

**Response to the National Assembly for Wales Consultation on the Proposed  
Vulnerable Children Legislative Competence Order 2007**

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Much of my academic research over recent years has focussed on the Children's Commissioner for Wales. Furthermore, in the summer of 2007 I prepared a report for the North Wales Family Justice Council on the impact of devolution on the development of family law in Wales. It is in this context that I feel compelled to respond to the consultation on the Proposed Vulnerable Children Competence Order 2007.

I welcome the proposed LCO as a matter of principle. It is quite clear that the Welsh Assembly Government (WAG) has, to date, been constrained from effectively delivering on its policy commitments to children and young people by a lack of law making powers. As such, the proposed LCO provides a significant opportunity for the WAG to implement its various policies in a far more distinct and coherent manner.

In particular, I welcome Matter 15.7 in the LCO, as it is vital that the Assembly should be able to pass measures in relation to the Children's Commissioner for Wales. If the WAG's policies in relation to children and young people are to be implemented effectively, it is essential that the Commissioner should have appropriate powers and functions, so as to operate robustly with as few fetters as possible. Indeed, without an effective Commissioner, it is difficult to take seriously the WAG's commitment to improving the situation of vulnerable children in Wales.

In August 2007, I prepared a report for the Children's Commissioner for Wales, so as to consider the extent to which the current framework is appropriate, and to suggest how it could be improved in the future. My main contention was that the law, as it stands, leaves much to be desired. When measured against other children's commissioners within the United Kingdom, as well as the accepted international standards for such institutions, it becomes apparent that the legal framework has a number of weaknesses. Furthermore, upon consideration of the Commissioner's work over the past six years, it is clear that these weaknesses are far from theoretical, as they have adversely impacted on the office's ability to carry out its aims effectively in practice. Because of this, it is vital that Matter 15.7 should remain included in the finalised version of the LCO, so as to facilitate much needed reform at the earliest opportunity.

One further point on which I would like to comment concerns an excepted matter set out in the LCO, namely 'family law and proceedings'. I am concerned that the width of this term is such as that it represents a potentially significant limitation to what otherwise appears to be a notably broad Order. I appreciate that some restrictions are necessary due to the interface between devolved and non-devolved matters, and that 'family law and proceedings' are listed as an exception in Schedule 7 to the Government of Wales Act 2006 (which relates to Assembly Acts). Nonetheless, further clarification on the meaning and extent of this exception would be desirable.