



Amendments proposed and enacted to Field 15, Schedule 5 to the *Government of Wales Act 2006*

Field: **Social Welfare**

Last updated: 31 January 2008

This tracking note provides an updated log of amendments, both proposed and enacted, to **Field 15** of Schedule 5 to the [Government of Wales Act 2006](#) ('the Act'). This is the field relating to **social welfare**.

Information on amendments to the Act, outside Field 15, is also included when the amendments affect the legislative competence provided by a Matter in Field 15. Information on the source of the amendment and, where relevant, the latest information on the stage of any proposal is also provided. Matters have been grouped according to the legislation that has amended, or proposes to amend, the Act.

The '**Excepted Matters Table**' is available as a separate Assembly Powers Tracking Note.

(P) This indicates the Matter has, or group of Matters have, been proposed but are not yet enacted.

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Status:	Proposed (brought forward by the Welsh Assembly Government)
Source:	National Assembly for Wales Proposed Legislative Competence Order The National Assembly for Wales (Legislative Competence) (No.3) Order 2007 (Vulnerable Children) seeks to insert Matters 15.1-15.8
Latest Information:	The LCO and accompanying Explanatory Memorandum were laid in the National Assembly on 9 July 2007. A legislation committee has been established to scrutinise this proposed LCO. The Committee proceedings are available here . The Committee laid its report on the proposed Order on 25 January 2008.

Matter 15.1

Safeguarding children from harm and neglect.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

19. Child support.
20. Child trust funds, apart from payments into such funds by—
 - (a) the council of a county or county borough council in Wales, or
 - (b) the Welsh Ministers.
21. Tax credits.
22. Child benefit and guardian's allowance.
23. Social security.
24. Independent living funds.
25. Motability.
27. The Children's Commissioner established under the Children Act 2004.
28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and

(b) Welsh family proceedings officers.

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Matter 15.2

Adoption and fostering.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

19. Child support.
20. Child trust funds, apart from payments into such funds by—
 - (a) the council of a county or county borough council in Wales, or
 - (b) the Welsh Ministers.
21. Tax credits.
22. Child benefit and guardian's allowance.
23. Social security.
24. Independent living funds.
25. Motability.
26. Intercountry adoption, apart from adoption agencies and their functions, and functions of the "Central Authority" under the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.
27. The Children's Commissioner established under the Children Act 2004.
28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
 - (b) Welsh family proceedings officers.

Matter 15.3

Social care for children and the persons who care for them.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

19. Child support.
20. Child trust funds, apart from payments into such funds by—
 - (a) the council of a county or county borough council in Wales, or

- (b) the Welsh Ministers.
- 21. Tax credits.
- 22. Child benefit and guardian's allowance.
- 23. Social security.
- 24. Independent living funds.
- 25. Motability.
- 27. The Children's Commissioner established under the Children Act 2004.
- 28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
 - (b) Welsh family proceedings officers.

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Matter 15.4

Social care for young persons.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

- 19. Child support.
- 20. Child trust funds, apart from payments into such funds by—
 - (a) the council of a county or county borough council in Wales, or
 - (b) the Welsh Ministers.
- 21. Tax credits.
- 22. Child benefit and guardian's allowance.
- 23. Social security.
- 24. Independent living funds.
- 25. Motability.
- 27. The Children's Commissioner established under the Children Act 2004.
- 28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
 - (b) Welsh family proceedings officers.

Matter 15.5

Co-operation between persons who exercise functions or are engaged in activities relating to the well-being of children or young persons and arrangements to ensure that functions are discharged with regard to the need to safeguard and promote the well-being of children and young persons.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

19. Child support.
20. Child trust funds, apart from payments into such funds by—
 - (a) the council of a county or county borough council in Wales, or
 - (b) the Welsh Ministers.
21. Tax credits.
22. Child benefit and guardian's allowance.
23. Social security.
24. Independent living funds.
25. Motability.
27. The Children's Commissioner established under the Children Act 2004.
28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
 - (b) Welsh family proceedings officers.

Matter 15.6

Strategic planning by local authorities for the discharge of functions relating to the well-being of children or young persons.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

27. The Children's Commissioner established under the Children Act 2004.
28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
 - (b) Welsh family proceedings officers.

Matter 15.7

Continuance, dissolution or creation of, and conferral of functions on, an office or body concerned with safeguarding and promoting the well-being of children or young persons and, in particular—

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- (a) Reviewing the effect on children or young persons of the exercise by any person of functions related to their well-being,
- (b) Reviewing and monitoring arrangements for dealing with complaints and representations made by, or on behalf of, children or young persons in respect of any services provided to them by persons with functions related to their well-being or by persons providing them with social care,
- (c) Examining cases of particular children or young persons,
- (d) Considering, and making representations about, any matter affecting the well-being of children or young persons.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

- 19. Child support.
- 20. Child trust funds, apart from payments into such funds by—
 - (a) the council of a county or county borough council in Wales, or
 - (b) the Welsh Ministers.
- 21. Tax credits.
- 22. Child benefit and guardian's allowance.
- 23. Social security.
- 24. Independent living funds.
- 25. Motability.
- 26. Intercountry adoption, apart from adoption agencies and their functions, and functions of the "Central Authority" under the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.
- 27. The Children's Commissioner established under the Children Act 2004.
- 28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
 - (b) Welsh family proceedings officers.

Matter 15.8

Promotion of equality between children or young persons in relation to their well-being.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

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19. Child support.
20. Child trust funds, apart from payments into such funds by—
 - (a) the council of a county or county borough council in Wales, or
 - (b) the Welsh Ministers.
21. Tax credits.
22. Child benefit and guardian’s allowance.
23. Social security.
24. Independent living funds.
25. Motability.
27. The Children’s Commissioner established under the Children Act 2004.
28. Family law and proceedings apart from—
 - (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and
 - (b) Welsh family proceedings officers.

Interpretation of this Field

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[The National Assembly for Wales \(Legislative Competence\) \(No.3\) Order 2007 \(Vulnerable Children\)](#) seeks to insert the following ‘Interpretation of this field’ immediately after Matter 15.8:

Interpretation of this Field

In this field—

“children” means persons who have not attained the age of 18;

“local authorities” means the councils of counties or county boroughs in Wales;

“social care” includes the provision by any person of residential care, non-residential care, support, financial or any other assistance, advice or counselling in connection with the well-being of any person;

“well-being”, in relation to individuals, means well-being so far as relating to any of the following—

- (a) physical and mental health and emotional well-being;
- (b) safety from harm and neglect,
- (c) education, training and recreation,

- (d) the contribution made by them to society,
- (e) social and economic well-being;
- (f) securing their rights.

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“young persons” means

- (a) persons who have attained the age of 18 but not the age of 24,
- (b) persons who have attained the age of 24 and who are continuing a programme of education or training they were undertaking at the age of 21.

Matter 15.9 (P)

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Status:	Proposed (brought forward by the Welsh Assembly Government)
Source:	National Assembly for Wales Proposed Legislative Competence Order The Proposed National Assembly for Wales (Legislative Competence) (No.4) Order 2008 seeks to insert Matter 15.9.
Latest Information:	The LCO and accompanying Explanatory Memorandum were laid before the National Assembly on 26 November 2007. A legislation committee has been established to scrutinise this proposed LCO. The Committee proceedings are available here . This LCO has been referred to the UK Parliament for pre-legislative scrutiny.

Matter 15.9

Charges levied by local authorities for non-residential social care provided or secured by them and payments in respect of individuals with particular needs relating to their well-being so that they, or persons looking after them, may secure non-residential social care to meet those needs.

Excepted Matters

This Matter will not include provision about any of the following exceptions (which are included in the table of excepted matters at the end of Part 1 of Schedule 5 to the *Government of Wales Act 2006*; the number refers to the number of the listed exception in the table)—

- 19. Child support.
- 21. Tax credits.
- 22. Child benefit and guardian’s allowance.
- 23. Social security.
- 24. Independent living funds.

25. Motability.

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