

Brian Gibbons AC/AM
Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth
Leol
Minister for Social Justice and Local Government



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Mrs Val Lloyd
Chair of Legislation
Committee 2
National Assembly for Wales
Cardiff Bay
CF99 1NA

April 2009

Dear Val,

Children and Families (Wales) Measure

My fellow Ministers and I are delighted to see that the Measure has started its progress through the scrutiny process and we are pleased to have been able to respond positively to the committee's request to attend a second preliminary session to assist this. We welcome what the committee will bring to the legislation as it goes through the scrutiny process.

There are a number of issues which are under consideration in relation to the provisions of the Measure or related areas which fellow Ministers and I continue to consider and which I hope it is helpful to share with the Committee at this stage. The purpose in doing this is to make the issues known to the committee because there may be issues on which the committee will wish to express views and it may also assist the committee if knowledge of these issues is available to the various stakeholders from whom the committee will be taking evidence.

I will set out some of these points as they relate to the different parts of the Measure. Consideration is being given to the following matters-

Part 1

- application of the Child Poverty duty to public bodies such as the Arts Council for Wales and the Sports Council for Wales which are charities and if so whether the duty could apply in its present form or some modified form to take account of their charitable status;
- provision expressly linking duties under sections 6-9 to existing inspection powers and linking this to the appropriate enforcement provisions;

Part 2

- modification of section 29 so that the threshold for imposing conditions by written notice is the same as the threshold for the making of an urgent order for cancellation by magistrates under section 29 (risk to a child of "significant harm");

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- inclusion of a power to allow the registration authority to apply to magistrates for a warrant to gain entry to premises where entry has been or is likely to be denied;

Part 3

- the need to ensure that health and social work professionals working with adults who are parents have regard to the need to refer children who may have needs as a result of their parents' health or social care needs. One way this might be achieved is through imposition of an appropriate duty in the measure;

Part 4

- provision about inspection of the duties in relation to play and participation and linking this with appropriate powers of enforcement.

I trust that sharing these issues at an early stage will assist the committee in its work and look forward to further opportunities to respond to issues which you and your colleagues may wish to raise.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brian Gibbons', with a long, sweeping flourish extending to the right.

Brian Gibbons AM/AC