

# **Welsh Assembly Government Written Response to the Children & Young People Committee's Report on the Inquiry into the Provision of Safe Places to Play and Hang Out**

**January 2011**

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## **Introduction**

The Welsh Assembly Government places great value on play and its importance in the lives of children in our society. We believe that children have a fundamental right to be able to play, and that it is essential for the growth in their intellectual; physical; social and emotional development. This is a view that is strongly supported by research. The Welsh Assembly Government is committed to fully realising the UN Convention on Rights of the Child (UNCRC) for every child and young person in Wales. Articles 15 and 31 of the UNCRC clearly set out the right to play and hang out and many of the articles relate to safety and protection. The Welsh Assembly Government's 7 Core Aims for children and young people also state the importance of safe places to play and hang out.

The Welsh Assembly has had a Play Policy since 2002 and a Play Implementation Plan since 2006 and these have been strengthened by the recently enacted Children and Families (Wales) Measure, which includes a chapter on play. The Measure will place a duty on Local Authorities to assess for and secure sufficient play opportunities for children in their areas, as far as reasonably practicable. The Welsh Assembly will produce Regulations and related documents to Local Authorities to facilitate their meeting their duties. These documents will cover specific play provision and ways of creating child and play friendly communities.

The Welsh Assembly Government is developing an updated National Youth Service Strategy and implementation plan which has a focus on the development of personal and social skills through non-formal and informal learning. The Strategy will also contribute to the agenda of making sure that children and young people can enjoy their leisure time and socialise in safety.

Opportunities to play and hang out form part of the Welsh Assembly Government's agenda to create a child and young person friendly society. We recognise that to achieve this it is necessary to incorporate this purpose and implementation across a wide policy area. We recognise that this must cover all aspects of our policy development which relate specifically to children's issues and also to any policy areas that have an affect on children and young people's lives. These include planning; design and use of space; transport; and attitudes and facilities within the community. We also recognise that to this end we must work to create a society where Local Authorities; other Authorities and stakeholders work in partnership to create child and young people friendly communities and that this work is informed by the views and participation of children, young people and their families in line with Article 12 of the UNCRC and the National Participation Standards for Wales.

The majority of the recommendations contained in the report fit closely with our current policy direction and the work of implementing many of them is already in

progress. I have set out below my response to the Report's individual recommendations.

**Recommendation 1.** The Committee urges the Welsh Government to complete its review of the standards and guidance for play at the earliest opportunity in order to enable local authorities to assess the sufficiency of their current play provision and make robust plans for future provision. The Guidance should include a clear definition of “play” that includes both structured and free play, as described in paragraph 25 of this report. (Page 20)

**Response: Accept**

The Welsh Assembly Government is in the process of developing Regulations and related documentation, in this instance, to enable Local Authorities to achieve their duties under the Children & Families (Wales) Measure 2010, to assess for and secure sufficient play opportunities for children in their areas as far as reasonably practicable. This workflow in the first instance involves cross departmental consultation and engagement with all relevant stakeholders (including children and young people. This will then result in the production of detailed documentation which will be formally consulted upon. The Report produced by the National Assembly for Wales on the Inquiry and the evidence submitted by interested organisations will inform this work.

Greater clarification will be provided on the meaning of ‘play’ and the term will be sufficiently broad to include both ‘structured’ and ‘free’ play. This documentation is also anticipated to place a duty on local authorities to embed the processes for creating a child and young person friendly environment within their policy and implementation agendas, which will align with many of the recommendations in this report.

**Financial Implications:** None at present.

**Recommendation 2.** The Welsh Government should carry out a short and focused review of the play policy implementation plan involving external stakeholders which should be completed before the next election. The results of the review should record progress to date and make recommendations to the Deputy Minister that will assist him to refocus the plan on those areas that are still valid in light of the recent legislation and a greater than ever need to prioritise public service delivery. (Page 21)

**Response: Accept**

The Welsh Assembly Government intends to Review the Actions set out in the Play Policy Implementation Plan and use this Review to inform the development of relevant documents for securing sufficient play opportunities. The Review will involve external stakeholders and is anticipated to be completed before the next election.

**Financial Implications:** None.

**Recommendation 3.** The Committee recommends that revised guidance is issued in relation to the Children and Young People partnerships by the Welsh Government which re-states the pivotal role of the partnerships in developing strategic approaches and supporting the delivery of play and leisure provision. The guidance should require all local authority departments and relevant agencies to fully demonstrate their engagement with the partnership process. (Page 25)

**Response: Accept**

The draft Children and Young People's Plans Interim Guidance has recently undergone a consultation process and once all responses have been considered it is planned to publish a revised final guidance document to support the preparation of the Children and Young People's Plans for the period 2011 to 2014.

This guidance will complement existing Children and Young People's Partnership (CYPP) planning guidance documents which include 'Shared Planning for Better Outcomes, (2007)'. These documents are underpinned by the seven core aims which express the United Nations Convention on the Rights of the Child (UNCRC) for the purposes of planning and delivery of services.

In accordance with Recommendation 3, Core Aim 4 states that children should have access to play, leisure, sporting and cultural activities. 'Shared Planning for Better Outcomes' clearly states under Core Aim 4 that "*local authorities should plan with their partners to provide or secure play opportunities for children and young people.*"

Within the Child Poverty Duty one of the 13 Broad Aims seeks to:

"Reduce inequalities in participation in cultural, sporting and leisure activities between children and between parents of children (so far as necessary to ensure the well-being of their children)". The requirements of the Child Poverty Duty and how they will be met will also be included as part of the CYP Plan.

The work of partnerships is monitored through joint inspection activity undertaken by the Welsh Ministers (via the Care and Social Services Inspectorate Wales) and Estyn which focuses not only on how well they work but also looking at the outcomes achieved by partners.

**Financial Implications:**

Children and Young People's Partnership's across Wales will receive a total of £5.5m (£250k per local authority) to support and develop the role of the Partnership to ensure that all partners are playing a full role in this approach.

**Recommendation 4.** In light of the evidence that demonstrates a higher incidence of injury and death as a result of road traffic accidents for children living in a deprived area, the Committee recommends that the Welsh Government should refocus their efforts to address child pedestrian injuries in the most deprived areas of Wales. This should achieve an improvement in indicators 15 and 16 of the Welsh Government Child Poverty Milestones and Targets in respect of pedestrian injuries for 5-14 year olds. (Page 30)

**Response: Accept**

The National Transport Plan commits the Welsh Assembly Government to address road safety in areas where casualty and fatality rates are higher than the national average or where there is an issue for particular vulnerable groups.

Child road safety policies are largely delivered by local authorities and other organisations using financial support from the Assembly Government. In particular local authorities are using their grant funding to implement schemes and projects that aid children's' road safety and are prioritising spend in areas where most casualties occur e.g. deprived areas. We actively encourage local authorities to create more 20 mph zones and limits and to provide safe walking and cycling routes in communities. In addition we are funding a Child Pedestrian Training Co-ordinator in each local authority to deliver practical road safety training to children with an emphasis on those who live in deprived areas.

**Financial Implications - None**

**Recommendation 5.** The Committee recommends that the Welsh Government should ensure that road safety is included in the Welsh curriculum. (Page 30)

**Response: Accept.**

The school curriculum for Wales, particularly personal and social education (PSE), provides opportunities to teach about all aspects of personal safety. We will encourage schools to teach about road safety through the PSE guidance website.

**Financial Implications:** There are no financial implications.

**Recommendation 6.** The Committee recommends that the Children and Young People Partnerships take a greater and more consistent role in driving forward the needs of and engagement of children and young people in the planning process. Planning departments should work with the partnerships to develop practical ways they can ensure that the needs of children and young people to have safe places to play and hang out are given appropriate weighting within the planning processes and decisions. The Committee further recommends that the Partnership Support Unit, which supports CYP Partnerships, gathers together examples of good practice in planning participation and disseminated that information to all partnerships in a meaningful way. (Page 35)

**Response: Accept**

Similarly to the response to Recommendation 3 the guidance, 'Shared Planning for Better Outcomes' includes detail under Core Aim 5 relating to Participation in Decision Making. Within section 8 of the document it states that "*Partnerships should ensure the involvement of children, young people and their families in the development, planning and evaluation of services that affect them*".

All Departments within Local Authorities have a responsibility to engage with children and young people in the development of, or the delivery of services to them. This expectation is no different to the range of other partners who are

carrying out a range of activity/ services in relation to children and young people. The expectation that CYPPs should drive this forward will be reinforced in the revised guidance.

Once the most appropriate protocol for determining best practice is decided, the Welsh Assembly Government will publish examples of best practice on its website to ensure that all partnerships and partners are aware of these.

Community engagement, including with children, is undertaken as part of the planning process. For example, when preparing local development plans (LDPs) local planning authorities should provide for the involvement of the general public, community councils, voluntary bodies, the business community and all other relevant stakeholders. Such work should help a local planning authority to secure a degree of consensus over the future development and use of land in its area.

LDPs and subsequent decisions on planning applications should take account of social considerations relevant to the use and development of land, including the likely impact of policies and proposals on the whole community including on children and families. LDPs should make provision as appropriate for land for, amongst other things, schools, further and higher education, places of worship, recreation and other community facilities.

**Financial implications:**

Best practice will be funded by DCELLS. There are no other financial implications.

**Recommendation 7.** Guidance issued as a result of the Children and Families (Wales) Measure (2010) should include a good practice guide to consultation which sets out the need to give consultees the full facts available, including budgetary information, and the need to inform consultees of any decisions made in light of the consultation and the reasons for those decisions. (Page 35)

**Response: Accept**

We accept this recommendation and will ensure that the CYP guidance makes reference to the good practice guide which we will develop in order to meet the outcomes identified in recommendation 7.

Local Participation Advisory Guidance was issued in August 2007 and makes reference to Blast Off guides to assist practitioners when consulting with children and young people. These good practice guides provide information on how to provide feedback to consultees to show how their input has informed the consultation and the decision making process. The National Standards for Children and Young Peoples Participation were endorsed and launched by the Welsh Assembly Government in January 2007 and provide a minimum standard on how children and young people should be consulted and involved in decisions that affect them. These methods of good practice will form part of the proposed statutory guidance for Participation on a Local and National level.

I am keen to take forward actions that will improve the transparency of budgeting for children and young people in Wales, and continue to deliver upon our commitments to it as part of implementing the UNCRC. Future guidance for Children & Young People's Plans will also, in time, identify and encourage the use of best practice with regard to participatory budgeting, while also demonstrating its potential benefits as a component of the planning process.

**Financial Implications:** None

**Recommendation 8.** The Committee recommends that statutory guidance relating to the Children and Families (Wales) Measure 2010 stipulate that the participation of children and young people in the decision making processes should take place across a wide range of local government departments. Participation should not be restricted to those departments overtly concerned with children and young people, for example; education and social services, but should also take place in, for example; planning, transport and housing. In order to enable children and young people to participate in a meaningful way, guidance should require local authorities to support capacity building for young people. Such support work should extend beyond youth forums to encourage local authorities to engage with as wide a range of children and young people as is possible. (Page 37)

**Response: Accept**

As previously stated, local authorities in their entirety are a partner in the CYP partnership and therefore good practice should be embedded across local authority departments. We will specifically attempt to identify examples in the good practice guide from areas which have not been traditionally engaging with children and young people.

Based on the Children and Families (Wales) Measure 2010, we are proposing to make the Advisory Guidance for Children and Young Peoples Participation statutory. This guidance will support participation across a wide range of policy areas and ensure participation becomes mainstreamed into service for children and young people in all 22 local authority areas.

The Playing Fields (Community Involvement In Disposal Decisions) (Wales) Measure 2010, which will allow for Welsh Ministers to make provision for the involvement of communities in decisions by local authorities about disposals by them of land consisting or forming part of a playing field has now been enacted.

**Financial Implications:**

Should statutory provisions introduce new participatory requirements associated with disposal of land, there would be financial implications for local authorities.

**Recommendation 9.** The Committee recommends that the Welsh Government should amend Planning Policy Wales 3 and the supporting Technical Advice Notes 12 (Design) and 18 (Transport) to make it a more explicit requirement for the guidance about play provision in the "Manual for Street" to be used as an inherent part of any design for communities. (Page 39)

**Response: Completed**

The Welsh Assembly Government planning policy framework has been comprehensively updated. For example, Technical Advice Note (TAN) 12 on Design and TAN 16 Sport Recreation and Open Space were refreshed and published in 2009, informed by input from key bodies including Play Wales and Sports Council Wales. The Manual for Streets, a Chartered Institute of Highways and Transport document, is already recommended by Welsh Assembly Government and referred to in appropriate documents, including TAN18, Transport. In addition, to reinforce the importance of the Manual for Streets agenda, training for local authority transport and planning officers across Wales was undertaken last year, funded by the Assembly Government's Planning Division.

TAN 16 outlines how local planning authorities are expected to deliver policy requirements. Authorities are encouraged to undertake an Open Space Assessment to evidence the policies in their Local Development Plans. This policy framework should be used when determining planning applications and may also inform the authority's general policy on 'Section 106 Agreements', used in certain circumstances to secure community infrastructure along side new development. TAN 16 reminds local planning authorities of the need to be mindful of recreational land uses in urban settings, and to plan these in from the outset when considering new development.

In summary, comprehensive national planning policy is in place and already addresses the Committee's recommendation. It is for local planning authorities to implement the policies in preparing their development plans and when determining planning applications. Time is needed for the necessary work to be undertaken by local planning authorities and for the changes to bed in.

**Financial Implications:** None

**Recommendation 10.** The Committee recommends that where, for financial reasons, local authorities are targeting the use of street lighting; routes to play areas should be prioritised. Furthermore, the Committee recommends that lighting systems are built in to plans for play facilities, particularly for facilities aimed at older children and young people for whom it would be entirely reasonable to be out after dark. (Page 41)

**Response: Accept in Principle**

The Welsh Assembly Government is responsible for the trunk road street lighting where they already exist passing through towns and villages throughout Wales. There are many benefits that accrue from the provision and operation of appropriate well maintained road lighting on our road network. Although the principle aims of our lighting is to ensure that the travelling public benefits from reduced night-time personal injury accidents on our highways, and ensuring the smooth flow of traffic on our roads, we also consider that the residents in our rural towns and villages benefit from reduced street crime and a reduction in the fear of street crime where street lighting does exist.

Street lighting can therefore enhance the safety for children and young people as they will feel it will be safe to use a footway or path to walk to a safe place to play or hang out at night time, or indeed cycle there. Good lighting therefore supports our sustainable transport policy by ensuring safe routes are provided for by cycling and walking to a location. Furthermore, in some urban areas, our street lighting could assist local authorities in the effective night time use of CCTV systems when they are deployed in towns and villages.

However, WAG currently only provides street lighting on the trunk road network itself. Any side roads are the responsibility of the 22 local authorities, and they would be responsible for continuation of a lighting scheme to provide a safe route at night to a play area or facility, and at the facility itself. WAG has no overriding duty to provide or keep lit systems of road lighting in order to prevent crime or provide safe routes to play facilities. Many towns and villages along the WAG trunk road do not have a system of street lighting as the safety case has proven there is no requirement to provide lighting because of the low volume of traffic and low incidents of night time accidents. In this instance, we are aware that many of the local authorities or town councils provide their own community lighting schemes which supports safe walking routes to facilities within that area.

During the development of the documentation on the play sufficiency duty, the Welsh Assembly will examine the feasibility of including the requirement of building lighting in to plans for play facilities.

**Financial Implications:** None

**Recommendation 11.** The Committee recommends that local authorities maintain dialogue with children and young people in order to monitor issues of cleanliness and good order and focus cleaning and maintenance resources on problem areas. (Page 42)

**Response: Accept**

This recommendation will be supported by the introduction of Statutory Guidance for Children and Young People’s Participation. See Recommendation 8.

**Financial Implications:** None

**Recommendation 12.** The Committee recommends that the Welsh Government develop a set of health and safety guidelines for play settings that allow for adventurous play. These should be developed in consultation with play providers, children and young people and other stakeholders. (Page 44)

**Response: Accept.**

It is intended to include guidelines on health and safety for play settings within the published documentation. These will cover guidance on risk benefit assessments that allow for adventurous play and could be developed with and for the use of all stakeholders in the play sector.

**Financial Implications:** None

**Recommendation 13.** The Committee recommends that the Welsh Government works with other stakeholders to review the benefits of launching a new campaign to help children and parents manage risks, identify potentially dangerous situations and know how to keep themselves safe both in and out of the home without unnecessarily curtailing the freedom and experiences of children and young people. (Page 46)

**Response: Accept in Principle.**

The Welsh Assembly Government in developing the guidance on health and safety and risk benefit assessments, will work with internal and external stakeholders to consider and develop the most affective ways of ensuring that parents and the wider community understand the issues related to managing risk without curtailing the freedom and experiences of children and young people.

The Updated National Youth Service Strategy will provide guidance to the youth work sector on the development of a broad and progressive youth work methodology that provide safe places for young people to engage in non-formal and informal learning.

**Financial Implications:** None at present

**Recommendation 14.** The Welsh Government should ensure its intergenerational work is undertaken cross-departmentally to ensure input from relevant children and young people policy work as well as older people policy development. (Page 49)

**Response: Accept**

The Welsh Assembly Government is developing an updated National Youth Service Strategy and implementation plan which has a focus on the development of

personal and social skills through non-formal and informal learning. We will include Intergenerational Work within the strategy and consult with the maintained and voluntary youth work sector to increase the involvement of young people.

The Intergenerational Practice Strategy that was a commitment in Phase 2 of the Strategy for Older People continues to make significant progress at local level. The Beth Johnson Foundation and Retired Senior Volunteer Programme (RSVP) partnership that was established last year now has projects in each local authority area in Wales. Two successful conferences were held in November 2010 which engaged a number of partners at local level including Strategy for Older People coordinators, Children's and Young People's partnership coordinators and Communities First Development workers. As a result of these 2 events commitments have been secured at local level to look for further opportunities to co-operate and they also cultivated a productive working relationship with the Children's Commissioner.

**Financial Implications:** None at present

**Recommendation 15.** The Committee recommends that the Welsh Government reviews how intergenerational work can be embedded into the school curriculum in order to maximise the interaction between generations in a positive way. (Page 54)

**Response: Accept**

We will identify learning opportunities within the current curriculum Subject Orders and frameworks to promote intergenerational understanding. Through curriculum monitoring arrangements we will consider how intergenerational work is currently being delivered and how effective approaches could be further embedded into the school curriculum.

**Financial implications**

There are no financial implications.

**Recommendation 16.** The Committee recommends that the Welsh Government hosts four regional media summits which should aim to dispel the media myths surrounding children and young people and should demonstrate the negative impact for the whole community of negative news stories regarding children and young people. The Committee further recommends that the Welsh Government holds discussions with the UK Government to explore the benefits of holding similar press summits on a UK wide basis. (Page 54)

**Response: Accept in Principle**

In taking forward the United Nations' Committee recommendation to take "urgent measures to address the intolerance and inappropriate characterisation of children, especially within the society, including the media", the Welsh Assembly Government has taken a number of actions. With partners we have developed the 'Getting it Right UNCRC Action Plan'. This includes priority 13 "working to eliminate discrimination/inequality against children and young people" through promoting

positive images of children and young people and creating a campaign to promote positive images and continue to highlight and celebrate the success of children and young people. A number of events have been held to start to take this work forward including the launch of a new media Guide "Tell it like it is".

The Children's Commissioner for Wales has also been undertaking work as part of this programme to develop media guidelines/guidance on reporting on children and young people in the media. This is targeted more at the media and aims to influence the way that they report news.

The Welsh Assembly Government is also working on this issue with the devolved administrations in the UK as set out in "Working Together, Achieving More". At a meeting of the Ministers representing the four administrations in June 2009 at the National Assembly for Wales, it was agreed to work together to achieve progress in addressing the negative portrayal of children and young people in the media, including the launch of a pro-active targeted communications strategy. Further discussions are planned for 2011.

The Annual Youth Work Excellence Awards which are held at the end of March provide a mechanism for celebrating the achievement of Individual Youth Workers; Youth Work Projects; and Young People. The Welsh Assembly Government is anticipating to inviting press representation, together with local and national press coverage through various media processes. The Assembly Government's Horizon page will also be utilised to highlight activity relating to the Youth Work Excellence Awards 2011. Youth Work Week which is held during the first week of November involves the delivery of over 300 special events which focus on personal and social education. This attracts a significant amount of media attention through, radio and newspaper articles. It is anticipated activity achieved during Youth Work Week 2010 will be further developed for 2011 to include TV coverage.

**Financial Implications:** None; the provisions described above are already funded under existing and planned future expenditure within the Extending Entitlement. Other conferences or media coverage would incur further costs.

**Recommendation 17.** The Committee recommends that the Welsh Government carries out a focused review into approaches and methods that could be implemented to reduce the instance of out of school bullying, and to support victims of such bullying. Such a review should pay particular regard to the issue of disabled children and young people as victims of bullying. The Committee also calls on the Welsh Government to confirm the timescale for issuing its anti-bullying guidance, which was due to be published in December 2009. (Page 58)

**Response: Accept**

The Welsh Assembly Government does not tolerate bullying in any situations and would wish to ensure that its policies and implementation plans encourage respect for others and a strong challenge to bullying or discriminatory behaviour wherever it occurs. We see tackling bullying as a priority and we will undertake further work to develop our approach to addressing this issue. We shall take forward this

recommendation as part of the development of our holistic approach to addressing bullying in any areas of children and young people's lives.

We have already carried out a lot of work to develop policies and practice guidance to deal with bullying in schools. The Respecting Others guidance issued in 2003 is being further developed with a new suite of guidance for schools which includes specific and detailed guidance on anti-bullying and anti-discrimination, including attitudes and behaviour towards disabled children and young people. This is expected to be published later this year.

**Financial Implications:** None

**Recommendation 18.** The Committee recommends that the Welsh Government issues guidance to local authorities to ensure that they provide supervised play opportunities for children and young people in a variety of settings. Consideration should also be given to the training of play supervisors to eliminate any misinterpretation of reflective practice that may result in a lack of action against bullying in a play setting. (Page 58)

**Response: Accept.**

The Standards and Guidance to Local Authorities on assessing for and securing sufficient play opportunities for children and young people are anticipated to contain a section on supervised play opportunities in a variety of settings, and on play workforce development. Discussion with SkillsActive; the Qualifications and Learning Division; playwork training providers and other stakeholders, will examine the training and role of the Playworker in relation to children's group dynamics and intervention to address bullying behaviour.

**Financial Implications:** None

**Recommendation 19.** The Committee recommends that the Welsh Government prioritises the provision of concessionary fares on public transport for 16 – 18 year olds to enable them to access leisure and recreational facilities as well as educational and training opportunities in their wider locality. (Page 61)

**Response: Reject**

The Welsh Assembly Government piloted a 50% concessionary scheme for young people aged 16-18 years of age in Bridgend and North East Wales. The scheme was welcomed by all participants. However, the cost of rolling out the scheme across Wales is unaffordable in the current financial climate. Our priority is to maintain the existing scheme for people aged over 60 and for those who are disabled.

A 16-25 young persons rail card entitles the owner to save one third on rail fares throughout Great Britain. Arriva Trains Wales also run a Student Railcard scheme for the Valleys and Cardiff local routes. This provides the card holder with a discount of 26% on day tickets and 10% on season tickets.

The Education Maintenance Allowance (EMA) is a scheme providing young people who wish to continue in education after school leaving age with an incentive to earn awards through good attendance and achieving agreed objectives. This money is intended to help them with course related costs such as travel, books and equipment.

**Financial implications:** none

**Recommendation 20.** The Committee recommends that the current public transport system should be re-assessed against the needs of children and young people, alongside those of other users. If the re-assessment highlights systemic problems with public transport provision in Wales, then further steps should be taken by the Welsh Government to ensure that those issues are resolved. (Page 61)

**Response: Accept in Principle**

The Welsh Assembly Government recognises that the needs of children and young people are different to other users, which is why the Public Transport Users' Committee, currently being set up, will be engaging with young people. A questionnaire is being developed as part of this work to find out their ideas of how to improve public transport across Wales. The aim of this Committee is to provide advice to Welsh Ministers about strategic issues relating to public transport services in Wales from a perspective based on the experiences and needs of people who use public transport as part of their everyday lives.

One of the aims of the National Transport Plan is to address differences in reliability, punctuality and quality standards of public transport. The Welsh Assembly Government aims to address these through working with our partners to increase the take-up of Bus Quality Partnerships and Quality contracts; to continue to work with local authorities on the effective delivery of Local Transport Services Grant which is £11.3 million for 2010/2011 (4% uplift in real terms on previous year); and support innovative transport services. The Welsh Assembly Government is also developing proposals to improve the quality of the TrawsCambria long-distance bus network.

**Financial Implications:** none

**Recommendation 21.** The Committee recommends that the Welsh Government issues guidance to local governments to ensure that pupils are not excluded from extra curricular activities because of difficulties in securing transportation home at the end of the activity. (Page 62)

**Response: Accept in Principle**

When considering guidance to be issued to local authorities on the proposed Safety on Learner Transport Measure, the Welsh Assembly Government will consider whether additional guidance is required on the provision of transport at the end of extra curricular activities.

Local authorities currently have the discretion to provide transport for after school activities through contractual provision. However there are a number of practical considerations to be taken into account such as bus capacity, routes and cost. Local authorities are also able to amend school session times where it would promote sustainable modes of travel or would improve the efficiency and effectiveness of travel arrangements.

The Youth Service in Wales provides a broad and progressive curriculum of activities during out of school hours. The Updated National Youth Service Strategy will consider and respond to the issue of transportation and access.

**Financial Implications:** None

**Recommendation 22.** The Welsh Government should ensure that all mainstream play opportunities are inclusive, although specialist play provision should also be made available to disabled children and young people who request it. When assessing the needs of carers for disabled children and young people, consideration should be given to any support a carer may need to enable disabled children to access such play opportunities. (Page 68)

**Response: Accept in Principle**

The Standards and Guidance to Local Authorities are anticipated to include a section on play provision and opportunities that are available to, and meet the needs of all children and young people in Wales and that will be inclusive of disabled children. It is recognised that disabled children and young people may need support to access play opportunities and that specialist provision can form a necessary part of the overall provision available. Engagement and consultation with the Rights into Action Disabled Children's Task Group and with other stakeholders will help inform the development of this section of the Standards and Guidance.

**Financial Implications:** None

**Recommendation 23.** The Committee recommends that the Welsh Government takes appropriate steps to ensure that the statutory obligations that require all new public buildings in Wales to be totally accessible are met, and that accessibility features are retrofitted to all public buildings where and when possible. (Page 68)

**Response: Accept**

Building Regulations derive their powers from the Building Act 1984. Section 91 (2) of the Building Act 1984 confirms that it is the function of local authorities to enforce Building Regulations in their areas subject to certain sections of the act that allows private Approved Inspectors (alternative provider other than Local Authority Building Control) to also approve work in relation to the Building Regulations.

As guidance in relation to the Building Regulations requirements for public buildings; Approved Document M of Schedule 1 of the Building Regulations 2010

(Access to and use of buildings), would make it a requirement for new buildings to be accessible. This includes access to the building, internal vertical and horizontal circulation, access to facilities and sanitary accommodation. There are other instances where a building could be subject to the requirements of the Approved Document M such as a change of use of a building to become a public building or where alterations are made to a public building and this could possibly require changes to the accessibility requirements. This would be based on the scope of the building work being undertaken.

There is no provision within the Building Regulations for any form of enforced retrofitting. Therefore retrofitting is voluntary.

**Financial Implications:** None

**Recommendation 24.** The Committee recommends that local authority pricing structures are changed to provide play and leisure opportunities free of charge where possible. Family tickets should also be made available with prices that reflect the number of adults, as well as the number of children in a family. (Page 70)

**Response: Accept in Principle**

It is for each local authority to determine the level of costs involving the provision of play and leisure within their respective areas. However, the Welsh Assembly Government continues to support the Free Swimming scheme and as part of their One Wales Commitments the children's free swimming scheme has been extended to include weekend provision, which is now fully operational in all local authorities across Wales.

One of the 13 Broad Aims of the Welsh Assembly Government's Child Poverty Strategy is to: "*Reduce inequalities in participation in cultural, sporting and leisure activities between children and between children's parents, so far as necessary, to ensure children's wellbeing*".

As part of the action plan to implement the strategy it is intended to continue free access for low-income families to cultural, sporting and leisure activities; and to monitor the delivery of the new duties on Welsh authorities under the Children and Families (Wales) Measure.

The Welsh Assembly Government is developing an updated National Youth Service Strategy and implementation plan which has a focus on the development of personal and social skills through non-formal and informal learning. This will include a recommendation that the youth work methodology is free of charge.

**Financial Implications:** None

**Recommendation 25.** The Committee recommends that the Welsh Government considers the play needs of Gypsy Traveller children and young people in its Gypsy Traveller Strategy. The development of play development plans should be made with the

participation on gypsy traveller children and young people, along with their parents. Furthermore, planning guidance issued in relation to Gypsy Traveller site development should include a mandatory obligation to provide play opportunities on each site. (Page 71)

**Response: Accept in Principle**

The Welsh Assembly Government has already considered the play needs of Gypsy and Traveller children in “Designing Gypsy Traveller sites in Wales”, published in 2009. In addition, the draft Gypsy and Traveller strategy “A Road Less Travelled” contains a section on the good practice guide on site design. This references suggestions in respect of pitch size, health and safety requirements and play areas. There is no intention to remove this reference from the final version of the strategy.

In relation to the recommendation to make mandatory an obligation regarding provision of play opportunities on each site in the planning guidance, this is not feasible as planning guidance cannot include a mandatory obligation of any kind.

Planning guidance is discretionary and cannot be used to make a mandatory obligation. Any requirement for developers to facilitate on-site provision of recreational land enacted through the planning system would need to be enabled via the legislation concerning Section 106 Agreements. There is a test for this enabling development, requiring that it must be necessary, relevant, and acceptable in planning terms. Local planning authorities will be required to prove that, for all sites, regardless of size, such provision would be necessary. It will also be for the developer to actually provide it. This would mean that the implementation of the scheme places a burden on the site developers, probably the travellers themselves, to provide the finances for such recreational development.

**Financial Implications: None**

**Recommendation 26.** The Committee recommends that the Welsh Government should undertake a review of the role that both Community Focused Schools and all maintained schools play in supporting safe play and leisure opportunities with a view to maximizing the opportunities for safe places to play and hang out that schools can offer communities. The review should include consideration of issues relating to premises, finance, integration with local provision and good practice models with a view to maximising opportunities to share facilities. (Page 74)

**Response: Accept in Principle**

We are currently reviewing our community focused schooling programme. That involves defining more clearly the character of a community focused school. Community focused schools have a role in supporting safe play and leisure opportunities, but we would not support a stand-alone review of that aspect of community focused schooling. We need to address the issue as part of a holistic review of how we can improve schools’ community focus. What is required is an acknowledgement that if schools are to deliver effectively for children and young people, they need to work with other schools, parents, the local community,

statutory partners and voluntary organisations, in line with the School Effectiveness Framework.

**Financial Implications:** No additional financial implication

## **Conclusion**

The Welsh Assembly Government welcomes the Report of the Inquiry into the Provision of Safe Places to Play and Hang Out, and thanks the Children and Young People Committee for the work involved in providing this valuable, evidence based Report and set of recommendations. We place great value on play and recognise its importance in the lives of children and young people in our society. We are working to create a child and young person friendly Wales that delivers on young people's rights to play and enjoy leisure opportunities. To achieve this we are working with all stakeholders to develop policy and implementation methods that are fit for purpose and we appreciate the Report's contribution to this work.