

Gwenda Thomas AC/AM
Dirprwy Weinidog/Deputy Minister



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref
Ein cyf/Our ref

Karen Sinclair
Chair of the Committee on
the proposed LCO
Vulnerable Children and
Child Poverty Committee

January 2008

cc. Sarah Beasley
Committee Clerk

Dear Karen

The Proposed Legislative Competence Order (LCO) Vulnerable Children and Child Poverty

The Committee clerk has brought to our attention an outstanding area that needs clarification. This is in respect of whether the definition of wellbeing should include **“fear”**. Please see below the technical view;

Should the definition of well-being, in addition to safety “from harm and neglect” include reference to “fear”?

The definition of well-being is closely based on the definition of well-being in the Children Act 2004, with the addition of paragraph (f) “securing the rights” and the use of the word “safety” from harm and neglect rather than the word “protection” from harm and neglect. The aim is to use a definition that maps the definition of wellbeing in the Children Act to convey as clearly as possible that the scope of “wellbeing” in the LCO is the same as the scope in the Children Act 2004. The intention therefore is to avoid minor differences which may call into question and generate uncertainty about exactly how our “wellbeing” differs from the “wellbeing” in the Act.

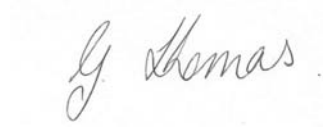
It is acknowledged that the wellbeing of children can be compromised by fear and that living in fear can be harmful. It is also acknowledged that the word “fear” has been used in other statutory contexts such as the Protection from Harassment Act 1997 as cited in the Committee where the fear referred to is fear of violence.

In the context of the upbringing of children we would have to acknowledge that not all fear is harmful and that it is an essential part of learning for children to develop a sense of fear in appropriate contexts such as fear of fire, fast-moving cars etc. What we would want is safety or protection from harm, which is excessive or harmful, and this brings us back to the word “harm” which is within the definition. When considering this alongside the rationale of

staying as close as possible to the existing statutory definition, our judgement would be against amending the definition in this way.

I trust the above clarifies the position. I understand that the Committee will report it's finding shortly and look forward to seeing this. I would also like to thank the Committee members for their thoroughness in their work in considering this very important area, which aims to provide the legislative framework for the future welfare of vulnerable children in Wales.

Yours sincerely

A handwritten signature in cursive script that reads "G. Thomas". The signature is written in black ink on a white background.

Gwenda Thomas
Deputy Minister for Social Services

