

## **CHILDREN IN WALES RESPONSE TO CONSULTATION ON THE PROPOSED VULNERABLE CHILDREN LCO**

### **Introduction**

Children in Wales is pleased to submit a response to the proposed WAG vulnerable children LCO.

As the national umbrella children's organisation in Wales representing the interests of the statutory, voluntary and independent children's sectors, the organisation aims to: -

- Make the United Nations Convention on the Rights of the Child a reality in Wales.
- Fight for sustainable quality services for all children and young people.
- Ensure special attention and treatment for children in need.
- Ensuring children and young people have a voice in issues that affect them.

We have been the national campaigning organisation which lead to the recently created Scrutiny Committee for Children and Young People and previous to that co-ordinated a range of campaigns that lead to Funky Dragon, the Children's Commissioner for Wales, the Child Poverty Strategy, Children are Unbeatable, and the Parenting Action Plan. We also prepared the briefings during the passage of the Children Act 2004.

Unfortunately, in relation to this LCO, the tight time constraints imposed between receiving the letter of 28<sup>th</sup> September 2007 has made it impossible to gather the views of either the full multi disciplinary and cross sector membership of Children in Wales or the views of children and young people that Children in Wales and its members work with in our usual consultation sessions. We feel this is regrettable and a missed opportunity as It is important to have meaningful consultation and in particular it takes time to prepare child friendly material, especially if it is to be accessible to disabled children for instance.

### **General**

1. Children in Wales is very supportive of legislative developments that support a set of policies for children and young people that are developed in Wales.
2. We very much welcome the intent of the LCO to bring together in one place existing and new legislation that applies to vulnerable children

and young people in Wales. Whilst we welcome the focus on vulnerable children at this early stage in the new legislative framework, recognising the Assembly's legislative opportunities and the importance of using the new powers without delay, we do feel that there are some broad strategic decisions that might be worth detailed consideration at this stage in order to lay a foundation for future development of the legislation in Wales as it applies to children and young people.

- 2.1. Firstly, consideration of bringing together in one place legislation that is child centred from the full range of primary and secondary legislation that affects children and young people that is devolved. For instance, there are currently inconsistencies between the principles upon which much primary legislation is based in relation to children's rights. This is particularly pertinent when it comes to education and to health, more than under the social care legislation. It is also an opportunity to bring together some of the excellent early intervention work in the Youth Offending Strategy for Wales and also to incorporate the Children AND Maternity Services NSF as well as other key policies such as the CAMHS strategy. Also in the light of the coming together of children and youth divisions within WAG there must be a vision of bringing those aspects together in the future.
  
- 2.2. Secondly, if the Assembly wishes to see implementation of its rights based policies, there needs to be a systematic incorporation either of each of the Articles of the United Nations Convention on the Rights of the Child into domestic law or better still the inclusion of the whole of the UNCRC in an overarching piece of legislation. Children in Wales lobbied hard for this during the passage of the Children Bill that led to the Children Act 2004 and we believe that every opportunity should be taken to implement this.
  
3. There needs to be continued active collaboration with the UK government over non devolved matters such as child poverty, physical chastisement of children, youth justice and safeguarding as it relates to guidance to police and probation. There may be some merit in clarifying the extent of devolved responsibility in relation to child poverty to avoid potential prevarication from the UK government on such matters.

**(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?**

4. It is important that there is consistency between the terminology used within the Order and any other policies and legislation that will continue to be used within the work of the Children and Young People's Partnerships, the Children's Local Safeguarding Boards etc. There also needs to be agreement in terms of definition with non-devolved administrations if we are to get to a position of whole child policies. This is especially pertinent in the fields of Child Poverty and Youth Offending.
5. The term vulnerable needs clarity – both legally in relation to how it interfaces with terms such as 'children in need' and also in common usage. For instance Children in Wales has been using terminology that refers to both vulnerable and to marginalised children and young people. This has ensured the inclusion of children who may not be vulnerable as such but who have difficulty accessing services because of the group to which they belong such as BME communities, children of migrant workers or refugees and asylum seekers, travellers etc. Disabled children also do not all regard themselves as being vulnerable, but do regard themselves as being marginalised.

**(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?**

6. The definition of young person should be extended to 25 years and not just in relation to education
7. The order needs to be sufficiently broad to be able to encompass issues such as child exploitation, and the new risks such as those from the internet.

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

Children in Wales is very supportive of the term 'well-being' as it provides international comparisons. However, there does need to be a considerable amount of work in relation to how to measure well-being effectively as this will inevitable be required by the courts in future proceedings.

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

Children in Wales lobbied extremely hard during the passage of the Children Act to extend the powers and remit of the Children’s Commissioner for Wales and whilst this area is contentious, we would be happy to further brief the Committee. It is possible that this together with the physical chastisement of children issues could be dealt with again in a separate LCO, but they must not be forgotten.