

Our Ref/Ein Cyf:  
 Your Ref/Eich Cyf:  
 Date/Dyddiad: 7<sup>th</sup> November 2007  
 Please ask for/Gofynnwch am: Naomi Alleyne  
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Karen Sinclair AM  
 National Assembly for Wales  
 Cardiff Bay  
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Dear Karen,

### **Consultation – The Proposed Vulnerable Children LCO Committee**

I am writing to you in your capacity as the Chair of the Proposed Vulnerable Children LCO Committee. The Association is pleased to be involved in the consultation at this early stage and it is hoped that the consultation will be ongoing throughout this new legislative process. It is particularly important that if the process moves into a discussion regarding measures that this thorough, wide ranging consultation approach is continued.

WLGA officers will be attending the Committee on the 20<sup>th</sup> of November 2007 and will provide more detailed evidence however I have outlined some initial comments below in response to the questions posed in the consultation letter. I would also wish to stress to the Committee the importance of considering potential additional burdens and the financial implications that may arise as a consequence of any measures introduced following the agreement of an LCO. Local government would expect any new measures to add value and be fully funded by the Assembly Government; it would be difficult for us to engage in the current climate if this was not forthcoming.

#### **1. Would the terms of the proposed Order allow for the implementation of the policy agenda on vulnerable children and child poverty by means of Measures? If not, how would the proposed Order need to be re-drafted and why?**

All matters within the proposed Order are devolved to the National Assembly and it is appropriate that they have the means to take forward this agenda by having legislative powers. The proposed Order will allow for policies and services to be tailored to meet the needs of children, young people, families and communities in Wales which are distinct and local.

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 Chief Executive  
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**2. Are the terms of the proposed Order drafted appropriately, too narrowly or too broadly. If necessary how should the proposed Order be re-drafted and why?**

The WLGA agrees with the scope of the proposed Order but would advocate for thorough scrutiny at the Measure making stage of the process. The Association recommends that the proposed Order should consolidate and strengthen existing policy rather than create new.

Matter 15.7 appears to refer to the potential for conferring audit and inspection functions on a body or potentially creating a new body to review the impact of local authority and other agencies functions on the health and well being of children. The WLGA would want to see this as a function of a joined up audit and inspection regime for local authorities and not the domain of a new or separate body.

Clarity is welcomed in relation to non-devolved agencies, for example, the police, and the pre-eminence of the proposed Order in relation to matters of safeguarding children from harm and neglect.

The WLGA would like, however, to see further clarification as to how travellers, asylum seekers and unaccompanied children are covered by the proposed LCO as they can be particularly disadvantaged and vulnerable. If it is to be assumed that they are included within the broad 'welfare support' provision in paragraph 23 then this needs to be more explicit. Children with disabilities and those with mental health problems are also amongst the most vulnerable and it is important that the proposed Order assures improved funding and provision of services.

Further clarity is sought over the age classification within the proposed LCO. There are definitions of children and young people within the proposed LCO but it is unclear as to which matters relate to children and which matters relate to young people or to both, for example Matter 15.2 does not state to whom it applies.

**3. Are the definitions of 'well-being' and 'social care' in the proposed Order appropriate? If not, how should they be re-drafted and why?**

The WLGA would advocate that any definitions used in the LCO are in line with current statutory interpretation. It is not advisable that any new definitions be created which may not be in line with current practice or accepted UK wide definitions. WLGA would advocate that definitions used in relation to children and young people are in line with existing legislation and are consistent across all areas of policy.

The WLGA would however welcome definitions which explicitly encapsulate the needs of the most vulnerable children and young people, for example, travellers, asylum seekers, minority ethnic children and those with a disability.

**4. The proposed Order includes a table setting out certain exceptions from the scope of Matters 15.1 – 15.8. Are these exceptions appropriate? If not, how should they be re-drafted and why?**

The excepted matters are in accordance with the current devolution arrangements, and the WLGA are not in a position to comment any further on this issue. However, there are a number of key areas pertaining to the implementation of the child poverty

agenda which are not devolved and which are within the table of excepted matters and this may seriously compromise the delivery of this important agenda.

Further comment will be made at the evidence session at Committee on 20<sup>th</sup> November 2007. If a more detailed written response is required please contact Naomi Alleyne, Director of Equalities and Social Justice at the WLGA.

Yours sincerely,

A handwritten signature in blue ink that reads "Steve Thomas". The signature is written in a cursive style with a large, prominent 'S' at the beginning.

Steve Thomas  
Chief Executive