

Jane Hutt AC/AM

**Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau
Minister for Children, Education, Lifelong Learning and Skills**



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Ein cyf/Our ref : LF/JH/0037/09

Val Lloyd
Chair of Legislation Committee No. 2
National Assembly For Wales
Cardiff Bay
Cardiff
CF99 1NA

3 June 2009

Dear Val,

**LEGISLATION COMMITTEE NO. 2 MEETING OF 21 MAY 2009 –
Proposed Children and Families (Wales) Measure**

At the meeting of Legislation Committee No. 2 on 21 May 2009, I undertook to provide the Committee with the following additional information:

- The references for the evidence based research and literature review of the impact of early years provision on young children (Annex A) ; and
- A list of statutory underpinning duties relating to advocacy for vulnerable children and young people, including what will come through the proposed Education (Wales) Measure (Annex B).

Please find attached.

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style.

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Flying Start – evidence

International research demonstrates the potential short and long term economic paybacks for early years investment. This has been summarised in the National Audit Office's report "A Literature review of the Impact of Early years provision on young children, with emphasis given to children from disadvantaged backgrounds", which in turn draws on the EPPE long term study into the effectiveness of pre-school services and the similar EPPNI study in Northern Ireland.

<http://www.literacytrust.org.uk/socialinclusion/earlyyears/epperesearch.html>

EPPE - Effective Provision of Pre-School Education Project (E. Melhuish and others)

EPPENI - Pre-School Experience and Social / Behavioural Development at the Start of Primary School, Northern Ireland (E Melhuish and others)

Annex B

Advocacy Vulnerable children and young people

The term 'vulnerable children and young people' as defined within a Legislative Competence Order relating to Vulnerable Children and Child Poverty is:

- Any child in need (including disabled or very sick children).
- Children on the periphery of care, in care, or who have left care.

The following table shows groups of children and young people who have a statutory entitlement to an advocacy service (usually for specified reasons) under current legislation:

Vulnerable Children and Young People	Legislation regarding advocacy
Children and Young People up to the age of 18yrs in care of NHS i.e. in Hospital or primary care (family doctor, dentist, etc)	<p>- Statutory duty on the Welsh Ministers under Section 187 of the National Health Service (Wales) Act 2006 - provision of independent advocacy for people wishing to make a complaint about the health service</p> <p>Community Health Councils (CHC) in Wales already provide an advocacy service on behalf of the Welsh Ministers to anyone wishing to make a complaint. As part of other changes being proposed to the role of CHCs, they will continue to provide a complaints advocacy services for adults wishing to complain about an NHS service. Arrangements for children and young people's advocacy will need to be made via the new Model through the Children and Young People's Partnerships. The intention is to issue Directions to Local Health Board to require them to make these arrangements.</p>
Children and Young People Leaving Care	<p>Children (leaving Care) Act 2000 – all care leavers can access advocacy services in making representations about a local authority's leaving care services</p>
<p>Children and Young People Looked After Children and Young People in need which includes children and young people.....</p> <ol style="list-style-type: none"> 1. <i>with mental health problems</i> 2. <i>with a disability (within definition of Children Act 1989 opposite)</i> 3. <i>excluded from school</i> 4. <i>who are asylum seekers or refugees or unaccompanied minors</i> 5. <i>in refuge due to homeless status</i> 6. <i>who are homeless or in unsatisfactory accommodation</i> 7. <i>away from home in residential accommodation, schools, Secure Units and custodial settings or independent Hospitals</i> 8. <i>who are in the Youth Justice System</i> 9. <i>who are young carers</i> 10. <i>who have been or who are at risk of being abused or neglected</i> 11. <i>who are school age mothers</i> 	<p>Children Act 1989 (section 26A) – provision of advocacy for representation or complaints by a child in relation to services received either as a looked after child or a child in need. A "looked after" child is a child who is either in the care of a local authority or is provided with accommodation under a local authority's functions under part 3 of the Children Act 1989. A child "in need" is defined in section 17 as follows -</p> <p>(10) For the purposes of this Part a child shall be taken to be in need if—</p> <ol style="list-style-type: none"> (a) s/he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a local authority under this Part; (b) his/her health or development is likely to be significantly impaired, or further impaired, without the provision for such services; or (c) s/he is disabled, <p>(11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—</p> <p>"development" means physical, intellectual, emotional, social or behavioural development; and</p> <p>"health" means physical or mental health.</p>
Children and Young People with Mental Health issues, including young people who are detained	<p>Mental Health Act 2007</p>
Children and young people with Special Educational Needs	<p>Education (Wales) Measure (yet to be passed). This seeks to extend the right of children and young people to have access to an advocate to appeal against the SEN tribunal decision in their own right</p>