

# NATIONAL ASSEMBLY FOR WALES

## HEALTH AND SOCIAL SERVICES COMMITTEE

### Children Bill

On 2 December 2003, following a plenary debate on the Queen's Speech to Parliament, the National Assembly remitted the Children Bill to the Health and Social Services Committee for scrutiny.

The Committee considered the Bill, in accordance with its agreed protocol for scrutinising legislation, at its meeting on 5 May 2004. At the time of the Committee's consideration the Bill was at the Committee Stage in the House of Lords.

#### **Proposed amendment**

The following amendment had been proposed by Jonathan Morgan, Rhodri Glyn Thomas, Kirsty Williams and Jocelyn Davies:

*"The Health and Social Services Committee rejects the proposals in the Bill that the Children's Commissioner for England will have statutory functions over non-devolved matters affecting children and young people in Wales, and instead calls for the powers of the Children's Commissioner for Wales to be extended over those non-devolved areas of policy."*

A similar motion had been approved the previous day by the Assembly in plenary and the motion was unanimously approved without a vote.

Committee Members also made the following points:

#### **Part 1**

Members were concerned that the Bill as drafted could undermine the position of the Children's Commissioner for Wales in respect of non-devolved matters. Although the UK Commissioner would have the duty to consult the Children's Commissioners in Northern Ireland, Scotland and Wales on devolved matters, there was no duty on him / her to follow up issues raised by the Commissioners in those parts of the UK.

Consultation could result in the Commissioners for UK and Wales expressing conflicting views on a subject.

#### **Part 5**

The committee welcomed the powers to improve the regulation of private fostering.

The duty to promote a child's educational achievement was also welcomed. Targets for educational attainment should be set and these should not be confined to GCSE passes.

### **General**

There was disappointment that there was no provision for the repeal of the defence of "reasonable chastisement". The Committee noted that the Government was considering an amendment to add a clause to that effect.

David Melding AM  
Chair  
May 2004