poverty
- Part 2: Child Minding and Day Care for Children
- Part 3: Integrated Family Support Teams

- Part 4: Miscellaneous and General

Part 1: Eradicating Child Poverty

The Children and Families (Wales) Measure seeks to deliver a strategic and joined up approach to addressing child poverty. It will place, for the first time, a statutory duty on Welsh Ministers to develop a new Child Poverty Strategy for Wales. This Strategy will be laid before the National Assembly and will be subject to review every three years.

We also recognise the key role played by other Welsh authorities in our shared fight against child poverty. As such the Measure places a similar duty on other Welsh authorities and bodies to identify and take actions in respect of their own objectives and strategies. The success of the local authorities' partnership approach to tackling child poverty underpins the duty to prepare and publish a strategy to contribute to the eradication of child poverty. For local authorities and their partners the Children and Young People's Plans will be the key strategic driver for discharging this duty.

The proposed Measure makes legislative provision for our One Wales commitment to progress provision of free full-time high quality childcare for two year olds in areas of greatest need. It enshrines in primary legislation provision to place a duty on local authorities to secure the availability of free, high quality, targeted childcare in specific areas, and signals our long-term commitment to this agenda. These new powers would only be triggered if the decision were made to move Flying Start funding into the Revenue Support Grant at some point in the future.

The Measure also makes legislative provision for activity currently funded through Cymorth - one of the Assembly Government's main levers for tackling child poverty - when these resources are moved into the Revenue Support Grant from April 2011.

Part 1 of the Measure introduces a legislative framework which sets out:

- a range of broad aims for contributing to the eradication of child poverty;
- a duty on "Welsh authorities" to prepare and publish a strategy for contributing to the eradication of child poverty in Wales;
- details which apply to the Welsh Ministers in respect of their strategy;
- details which apply to local authorities in respect of their strategies;
- amendments to section 26 of the Children Act 2004 to tie the local authority's duty to have a strategy in to the duty under that section to prepare a plan;
- provision about the strategies to be prepared by Welsh authorities other than the Welsh Ministers and local authorities;
- a duty on local authorities to secure free childcare in accordance with Regulations and guidance;
- a local authority power to secure parental support services and health support services;

- a requirement for local authorities to provide particular sorts of parental support services where required by regulations;
- a requirement for local authorities to provide particular sorts of health support services where required by regulations;
- a power for Welsh Ministers to issue statutory guidance about action to promote the broad aims for contributing to the eradication of child poverty and the exercise of functions under Section 1 to 9;
- a power for Welsh Ministers to direct the Welsh authority to take any action to secure compliance with the duty under relevant sections where it is felt that the Welsh authority is failing or is likely to fail to comply with any duty under Section 2, 6 or 9;
- the Welsh authorities subject to the duty under Section 2 of the Measure.

Part 2 : Child Minding and Day Care

Part 2 of the proposed Measure will allow the Care and Social Care Services Inspectorate Wales (CSSIW) to align enforcement powers for childminding and daycare regulated services with other regulated services, for example children homes and adult care homes. The Measure will therefore strengthen regulatory enforcement in children's settings.

The enhancements are:

- the ability to impose conditions of registration in an emergency;
- the imposition of fixed penalty notices on registered persons; and
- extending the time limit for prosecutions from six to twelve months.

The proposals will enable Welsh Ministers to take a quick, decisive and proportionate response to a regulatory breach in relation to childminders and day care providers.

To ensure the clarity in the drafting of the new enforcement provisions, it has been necessary to reframe the law in relation to regulation and registration of childminding and day care services for children under the age of 8 and which are currently set out in Part 10A of the Children Act 1989, together with Schedule 9A. With the exception of the enhanced enforcement provisions, the Measure restates and modifies the law in a more cohesive way. It does not impact the ability of persons to register as childminders or day care providers and does not provide for any significant new burdens.

It also makes new provision allowing the Welsh Ministers to make adjustments to the legislative schemes for registration. There is discretion to keep the current definitions of childminding and day care in Part 10A of the Children Act 1989 or to make changes in response to new policy following consultation with stakeholders. Moreover, it promotes the Assembly Government's long term aim for consolidation of child law and is taking the opportunity to use an appropriate Measure to affect these wider aims.

Part 3 : Integrated Family Support Teams

The Measure sets out arrangements for Integrated Family Support Teams which will reform the way in which services are organised and delivered to

vulnerable children and families who have complex needs and require intense integrated support from highly skilled professionals.

This ambitious but much needed reform will improve the children's services system to provide earlier intervention to manage and support children and families to live at home and flourish in that environment. The Integrated Family Support Teams will play an integral role in addressing the diverse needs of children 'in need' or 'in care' so they can be safely reunited to live with their families. It will also identify earlier those children who are considered at high risk and whose needs can only be met by more permanent arrangements outside the family.

The Measure requires local authorities to establish Integrated Family Support Teams (IFST) to provide services to families where there are children who need or who are looked after and this is related to certain sorts of need (e.g. dependence on drugs and alcohol) on the part of their adult carers. It also provides duties on the Local Health Board to assist the local authority in establishing and resourcing an IFST in order for a local authority to discharge its duties.

Provisions include functions, staff (core member of team, professional and occupational standards and registration requirements) and arrangements for establishing and resourcing IFST including strategic direction by an IFST Board who has specific statutory duties in relation to IFST.

The IFST will be multi-agency teams whose function will be to deliver evidence-based interventions direct to families where children are at risk of developing long term difficulties or experiencing significant discontinuity in their upbringing that may result in the child entering care. The IFST will also support the reunification of children who are voluntarily accommodated. The IFST will have a training role in providing supervised training for wider staff working with families in local authorities and Local Health Boards on a range of techniques in engaging complex families and delivering evidenced based interventions.

Part 4: Miscellaneous and General

The purpose of Section 4 of the proposed Measure is to embed Cymorth's excellent work both in developing and understanding children and young people's play. It also reflects the Welsh Assembly Government's leading role in championing children and young people's participation in decisions which affect their lives.

Local authorities will be required to secure sufficient play opportunities for children, so far as is reasonably practicable, in the light of a play sufficiency assessment which will be undertaken in accordance with regulations and guidance issued by Welsh Ministers. Local authorities will also be required to ensure participation of children in local authority decision making.

In particular Part 4 of the Measure places a duty on local authorities to:

- to assess the sufficiency of play opportunities for children in its area;
- to secure sufficient play opportunities in its area for children so far as is reasonably practicable;

- to make arrangements to ensure participation of children in decisions of the authority which affect them.

This comprehensive and cross cutting Measure provides a solid foundation to take forward our distinct policies that are designed to meet the specific circumstances of children and families in Wales.