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Comisiynydd Plant Cymru
Children's Commissioner for Wales

8 August 2005

Lord Dafydd Elis-Thomas
Chairman - Committee on Better Governance for Wales White Paper
National Assembly for Wales
Cardiff Bay
CARDIFF
CF99 1NA

Dear Lord Dafydd Elis-Thomas

Re: **Better Governance for Wales White Paper/Children's Commissioner for Wales**

I am writing to you in your capacity as Chair of the Committee to ask if I might discuss with the Committee relevant matters concerning my office.

I am concerned that whatever arrangements eventually come into force as a result of the planned legislation, they ensure and strengthen the intention in the Care Standards Act (2000) and the Children's Commissioner for Wales Act (2002) that my office should be:

- i. clearly independent of (Wales) government, and insulated from political interference and
- ii. empowered to scrutinise the policy making and executive functions of the National Assembly for Wales/Welsh Assembly Government to ascertain how far they are acting in the interests of Welsh children
- iii. financed in a way that is consistent with (i) above

It would appear that the position of my office is perhaps closest to that of the Auditor General and/or Public Services Ombudsman for Wales in terms of the relationship with the newly proposed structures. As set out in 2.19 of the White Paper it is proposed that these bodies/officer be appointed by the Crown. My colleague, the Children's Commissioner for Scotland, is already established and appointed in this way. If the Children's Commissioner for Wales were to follow this model it would give me a similar capacity to "assist the Assembly in holding the Welsh Assembly Ministers to account. If the same model is not adopted, I can envisage no arrangements that would give the same level of assurance "that

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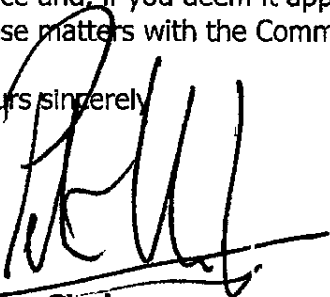
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Lord Dafydd Elis-Thomas

appointments to these offices should be seen to be entirely independent of executive authority in Wales" (White Paper 2.19). I am also concerned that any other arrangements might weaken the real and perceived independence of my office. If we are instead dealt with as an 'Assembly Sponsored Public Body' or even 'Non-Governmental Organisation' we will be much more vulnerable to executive interference.

As Commissioner I have had concerns that discussions and decisions about my budget have taken place without any public debate, and, that the presentation of my Annual Report has not been an easy 'fit' within current arrangements.

The proposed legislation could clarify and strengthen the independence of my office and, if you deem it appropriate, I would welcome the opportunity to discuss these matters with the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Clarke', written over a horizontal line.

Peter Clarke
Children's Commissioner for Wales