



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Plant, Pobl Ifanc ac Addysg](#)

[The Children, Young People and Education
Committee](#)

20/07/2017

[Agenda'r Cyfarfod](#)
[Meeting Agenda](#)

[Trawsgrifiadau'r Pwyllgor](#)
[Committee Transcripts](#)

Cynnwys Contents

- 4 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest
- 4 Ysgrifennydd y Cabinet dros Gymunedau a Phlant: Sesiwn Graffu
Cyffredinol
Cabinet Secretary for Communities and Children: General Scrutiny
Session
- 40 Papurau i'w Nodi
Papers to Note
- 40 Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o
Weddill y Cyfarfod
Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Remainder of the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

| | |
|---|------------------------------------|
| Michelle Brown | UKIP Cymru |
| Bywgraffiad Biography | UKIP Wales |
| John Griffiths | Llafur |
| Bywgraffiad Biography | Labour |
| Llyr Gruffydd | Plaid Cymru |
| Bywgraffiad Biography | The Party of Wales |
| Julie Morgan | Llafur |
| Bywgraffiad Biography | Labour |
| Lynne Neagle | Llafur (Cadeirydd y Pwyllgor) |
| Bywgraffiad Biography | Labour (Committee Chair) |
| Mark Reckless | Aelod Grŵp y Ceidwadwyr Cymreig |
| Bywgraffiad Biography | Member of Welsh Conservative Group |

Eraill yn bresennol
Others in attendance

| | |
|-----------------|--|
| Jo-Anne Daniels | Cyfarwyddwr, Cymunedau a Threchu Tlodi, Llywodraeth Cymru Director, Communities and Tackling Poverty, Welsh Government |
| Albert Heaney | Cyfarwyddwr Gwasanaethau Cymdeithasol ac Integreiddio, Llywodraeth Cymru Director of Social Services and Integration, Welsh Government |
| Carl Sargeant | Aelod Cynulliad (Llafur), Ysgrifennydd y Cabinet Bywgraffiad Biography dros Gymunedau a Phlant Assembly Member (Labour), Cabinet Secretary for Communities and Children |

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

| | |
|----------------|--|
| Hywel Dafydd | Y Gwasanaeth Ymchwil Research Service |
| Hasera Khan | Dirprwy Clerc Deputy Clerk |
| Llinos Madeley | Clerc Clerk |

Dechreuodd y cyfarfod am 09:30.

The meeting began at 09:30.

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introductions, Apologies, Substitutions and Declarations of Interest**

[1] **Lynne Neagle:** Good morning, everyone. Can I welcome you all to the Children, Young People and Education Committee? We've received apologies for absence from Darren Millar and Hefin David. Can I ask whether there are any declarations of interest, please? No. Okay.

[2] Before we move on to our scrutiny session, I just wanted to say that Anne Thomas, who, as you know, heads up the research service, is retiring at the start of next month. So, this is Anne's last committee, and she will be joining us later on. As you know, we've worked very closely with Anne, and Anne has also led our fantastic research team, so I'm sure we would all want to take this opportunity to place on record our grateful thanks to Anne for all her hard work and to wish her all the very best for her retirement. Thank you.

09:31

**Ysgrifennydd y Cabinet dros Gymunedau a Phlant:
Sesiwn Graffu Gyffredinol
Cabinet Secretary for Communities and Children:
General Scrutiny Session**

[3] **Lynne Neagle:** Okay, item 2, then, is a general scrutiny session with the Cabinet Secretary for communities and culture. Can I welcome Carl Sargeant to our meeting today, and also Albert Heaney and Jo-Anne Daniels? Thank you for coming.

[4] **The Cabinet Secretary for Communities and Children (Carl Sargeant):** Good morning.

[5] **Lynne Neagle:** And thank you for the paper that you've provided in advance. We've got lots to cover, so, if you're happy, we'll go straight into questions.

[6] **Carl Sargeant:** Yes, Chair. Just, I think you mentioned ‘communities and culture’ then—

[7] **Lynne Neagle:** Oh, that’s what it says on the brief.

[8] **Carl Sargeant:** It’s ‘communities and children’. You frightened me to death when you said that. Because I’m not doing scrutiny on that bit as well. *[Laughter.]*

[9] **Lynne Neagle:** Sorry, that wasn’t an attempt to wrong-foot you. It was on the brief, and I’m just reading—. Okay, if I can start, then, and ask you about the concluding observations and incorporation of the United Nations Convention on the Rights of the Child, can you update the committee as to how the Welsh Government has addressed the concluding observations made by the UN Committee on the Rights of the Child?

[10] **Carl Sargeant:** Thank you, Chair, and good morning to committee. In terms of our response, we’ve not made a formal response to committee. We understand this is a role for the UK Government as a nation, as a state party. However, I have written a written statement on 12 July, highlighting Wales’s progress in the first year since the publication of the UN committee’s recommendations. This included many aspects in relation to children’s mental health. We’re working to ensure that good health support can be provided to all children and young people in schools. We’re also investing in quality childcare, both in support of families and employment choices, and ensuring children receive the care and help they need to develop their skills in life, too. I think the UN committee report was very positive for Wales, as part of the UK, but it is ultimately up to the UK to make a formal response.

[11] **Lynne Neagle:** Okay, thank you. I wanted to ask what consideration you’ve given to incorporating the UNCRC into domestic legislation in Wales. As you know, it has been included in the Social Services and Well-being (Wales) Act 2014, and one of this committee’s recommendations on the additional learning needs Bill was that it should be placed on the face of the Bill. Can I ask what your view is on that, and incorporation more generally?

[12] **Carl Sargeant:** Across Cabinet, we’ve had a discussion about this, and the First Minister has been very clear in his leadership that he doesn’t believe that there is a necessary need for the UNCRC to be embedded in all legislation. It’s actually, we believe, covered much more strongly through the Well-being of Future Generations (Wales) Act 2015, in terms of the principles

aligning children and their representation across all Government aspects, including legislation. Therefore, I wouldn't be—I'm not supportive of it being embedded in individual pieces of legislation. Actually, it's probably worst-case scenario, because it's not covered in everything, whereas the WFG Act does cover everything—it goes beyond Government, it goes to the 44 public bodies that are covered by the Act. Therefore, embedding children's rights in the work that we do and they do is an important factor in this. So, I don't think just the one aspect of a Bill is necessary, Chair.

[13] **Lynne Neagle:** Okay, thank you. Llyr.

[14] **Llyr Gruffydd:** So, why is it included in the social services Act, then, because—?

[15] **Carl Sargeant:** I didn't take the social services Act through.

[16] **Llyr Gruffydd:** No, but it is in the social services Act. So, is the social services Act an anomaly that the Government intends to correct?

[17] **Carl Sargeant:** I don't think it's an anomaly. I don't think it's damaging. But, as I said to you earlier, I think, actually, what we've done is embed this in the principle of all of the things we do. I think it's right, actually—the rights of children shouldn't be an add-on; they should be a principle that we all follow. That's why, in the WFG Act, children are front-facing in all the aspects. I think, if you ask me for a view, although this isn't the Government's view, on the social services Act, I think that the element of that slipped through on the social services Bill. I'm not entirely convinced it was fully thought through in terms of where it was embedded. Actually, we've got a much more holistic approach now.

[18] **Lynne Neagle:** Okay, thank you. One of the recommendations made by the UN committee was for there to be an inter-ministerial body established, such as a Cabinet sub-committee for children, which we did have previously. What progress have you made on implementing that?

[19] **Carl Sargeant:** Well, we don't have a Cabinet sub-committee, but we've got a Minister for children now in Government, and I work across Government with all of my colleagues and I meet them on a regular basis. As I said, actually, the title of children's Minister is a really important one, but I just hold the ring of that responsibility, and I expect my Cabinet colleagues to act appropriately in ensuring that the rights of the child are front-facing in

the legislation and the work that they do. I meet them on a weekly basis.

[20] **Lynne Neagle:** Julie.

[21] **Julie Morgan:** I think we all welcome the fact that we've got a designation for a children's Minister, because, obviously, during the last session, we didn't have that. So, I think that's great progress, but, when you say you meet them weekly, do you meet them all together weekly so that you're able to get a holistic approach to the approach to childcare—children's rights?

[22] **Carl Sargeant:** Well, I meet them at Cabinet every week and I make a representation on children at every appropriate time. I've written to Cabinet colleagues and I also speak to them on a weekly basis—sometimes a daily basis to some of my colleagues—on the impacts of inter-departmental working, which includes children's rights.

[23] **Julie Morgan:** So, there's not a group where they all sit together—. I mean, obviously, the Cabinet is wide-ranging, isn't it, in what it considers.

[24] **Carl Sargeant:** Of course.

[25] **Julie Morgan:** But there's not an individual group of Ministers or officers, like, as Lynne was asking, a cross—

[26] **Carl Sargeant:** No, there isn't. There isn't a focus group—

[27] **Julie Morgan:** Would you see there's a case for that? Obviously, I accept that you've got lots of day-to-day contact and lots of meeting in the Cabinet and all that.

[28] **Carl Sargeant:** I'm not convinced that there is a need for that. I think, actually—. I've been in Government for a number of years now and I see this Government operating very differently to how it used to. The embedding of the WFG Act has changed the way that the operation of the organisation works. Not only are Ministers closer in their operation, but, actually, the civil service work much more closely as well. It's a very different shape to the organisation. I don't think that having a very specific sub-committee on children would add any value.

[29] **Julie Morgan:** Thank you.

[30] **Lynne Neagle:** In terms of specific examples, obviously, someone like Kirsty Williams is taking forward a very big reform agenda, which will have a big impact on children, such as curriculum reform. How are you ensuring, as children's Minister, that children's rights are fully taken into account within that?

[31] **Carl Sargeant:** As I alluded to earlier, I hold the ring around this, but it's up to every Minister to have a responsibility for delivery. There are many examples. Maybe I could allude to some of them. The childcare pledge is one of them, where I have the responsibility of delivering the childcare pledge, but I'm actually working with Ken Skates and Kirsty Williams, and Alun Davies, around language, quality and capability of the system. It's something that we're heavily engaged in, because it's not just my remit; it's one of collective responsibility. Kirsty Williams—again, with the curriculum reform and my responsibility around children and families about how do we enhance the opportunity for an education-based approach to tackling domestic violence and sexual abuse; these are the things that we talk about. So, it's absolutely not silo working. There is very much an all-Government approach of embedding in the way that we operate in children's rights.

[32] **Lynne Neagle:** Okay, thank you. Llyr.

[33] **Llyr Gruffydd:** Yes, I'd like to just ask a few questions on the children's rights impact assessments. I'm just wondering what you're doing to make sure that the CRIA process is robust and transparent in order to give further effect to children's rights.

[34] **Carl Sargeant:** The CRIA tools and processes within our children's rights scheme, including impact assessment documents, were developed in collaboration with key stakeholders who have expertise in this field. I always say about my team—while I've got a fantastic team who support me, there are experts outside that we need to use as well. The knowledge base from external agencies is a really important one. So, we've used expertise in the field of children's rights on the impact assessment. The CRIA process is designed to allow clarity and transparency around whether and how children's rights have been taken into account. Chair, I know, actually—from my very first appearance in this committee—of your interest in this particular area as well. It may be helpful if I give you a more detailed note in terms of how that actually works, and I'm more than happy to support committee in the scrutiny of that particular area.

[35] **Llyr Gruffydd:** That would be useful, because I need to understand the monitoring processes that sit behind these, really, in terms of how or what systems you have in place to ensure that they're regularly published, and that there's a supporting rationale behind it, and that all of that is in the public domain.

[36] **Carl Sargeant:** I'm more than happy to give you written detail on it. In 2015, there was an independent assessment undertaken of this by the Wales Observatory on Human Rights of Children and Young People. This resulted in a template being established and revised—a refreshed design on what the rights are and how we deliver on that. Again, I'll give you full detail of that, if that's helpful, Chair.

[37] **Llyr Gruffydd:** Yes. Thank you for that. So, what examples can you provide of changes in policy intent that have occurred as a result of a CRIA? Or, in other words, how do we know that they're actually making a difference on the ground to policy in Government?

[38] **Carl Sargeant:** Again, you see, I—. CRIA is a really important part of assessment and delivery, but, actually, we should start at the front end of this. CRIA is a measurement tool of success, of delivery. What we need to do is design services, very much up front, about what the impact is on young people. So, the equality impact assessments that are alongside of this—how and what will happen if we introduce a policy here? That's, as I alluded to right at the very beginning of this scrutiny session, about the UNCRC being part of an integrated approach to the delivery of service rather than an add-on, because it's too late then. We've found, particularly with the WFG Act, it shouldn't be an additional duty here; this is how we should operate. So, the thought processes of making sure our policies are considerate of young people as we start that journey are a really important part, and the CRIA element of this is just a measurement tool to ensure that we've done that.

[39] **Llyr Gruffydd:** So, can you point to something that has changed as a result, during the process?

[40] **Carl Sargeant:** Off the top of my head, I can't. Any ideas, Albert, in terms of—?

[41] **Mr Heaney:** Just a couple of aspects. One is in relation to the statutory guidance around the public services boards. So, clearly, the regard that they

have to pay, and that's really important, because, again, working across public services—. And, in relation to the wider agenda with inspectorates, Care and Social Services Inspectorate Wales, our inspectorate, have incorporated and embedded it within their inspection framework, so, again, taking that into the whole heart of the way they inspect and regulate.

[42] **Llyr Gruffydd:** Good.

[43] **Lynne Neagle:** You've placed a heavy emphasis on the future generations Act, but there's no explicit duty of due regard in that. So, how do you marry that up?

[44] **Carl Sargeant:** Well, I don't accept that, the element that children aren't part of the future generations Act. Indeed, when I took that piece of legislation through, I had many discussions with the children's commissioner at the time about how we can be assured that the rights of all individuals are considered within the scope of that legislation. It's not specific to children, but it doesn't exclude children either. I expect, as we all do, all aspects of culture and age profile to be considered under the Act. So, I wouldn't accept that, because it's not specific in saying 'children', they're not included in the Act.

[45] **Lynne Neagle:** Okay. We're going to move on to talk about the children's commissioner, but I'm sure that the committee would be grateful for the note, maybe, with some more examples of where things have changed as a result—

[46] **Carl Sargeant:** Of course. I'm very happy to do that.

[47] **Lynne Neagle:** —of the CRIA process. Julie.

[48] **Julie Morgan:** Yes. Obviously, the role of the children's commissioner is very important here in Wales, and it's fantastic that we have one. So, what is your view on the independence of the children's commissioner? Because, obviously, I think the government and legislative committee's going to look at this role, and there have been calls, in the past, that the children's commissioner should be responsible to the Assembly rather than to the Government, so what's your view on that?

09:45

[49] **Carl Sargeant:** The view of the Government is that the current position is completely acceptable in the way that the appointment process has taken place, the involvement of the Assembly in that process. I can assure you the independence of all the commissioners isn't compromised, because they are very robust in their views and the actions that they operate in. In particular, the children's commissioner—she is certainly not slow in coming forward if we're stepping into the wrong place, and I don't think the commissioner's role is compromised in any way because of the way that the system is run. I'm not sure there is any need for reform of that process.

[50] **Julie Morgan:** Right. Obviously, we have had quite strong-minded children's commissioners, and what you said really is emphasising their strength rather than the structures. So—. I mean, I wonder how independent they can be if they are not reporting to the Assembly.

[51] **Carl Sargeant:** Well, I think the Government was very ambitious in the way that we brought forward legislation to introduce commissioners on an independent footing. That has worked incredibly well. I think you're right to say that the commissioners we've had have been personally robust, but I don't think the system compromises them either. The legislation around them protects them, if that would be a fair assessment to suggest. In their own entities, they are very strong as a unit. I can't see any particular reason, apart from conspiracy, why we would want to move them into a different space, owned and run by the Commission or by the Assembly. I'm not convinced that would strengthen their views.

[52] **Julie Morgan:** What happens now when there is a difference of view between the commissioner and the Government?

[53] **Carl Sargeant:** Generally, I get a phone call or a letter from the commissioner informing me of disappointment, and I can assure you I have had a few. [*Laughter.*]

[54] **Julie Morgan:** Because, obviously, we have one at the moment in relation to this committee and—

[55] **Carl Sargeant:** Of course—

[56] **Julie Morgan:**—where we have had evidence from the commissioner that has made us adopt a certain recommendation, but the Government is resisting that. What happens in these situations?

[57] **Carl Sargeant:** Well, I think, again, all of the commissioners have robust legislation around them to act in terms of what their actions can be. I would like to think that we are able to resolve most of those issues, and that isn't by virtue of the Big Brother tactic. Actually, as I said earlier on, I think the discussion about the UNCRC and the ALN Bill is actually one that is, I know, controversial, with the commissioner's stance and the Government's stance as ones that aren't—they're not in agreement. That's pretty public, but it doesn't affect the relationship between the commissioner and Government. The commissioner continues to be very robust, so she has a toolkit of actions that she can trigger on the basis of her statutory body, and I don't see how moving that position to working for the Commission or for the Assembly strengthens that in any way.

[58] **Julie Morgan:** I can't—I mean I'm not absolutely sure, looking back at the timescale now, but maybe, as the children's commissioner was the first commissioner appointed, I think that was still when we didn't have the division between the Executive and the legislature—and I just wonder if it's a hangover from that, and that, if it had been started now, it would have been done in a different way.

[59] **Carl Sargeant:** Well, who knows what the future's going to hold for appointments? Commissioner roles and responsibilities are in the gift of the Assembly, ultimately, to look at that as we move forward. You will obviously make recommendations to Government in that space. As I said earlier, I'm not sure I can add any more other than—the commissioners' independence is clear to Government. They are, in my view, considered in the same space as the auditor general. These are people that you want to engage with, but not very often. [*Laughter.*] They are very robust, believe me, in terms of their views. I do meet Sally on a very frequent basis and I hope that we have a good relationship, working together, but we don't always agree. And that's reality.

[60] **Julie Morgan:** My final question, if that's all right, is: I don't know what evidence there is from other countries with commissioners, where they sit in the set-up—I don't know whether anybody has got that information.

[61] **Carl Sargeant:** I don't know. I will try and help committee establish what that position is in other countries if that's helpful, but our current position is one that we would seek to maintain. We don't think we're compromised or the commissioners are compromised in the actions that they

are set to complete.

[62] **Julie Morgan:** Thank you.

[63] **Lynne Neagle:** Thank you. Michelle, on the children's rights scheme.

[64] **Michelle Brown:** Thank you, Chair. You spoke a little earlier about the concluding observations from the UN committee. Are you intending to amend the children's rights scheme at all in light of those observations?

[65] **Carl Sargeant:** We don't believe that it's necessary to make amendments on that. Section 3 of the Rights of Children and Young Persons (Wales) Measure 2011 requires Ministers to consider whether to revise the children's rights scheme within six months of the UN publication and their recommendations. We felt it not necessary to amend the 2014 children's rights scheme, but we will consider how we need to revise the scheme in light of the compliance report that is published in January, if that's required.

[66] **Michelle Brown:** Okay. Are there any other pieces of legislation that you think might need amending in light of those observations?

[67] **Carl Sargeant:** As I said earlier, I think we came out quite well in terms of the whole report, in terms of our operation in Wales. But I'm very keen to make sure we stay ahead of the game. I don't think we are in a place where we need to amend legislation currently, but I have an open mind on that. If we need to in the future, then that's what we should do.

[68] **Michelle Brown:** Thank you.

[69] **Lynne Neagle:** Thank you. Julie.

[70] **Julie Morgan:** I wanted to move on to the reasonable punishment issue. It's very pleasing that the Government is committed to removing the defence of reasonable punishment. I know you're going to start a consultation process, so I wondered if you could tell us when this will start and what process this will be.

[71] **Carl Sargeant:** 'Shortly', would be my broadest answer. We'll be going out to consultation later this year, and it will be focusing around 'talk parenting', where we'll have a broad conversation about—. The legislation, for me, and the Government, is just part of a toolkit to make sure we protect

our young people. There is a whole host of other actions that need to come alongside of the legislation as well, including support for parents and guardians in terms of the way that we raise young people. There's a cultural issue, which we have to consider, about how we engage people in that process. So, we're starting the consultation off alongside this supportive pathway of parenting and parenting support skills, but we intend to kick off that consultation towards the end of the year.

[72] **Julie Morgan:** So, obviously, I think the Welsh Government has always worked hard at trying to support parents, with the opportunity for parenting classes and support, and obviously the health visitors are crucial. What more are you going to do in terms of putting support in?

[73] **Carl Sargeant:** Well, we've had some really positive engagement programmes where social media has been a great tool for us in terms of engaging with people. So, we'll be starting off the consultation as a formal document, but also a media campaign around how parenting support can happen. I'm working to see if I can use third sector organisations, again who have direct contact with parents and young people, about what they consider the strengths in terms of positive parenting and making further investments in that scope. This has to be a partnership approach to this piece of legislation, and, working with the children's commissioner, with third sector organisations, and, in particular, children and young people, taking this piece of difficult legislation through, it's critical that we have support from as many sectors as we possibly can.

[74] **Julie Morgan:** I think obviously the third sector are thoroughly behind you. So I think that would be a—

[75] **Carl Sargeant:** Indeed they are.

[76] **Julie Morgan:** I agree with you that it's good to work with them because their access is better than statutory agencies. Obviously, this is going to be a year later than planned. So, you aim to get the legislation through in the third session.

[77] **Carl Sargeant:** I'm not sure we're later than planned. I think the First Minister's tried to fit this into the legislative timetable alongside some other complex pieces of legislation. I'm confident that we certainly will be starting the consultation within the next few months, and I will try to push that as quickly as I possibly can in terms of legislative space, capacity within the

system, and ensuring actually that we do—it's for the right reasons, that we get this right. What we don't want to do—and I don't think that's supported by the third sector either—is to be criminalising parents. What we've got to do is make sure we have an approach of legislation that does what it says on the tin about protecting young people and giving equal rights to children. It is very complex, and there is a legal framework we have to operate in. My team are working incredibly hard to make sure we get this right, and if it takes a little bit longer to do that then I think it would be right and appropriate to do so.

[78] **Julie Morgan:** I absolutely accept that. We want to get it right, and I'm sure the Minister would agree that, of the 50-odd countries that have already done this, and the 50 that are planning, there hasn't been any evidence of criminalisation of parents. So, I think it's really important that you do look at this very carefully to make sure our legislation is right.

[79] **Carl Sargeant:** I've had endless legal advice on this. I think the Member is absolutely right, looking at other countries, but what we have to be cautious about is that the legal framework in other countries, in all of them, is different. Therefore, how do we embed this in our legal framework, and in the competence of this Assembly, is an important one, and I wouldn't want to fall foul of that, because giving people the wrong advice, or receiving the wrong advice—. That time factor is an important one to allow us to make sure you as a committee, the Assembly, people, children—we are happy with that approach to making sure we get this right. But I know the Member's very positive about this, and pushes me on a regular basis to ensure that we get on with it. I am getting on with it.

[80] **Julie Morgan:** Thank you.

[81] **Lynne Neagle:** Thank you. I've got Michelle then Mark on this. Or are you okay?

[82] **Michelle Brown:** I think we've—*[Inaudible.]*

[83] **Lynne Neagle:** Mark.

[84] **Mark Reckless:** Minister, can you just explain? You're saying you don't want to criminalise parents. If you remove the defence of reasonable chastisement to the criminal offence of assault, how do you not criminalise parents who smack their children?

[85] **Carl Sargeant:** Well, this is the whole point of the consultation. I'm currently working with the Police Federation in terms of operational issues that may occur from this. But we have to make sure that the legislation that applies here in Wales, and in the UK, what we're introducing here, doesn't criminalise parents, and that will be within the scope of what the Bill looks like. I can't give you any more detail about what that will look like now, because the consultation would be pre-empted. But what I can say is that it is our intention to pursue, as was in the manifesto, the removal of the defence of reasonable chastisement. Now, what that looks like at the end is one for legal advice, for my team, to consider.

[86] **Mark Reckless:** In circumstances where parents separate and perhaps there are court proceedings, if one of them insists on smacking children and the other doesn't and objects to that, will that be something that would be considered in terms of custody proceedings?

[87] **Carl Sargeant:** Well, I think what we have to consider is that the safety of the young person is paramount. Obviously, we haven't introduced the legislation yet and therefore what I wouldn't want to do is get into a debate of what that may look like or may not look like. The consultation process will guide us on that, and I'm sure the Member will have views on that when that consultation process comes forward. What I can say is that I don't think—Government doesn't think—that it's reasonable to be chastising children in that way when you wouldn't find it acceptable to do that to an adult. It's about equal rights here. So, you wouldn't find it acceptable to be smacked and, therefore, is it reasonable for a child to be? I don't think so.

10:00

[88] **Mark Reckless:** And finally, Minister, in terms of timing, I think this is the third year of Assembly that you're looking to introduce the legislation—given how legislation works in this place, but also considering the Government's perspective and the likely commencement of that legislation, when might be a realistic time for parents to expect to be covered by such legislation?

[89] **Carl Sargeant:** I would suggest that that will be enacted within this term of Government. I can't give you a fixed date on that, but I would expect commencement to happen within this term of Government.

[90] **Mark Reckless:** Thank you.

[91] **Lynne Neagle:** Okay, thank you. We're going to move on now to talk about Brexit. Llyr.

[92] **Llyr Gruffydd:** Yes, at fear of being lynched by my colleagues on each side of my here. [*Laughter.*] I'm just wondering whether the Government has undertaken any kind of children's rights impact assessment on the potential impact of leaving the EU on children's rights and on their well-being.

[93] **Carl Sargeant:** Two separate points: first of all, this is the great unknown, really. We don't know where this is heading in terms of what rights or changes in rights, certainly from Europe, will have an impact on our young people and families and communities. What I have asked the team to do is start preparing for testing what legislation is in place currently, and how, therefore, we can either replicate that if we need to, or protect in the spaces of that. It's a really difficult question. I think there are too many unknowns currently, but what we are is alert to understand that if there are impacts, how we mitigate them.

[94] **Llyr Gruffydd:** Well, that was going to be my next question, so, clearly, one will come after the other, then. You're not thinking that far ahead at the moment, are you?

[95] **Carl Sargeant:** I don't think it's helpful, because it might not happen. But what I'm hoping is that my team can be prepared to consider any impacts as it rolls on. I don't even know whether Brexit will happen; we don't know. I think there has been a clear view of the people in the country, but I'm not convinced that Theresa May can deliver a Brexit that would be acceptable to the country or, indeed, the other states that are in the EU. It's probably not for political debate here today, Chair, but the question that the Member raises is an important one of measuring the impact of that. But, at the moment, we just don't know what that is.

[96] **Llyr Gruffydd:** Is there not a danger that by the time we realise what they are that, actually, we're late to the game, really, and that we'll be letting some young people down?

[97] **Carl Sargeant:** I don't think that. I think we've got enough things in place here around what we view around children's rights that are embedded into our principles here. I think one of the biggest things that I think I can't

mitigate against is European opportunity, and our young people will have long term—. This will have a huge impact in terms of their ability to operate in the European state as we did. And therefore, how do we resolve that issue is a very difficult one.

[98] **Llyr Gruffydd:** Okay, so what assurances have you sought from the UK Government, then, in terms of ensuring that no existing rights and protections for children and young people will be lost or eroded in any way?

[99] **Carl Sargeant:** The First Minister is leading on negotiations with Mark Drakeford in terms of what Brexit looks like. It's early days yet. I think their experience of negotiating with the UK Government is challenging, and there is, again—. As I said earlier, I question the ability of the UK Government to have a successful Brexit exit, and therefore I'm not yet convinced that their actions currently will deliver the aspirations of people even who voted to exit.

[100] **Llyr Gruffydd:** So, do you know whether there have been any explicit discussions or requests around children's rights within the discussions on that?

[101] **Carl Sargeant:** Not explicitly on children's rights. What I know the First Minister has been very clear on is the expectation that powers currently resting in Europe that are a devolved function should be preserved within Wales and not in the UK. So, I haven't got an example of children's rights, but the general principle of all of that is encompassed in there.

[102] **Llyr Gruffydd:** What formal mechanisms, then, does the Welsh Government have in place to listen to the views and voices of children and young people as part of the Brexit process?

[103] **Carl Sargeant:** Okay. Two points: firstly, back to the future generations Act. All of my policies and interventions are about engagement with clients, and if it's around children, then we engage with children and young people. I work with the children's commissioner in terms of her views and her close working relationship with young people. Only last week, I made an investment to support a third sector organisation to engage young people and young people's thoughts around informing us about policy reform. So, I'm very keen to ensure that—. 'Client group' is a bit raw, but whether that's children or individuals suffering from domestic violence and survivors, I'm absolutely keen to get real-life experience about this. We far too often have created policy from a distance and do things to people as opposed to with

people, so it's really important we bring those voices in and we are doing that with young people as well, as I said—making that investment.

[104] **Llyr Gruffydd:** And the First Minister, of course, set up an advisory group, drawing in representatives from a broad range of sectors and organisations. Should there not be a young person sitting on that group?

[105] **Carl Sargeant:** I'll give that some further thought. I don't think there would be any push-back on that. I'll give that some further thought.

[106] **Llyr Gruffydd:** Okay, thank you.

[107] **Lynne Neagle:** Mark.

[108] **Mark Reckless:** In saying you don't think Brexit can be acceptably delivered, are you speaking for the First Minister and the Welsh Government?

[109] **Carl Sargeant:** Sorry, Mark. The last question—

[110] **Mark Reckless:** In saying you don't think Brexit can be acceptably delivered, are you saying that on behalf of the Welsh Government and the First Minister?

[111] **Carl Sargeant:** That question was directed to me, and my view is that I don't think Theresa May is currently in a space where she can deliver a successful Brexit, acceptable to the broader people of the nation. That's my personal view.

[112] **Mark Reckless:** Including the majority who voted for it.

[113] **Carl Sargeant:** Indeed.

[114] **Lynne Neagle:** But we're not here to debate Brexit. We're here to talk about children.

[115] **Carl Sargeant:** I'm more than happy to have a discussion elsewhere with you.

[116] **Lynne Neagle:** Okay. Before we move on, Cabinet Secretary, would you be able to provide us with a note, then, with some more detail of the work that your team is doing on Brexit and children?

[117] **Carl Sargeant:** I can do, Chair, but as I said to you—

[118] **Lynne Neagle:** I know it's a moveable feast, but—.

[119] **Carl Sargeant:** I can give you an outline about where we are on that, and where we're moving, yes.

[120] **Lynne Neagle:** Okay, thank you. Okay, we're going to talk about child poverty now. John.

[121] **John Griffiths:** Yes. I have some questions on child poverty, Cabinet Secretary, and I think we would all understand how crucial it is to the life chances of young people in more deprived circumstances in Wales that we—as effectively as we can—deal with child poverty, notwithstanding the UK-Welsh Government overlap, as it were, in terms of what affects it. The target that was there to eradicate child poverty by 2020 has gone, and I think we're interested, in the committee, in terms of how robust we now are in terms of the structures in place, the monitoring in place, the ability for scrutiny to take place of Welsh Government progress in tackling child poverty. So, in the absence of a specific delivery plan, for example, to accompany the revised 2015 strategy, how will you ensure there's a focus on children when tackling the impact of poverty?

[122] **Carl Sargeant:** Well, that's a very complex question, but a very important one in terms of aligning our child poverty strategy, and I think we were absolutely right to come and say that tackling the issues on a time frame of eradicating child poverty was the right thing to do, telling people upfront that this was going to be nigh on impossible, but it doesn't take away our ambition to pursue that. I've evidenced to the committee in the past our view as a Government that tackling poverty has been extremely difficult and is a very stubborn area to move forward. I think we see the success over many years around personal income levels increasing, on average, 2 per cent per year, the prosperity and wealth of individuals and families going up, but poverty still remaining very stubborn and bouncing along the bottom. Therefore, our interventions, it would seem, have been more challenging to start moving that poverty lift. That's why we've had a fundamental change in direction of our policy objectives. You'll have seen the controversial decision around Communities First and the issues around tackling poverty as a collective.

[123] We will be launching the four strategies later this year, where the First Minister will give a very clear steer about how, collectively now, we operate to deliver on tackling poverty. I have responsibility for children and tackling poverty on children, but it's not my sole responsibility: this is an objective of all of Government. So, all our policies—. We talked earlier on about UNCR. We have to have a very different approach to the way we develop policy. These shouldn't be—and never should have been—add-on parts of, 'We're building housing, so what about children?' Actually, it should be at the forefront. All of these things around poverty and around children should be the starting point of our delivery of services. That's why I think the WFG Act is a very clever piece of legislation. When I introduced it—. It's grown on me, actually, because pre-WFG—and Llyr was on that committee when we took that through—it was hard work. It was really hard work. But, actually, the common sense element of this Bill: if we get this right, the planning upfront and the consideration of long-term investment is something that governments and public bodies have to do, and if we do it right, we'll have a very different Wales. So, that's why our policy, in terms of the four strategies are embedding children's rights at the forefront of delivery of services, and that will come, hopefully, very clear to you when the First Minister launches those strategies later in the year.

[124] **John Griffiths:** Yes. Well, I, too, have great hope for the Well-being of Future Generations (Wales) Act 2015, Cabinet Secretary. I can remember, others might, when it was being taken forward, that a lot of issues were answered in terms of, 'They'll be addressed by the well-being of future generations Act', and now that we have it, I think we're seeing that replayed in terms of lots of issues that we now have that are being and will be addressed by the well-being of future generations Act. But, you know, it can't do everything, and there's a need for more bespoke, targeted interventions.

[125] I was just going to ask you about the child poverty strategy, then. We've just heard about Brexit and some of the challenges. We've recently had work from the Joseph Rowntree Foundation and the Public Policy Institute for Wales in terms of how poverty can best be tackled. So, in the light of emerging studies, research, reports and political developments like Brexit, is there a need, perhaps, to update the child poverty strategy at this stage?

[126] **Carl Sargeant:** I'm not sure we need to revise that. I think the Member's right that there is a change in the state of the nation about 'This is always happening'. But the relevance of the child poverty strategy then is as

of relevance as it is today; there are broad principles in that, and I think it aligns to the other activities of legislation we've introduced. You know, I often refer to the WFG Act, but it is delivering some real, practical changes. So, the public services boards that are developing work—. I did a visit, Chair, if I may, to Pill in Newport the other week, and the community is an amazing community, but it has some challenges. And what we're doing there, very specifically, is a piece of work with the public services board now, where you may have had activity from the police in one area or the housing association doing little bits and pieces—. Actually, the public services board is bringing all of that work together because it's embedding the WFG Act, and we're looking about how now—what the complementary actions of each organisation are going to do to change the opportunities for Pill. That's just one example—a real-life example—about operating differently. So, we shouldn't underestimate the power of this if we get this right, and, you know, as I said earlier, when it was being designed and scrutinised, it was a very challenging Bill, but actually the proof is in the pudding now. We're starting to see activity from public sector bodies, and others that aren't covered by the Act, because they know it's the right thing to do. So, I think we should celebrate here in Wales that we've got the Act and that, actually, it's starting to work and change our communities. But it's a long-term objective.

10:15

[127] **John Griffiths:** Could I ask about budget, and a specific budget dedicated to tackling child poverty, Cabinet Secretary—might that be reinstated?

[128] **Carl Sargeant:** No. When we had the discussion around poverty programmes—I'm not convinced, and the figures would suggest, that single poverty programmes, specifically for that, don't work very well. It has to be an embedded process within everything we do.

[129] **John Griffiths:** Okay. I wonder if you could offer us something now about scrutiny and monitoring, evaluation—the national indicators, then, under the well-being of future generations Act. There is a view that they don't capture children's well-being, as they rely on information from the national survey, and that doesn't include information on under-16-year-olds. So, we need to have the ability to scrutinise to know whether progress is being made. So, in light of those deficiencies, how can that be achieved?

[130] **Carl Sargeant:** Well, I'm not sure I subscribe to that, that the

indicators don't represent the well-being of young people. Some of the indicators do. There's the education, employment and training indicator, development of young people, pupil attainment at level 2, the percentage of people living in household income poverty—they'll be measured for children, those working age and pension age. So, there are indicators within the WFG Act that are absolutely relevant to young people. You may suggest that there should be more, but that's a different conversation.

[131] **John Griffiths:** Okay. Chair, might I move on, possibly—

[132] **Lynne Neagle:** Yes.

[133] **John Griffiths:** —if no other Members have questions on these issues? If we could move on then, Cabinet Secretary, to resilient communities, I think the committee would be very interested to know what Welsh Government is doing to ensure that other programmes—such as Communities for Work, Flying Start, Families First, Lift, PaCE—are not adversely affected by the closure of Communities First. Because we've heard in the past that, in the operation of Communities First, lots of these programmes have become enmeshed—it's quite an interwoven picture. So, I'd be interested to know how that might be avoided.

[134] **Carl Sargeant:** So, all of those programmes that you talk about are now part of a programme moving forward. I think I should be very clear to committee, because there seems to be some confusion externally, that people are still asking me, 'So, what comes next after Communities First?' There isn't a programme after Communities First. The programmes that we are taking forward now are Lift, Flying Start, Families First, Communities for Work, and Children First areas. These are all part of a different approach to delivery of services.

[135] I think that some of the Communities First work that has gone on in our communities has been incredible. The staff have been fantastic. But, as I said earlier, tackling the issues around poverty has not been as successful as we need it to be for the future. So, these programmes we are enhancing—there's an increased budget line for Communities for Work. We will be reaching out further to all the clusters right across Wales, where some of these areas weren't covered before.

[136] My team is working hard with the lead delivery bodies to ensure that there is continuity and growth in some areas of these services, and they

meet on a regular basis, and I meet my team of engagement. I've even met some concerned Members regarding some of their Communities First activity.

[137] What we have to do now is focus on the exit strategy for Communities First and growth of these areas where we want to make investment. In some areas, it's going better than others, but I'm trying to keep ahead of the curve here: so, where there are problems in some areas, how do we give them more support to get into that space.

[138] **John Griffiths:** Okay. I wonder if I could ask you about Flying Start and support for two- to four-year-old children living outside of Flying Start areas, the postcode areas, because, speaking of experiences and visits to Newport, in my constituency there's Moorland Park and Broadmead, two almost identical areas of social housing—one of them is within the Flying Start postcode, one of them is without. When I went to the Moorland Park community centre, I was told by the Flying Start manager there that they had spare capacity, they could take several more children, but the demand wasn't there for the half of the social housing that was within the postcode area; it would easily be filled by the other half, but the postcode lottery, as it were, prevented it. So, I think you said, in budget scrutiny previously, Cabinet Secretary, that you were looking at how support for two- to four-year-olds could be extended beyond those postcode areas. Could you update the committee at this stage?

[139] **Carl Sargeant:** Yes. We have to be cautious, don't we, in terms of the availability of funding available to deliver services, and we have to have target areas. I think Communities First was a good example of that. We will all recognise, within our constituencies, there were areas of considered deprivation or challenge that were outside Communities First areas as well, and that postcode element is a bit of a blocker in terms of the ability to support individuals outside of that postcode. What I'm doing currently is, again, that new approach to delivery of service. We've got some pilots under way where I'm giving flexibility of budget, and flexibility of opportunity as well. So, not so much—. I'm asking, where Flying Start and Families First have a dedicated team, an expectation of delivery—I'm saying, 'I'll give you flexibility of budget, providing you deliver what you said you were going to do. If you can do more with that flexibility of funding, then do it'. So, the ability to pick up some individuals outside of those areas will be an option for local authorities to consider. So, we've got one about to start in Cwm Taf Local Health Board public services board,

and I'm offering them as much flexibility across those budgets as possible. I expect them to deliver what our objectives are, but if they can do more with the flexibility of funding then let them do that.

[140] **John Griffiths:** And what's the timescale for that?

[141] **Carl Sargeant:** Well, I'm hoping that we'll be starting that off very shortly in terms of delivery. So, we've announced—. There's a suite of tools that are intervention tools. So, the pilots around the Children First zones will be getting under way very shortly. They've announced where they are. That will be, again, working alongside the Families First, Flying Start, Lift programmes, PaCE. I'm looking at an opportunity in the future to have possibly a single grant mechanism, where we look to have—. Organisations are telling us that sometimes the postcode or the tightness of budget is a prohibitor for success, moving on. Budgets are getting tighter all the time, so I'm thinking about giving more flexibility between those budgets and enabling local decision makers to look at impact and where that should be invested, providing they do what we originally set out for them to do. We've got 37,000 children that we've managed to support through these programmes. I still expect that to happen, but if you can do more with that money then do it.

[142] **John Griffiths:** Okay. Final question from me, then, Chair, if I may.

[143] **Lynne Neagle:** Quickly.

[144] **John Griffiths:** Very quickly. In terms of phasing out Communities First and maintaining what is of value in helping children and young people, I think it's been said that the exit strategies should include those issues from children's rights impact assessments. So, can you reassure the committee that what is of value to children and young people from Communities First will be retained?

[145] **Carl Sargeant:** I can't give that assurance, Chair. The decision is a local decision-making process, and what we've done, with the support of Mark Drakeford, is to enhance some revenue and capital spend for the next few years to give a softer exit. I expect authorities to look at what works well, working with other organisations to mitigate some of those issues. But the reality of this is that if there isn't the funding for some of these organisations then some of those functions will stop unless somebody else steps in. I'm hopeful that the longer lead-out time, and that's what we've

given here, gives the opportunity for negotiations between the lead delivery bodies and other sectors to fill those spaces in where there are worthy projects to continue. Hopefully, the support that they can give will give a secure future for some of those projects that you rightly say are working well.

[146] **Lynne Neagle:** But the CRIA for Communities First said that your officials would work with local delivery boards to ensure that valued services for children and young people would be protected. Are you telling us that that isn't happening, or isn't happening uniformly?

[147] **Carl Sargeant:** It's very early days yet, Chair, and, as I said, some boards are already well advanced in their plans for the future, some are not. What we're doing with my team is going out to see them to talk to them about giving them the support they need to try to make the right decisions. Now, I will not be, and my team will not be, selecting programmes to keep or to get rid of. That will be locally determined, and it will be based on their budgets and ability to deliver on that. But the criteria of protecting young people as best we can is part of that process.

[148] I said earlier, if there isn't the funding there to deliver on all of these programmes, we cannot deliver them. But my expectation is that young people should be given full consideration within that decision-making process.

[149] **Lynne Neagle:** Llyr.

[150] **Llyr Gruffydd:** Yes. Just coming back to the point you made about increased flexibility in terms of expenditure and also the fact that you're now considering maybe the creation of one fund, is that potentially a precursor, then, to creating one broader programme as opposed to a number of these discrete projects that we currently have?

[151] **Carl Sargeant:** There are two ways of looking at that. I would still expect that, if we move to a single fund—and I haven't made a decision on that; I'm trying to work out, in a world of reducing budgets, how do I maximise the opportunity with the limited amount of funding we have. If we create a single pot, I would still expect programmes to sit within that, but the ability to flex those budgets within those programmes to maximise opportunity, I'm still giving that some thought. It's very complicated, and there are lots of agencies involved in that. So, it's not for now, but what we

are doing now is, with some of these pilot areas, we are giving flexibility between Families First and Flying Start. I think there's a 5 per cent flexibility already within that programme. I am considering increasing that significantly so that will give local determination—the opportunity to flex some of those issues around postcodes or need. But it's complex. I'm going to have to, if I do that, relax some of the expectations of outcomes. So, the measurements that you questioned me on, I'm going to have to be a bit more flexible with organisations to deliver more. But it's one to watch, I think.

[152] **Llyr Gruffydd:** Okay. Thank you.

[153] **Lynne Neagle:** Thank you. Michelle on ACEs.

[154] **Michelle Brown:** Thank you, Chair. When it comes to adverse childhood experiences, I think that's probably more of a vexed issue than Brexit. I appreciate you can't wave a magic wand, you can't stop parents becoming addicted to substances, you can't stop family breakdown. But do you have a strategy in place to mitigate that, and to at least try and stop these adverse childhood experiences happening in the first place?

[155] **Carl Sargeant:** We've invested heavily in this area. I've, alongside Kirsty Williams and Rebecca Evans, made a significant investment in an ACEs hub, which is about the ability to use experts to support and train public sector workers in identifying ACEs and then resolving those issues as well. That's only just started, that piece of work, but Public Health Wales—I met the chair, actually, a couple of weeks back to talk about some of these issues. If we take it on the broad spectrum of all of those things that you talked about, actually, by just tackling one of those issues, often that can have a significant impact on the betterment of that person's life going forward. Therefore, all our programmes that we're focusing on, so, Families First, Flying Start, will be looking at that through an ACEs lens, how do we deliver our services looking at the potential impacts on families and young people.

[156] We know—the evidence is very clear—that the impact of this could be dramatic if we start to reduce these. So, it's morally right, but actually fiscally very clever, because there's less burden on the health service moving forward. So, yes, we do have a strategy. We've got the ACEs hub and our projects are now focusing on that principle of reducing the amount of ACEs.

10:30

[157] **Michelle Brown:** What's your approach to the element of neglect? There was some concern voiced by a witness before the committee that, perhaps, neglect wasn't being covered by the ACEs. What's your focus?

[158] **Carl Sargeant:** Indeed, that was one of the reasons I had a meeting with the Chair about her concerns by third parties about that aspect in respect of that. Two points: first of all, because neglect wasn't listed doesn't mean that it isn't an effect of impact on young people and families, and that was recognised by service users and providers. However, based on the evidence you have taken and work that's been undertaken by Public Health Wales—they are about to issue a report that will also have a measurement of neglect in the ACEs. So, that will be categorised as an ACE. So, neglect will be part of that.

[159] Of all the actions that happen under ACEs, I think they stem from under a banner—neglect features within there, but they are now going to be using a measurement tool for that. I think there's a report coming out—Chair, you may have to remind me—but it's very shortly, isn't it?

[160] **Lynne Neagle:** September.

[161] **Carl Sargeant:** September—a new piece of work that's been done, which includes a measurement of neglect.

[162] **Michelle Brown:** Okay, thank you for that. Neglect can be caused by a number of things, either the parent might be ill or addicted to substances, or it could just purely be down to ignorance. Are there any measures put in place to educate young people, really, from a fairly early age, as to how you actually look after a child?

[163] **Carl Sargeant:** Yes. And this goes back to the question I think Julie Morgan raised, actually, about removing the defence of reasonable chastisement. We are investing in positive parenting. We have other actions that take place with our team. So, teenage pregnancies—we're working with agencies to support young mums and dads in terms of understanding becoming a parent, and the challenges that people face. So, there are a broad, whole host of programmes that we operate. Families First and Flying Start are supporting families in the space of parenting techniques and general resilience of being part of a community. Life is complicated and we're all very different, and therefore tailor-made programmes have to be flexible enough to give support that's needed for individuals. That's why

we're moving into the space of flexibility, because people who are engaged with Families First don't always need all of those services, but they may need some of them and something from another programme. We think we're confident that by giving flexibility to service providers, we might get the right services for individuals that need them.

[164] **Michelle Brown:** Okay, and just one more question: have you had any conversations with the Cabinet Secretary for Education about what input schools and, particularly, teachers can have, because if a young person or a child has a good relationship with their teacher, perhaps they're the person they're going to talk to and then can access the help that's there?

[165] **Carl Sargeant:** Yes, and we've had several discussions with Kirsty Williams in terms of curriculum reform and what that looks like, and trusted adults—

[166] **Michelle Brown:** I'm sorry; I wasn't talking about curriculum, I was actually talking about the actual working, day-to-day relationship between the teacher and the student. The curriculum doesn't really come into it.

[167] **Carl Sargeant:** There are two parts to that. One is the curriculum reform, because I think there are some important aspects of this in terms of giving young people the skills and confidence to move forward in terms of everyday life, and part of that is about education in terms of healthy relationships. The other one is an important point you make also about what we would call a trusted adult—having a trusted adult growing up, whether that be your teacher or whether that be a parent or friend, is an important part of growing up. There's a great school in Llanelli where the headteacher is very impressive in terms of his ability to have great discipline within the school, but his engagement with the young people is very impressive, and he knows the background of every individual of that school, their ACE profile, how he needs to support them personally and through his staff as well. So, we shouldn't underestimate the impacts that education and school and teachers have on young people as well. It's something I do have a conversation with Kirsty Williams about.

[168] **Michelle Brown:** Okay, thank you.

[169] **Lynne Neagle:** Okay. We've still got a lot of areas to get through, so can I appeal for brief questions and brief answers, please? Mark.

[170] **Mark Reckless:** The US longitudinal study that emphasises these adverse childhood experiences didn't mention the—[*Inaudible.*]—separation, whereas I see in your note to us that you do. I just wonder what mechanisms you have through schools or elsewhere particularly to focus on, when there is a parental separation, what additional support can be given for the child through that.

[171] **Carl Sargeant:** Well, what doesn't happen well currently is identification of this early on in schools—of young people's activities outside of school. In some schools it works very well, but it's not consistent. Often, I've heard of many cases of young people turning up to school and falling asleep in lessons or taking no notice in lessons, and automatically they're considered to be unruly, disrespectful or whatever. Sometimes, if we just asked the question about what happened to that young person last night, and the reasoning why that young person is asleep on the desk today, because they've just come back from a household that was fraught with domestic violence last night or alcohol misuse—. Sometimes you just need to get underneath that, and that's why I talked about the headteacher in Llanelli who's got an ACE-informed school. He understands all of his pupils very, very well. I would suggest that it might be an opportunity for you, as a committee—and an education committee—to focus and have a little look at that school, because I think he's doing some remarkable work there. We're trying to think about how we roll out this dynamism to other areas as well. It is about leadership as well, but we should really think about the impacts on young people and doing more about that. It's not consistent across the UK, I would suggest, at the moment.

[172] **Lynne Neagle:** Thank you. Llyr.

[173] **Llyr Gruffydd:** Yes. Back to Children First, actually. I'm just wondering if you could explain your rationale behind pursuing Children First as a place-based concept of reducing inequalities. Because, clearly, you moved away from that with Communities First.

[174] **Carl Sargeant:** We know that there are still high levels of young people who need support. Communities First was a very broad programme of tackling poverty, which was finance-based on an area. The success of that is evidenced in the stats that we have. I think that Communities First stopped communities getting poorer. It wasn't strong enough to lift communities out of poverty. The Children First approach is very different. It's not financially supported. There's no new money, it's not additional money, but it's a

concept of bringing agencies together, as we would have hoped in the first place, to introduce a very specific intervention, looking at young people, about what that looks like for the success of them in the future.

[175] So, I would like, at some point, to have a Children First Wales approach where we apply these principles of working with young people, wherever they are. We've got to test this system first, and we're looking at some very intense areas where we know that there is a high density of young people who are challenged—or some are challenged—and how, therefore, we can get a collaboration of agencies working together with a focus on tackling the issues around ACEs and young people in those areas. So, it's quite an interesting piece of work that's going on. I think one of the areas that we're working in is in Merthyr. The Gurnos estate, I think, is one of them, where we're going to have a very tight focus on a multi-agency approach on young people, because we know, if we get that right when they're young, there's a much better opportunity as they grow up.

[176] **Llyr Gruffydd:** So, how are you going to be evaluating and monitoring all of that, and then learning the lessons so that you can roll the positives out elsewhere?

[177] **Carl Sargeant:** There will be an evaluation of the programme. It's not rolled out yet, but what we expect is to see what the effects are on those young people so we are able to have an ACE-informed lens. We look at what we start with and what we end with. I think success will look like reducing ACEs. Even one reduction is a success, and I believe that the multi-agency approach will give those young people a better start in life if we get this right. The engagement is really important. But, as I said, it's not financially based, so I hope that my interventions will be very positive because I'm not paying for additionality here so you can't question me saying it's a waste of money—I haven't spent any—but getting people to work together is a slightly new concept.

[178] **Llyr Gruffydd:** So, you're not spending money, but what level of guidance and support are you giving these areas, then—the pilot areas?

[179] **Carl Sargeant:** We've started; we've had two workshops already, working with the different agencies. There's lots of enthusiasm about embedding the principles of the WFG Act across sectors and owning responsibility rather than saying, 'Well, that's nothing to do with us.' Actually, we've got agencies that have come to the table who want to lead on

that. Cwm Taf PSB is very impressive in the work that they're doing currently. They've got a very different approach—a broad single-grant-style approach—to flexibility of budgets. Within that, they've got a children-first concentration looking at delivery very specifically in those areas on children's services and bringing all of these agencies together.

[180] So, there's lots of guidance and support but there's no money. I said that from the beginning. Actually, we got a few interested parties coming to the table saying, 'We'll do it; how much is it, again?' 'Nothing.' 'Oh, okay, perhaps it's not for us then.' So, this isn't about chasing cash; it's about doing things differently.

[181] **Llyr Gruffydd:** But you will have earmarked resources within your department to provide support and guidance.

[182] **Carl Sargeant:** Yes. My team work with all of the—. There are only—. How many pilots have we got?

[183] **Ms Daniels:** Five.

[184] **Carl Sargeant:** Five. There are only five currently. It's not financially onerous to us internally.

[185] **Llyr Gruffydd:** But there will be a substantial piece of work when you get to a point, if you get to the point where this is going to be rolled out more broadly. So, there will be a financial implication for your department.

[186] **Carl Sargeant:** Not necessarily. We don't own this. This is a concept of Government, but it's owned locally; it's owned by the pilot organisations who want to take this forward.

[187] **Llyr Gruffydd:** So, what's the timescale, then? These areas are piloting this at the moment—

[188] **Carl Sargeant:** We've only just announced—

[189] **Llyr Gruffydd:** Yes, I appreciate that.

[190] **Carl Sargeant:** I expect them to start rolling it out as soon as they possibly can. I can provide you with a note, but I haven't got a timescale in terms of where each individual one is currently that I can share with you

today, but I can—

[191] **Llyr Gruffydd:** But do you expect them to be fulfilling their commitments or whatever and learning the lessons by a certain point where you then decide what happens?

[192] **Carl Sargeant:** Well, I'd like to see, certainly, a report back to me within a 12-month period from the start of operation, just to see how that's embedding—if it's working or if it's too difficult. In terms of results, I would ask my team to look at an evaluation programme, usually two to three years in.

[193] **Llyr Gruffydd:** But you've no particular time in mind in terms of looking to roll this out further?

[194] **Carl Sargeant:** I think I'm being brave—people might give other descriptions—*[Laughter.]* It's ambitious, because we don't know if this is going to work. But I don't think that's bad. I think we should give this a go because our young people are really important to me and to all members of this committee. Therefore, let's give it a go to see if we can home a whole host of public services in on young people to make this right. So, I can't really answer your question. Is it going to work? I hope so. *[Laughter.]*

[195] **Llyr Gruffydd:** Thanks.

[196] **Lynne Neagle:** We need to move on. Again, brief questions and answers. Julie.

[197] **Julie Morgan:** Moving on to childcare, obviously, it's so welcome—the manifesto commitment and the fact that it's now being implemented. But, obviously, it is a challenging pledge to implement, so I've just got some questions around that, really. First of all, what about the level of funding agreed? Do you think that's enough for childcare providers—the £4.50 an hour?

[198] **Carl Sargeant:** Yes. That was quite short and succinct. *[Laughter.]* I do. We've announced a £4.50 rate; we haven't had pushback from providers.

10:45

[199] **Lynne Neagle:** How did you find that rate?

[200] **Carl Sargeant:** We've done lots of work with looking at modelling from the UK. We looked at providers right across Wales, and they varied from prices a lot less than that, and a lot more, and we picked some middle ground there. We've worked with the professional bodies in childcare and we've tried to engage as many people as possible in this process, because we know it is a difficult one, a challenging one for Government to deliver, and we need the sector on board to help us do that. As I said, the £4.50 announcement has not been grimaced at.

[201] **Julie Morgan:** Right. So, you're confident that you've—

[202] **Carl Sargeant:** Yes.

[203] **Julie Morgan:** Yes. Fine. Then, just talking about—. Obviously, you need the workforce alongside with you. What progress has been made on developing the workforce?

[204] **Carl Sargeant:** Julie James is leading on skills. We are looking at how we develop programmes to enhance the care sector—that's both in young people's care and also adult care. What we do know about that sector is there is quite a turnaround in that, a churn in members of staff. It is a profession we want to professionalise more and give opportunities for a whole host of people.

[205] You tend to see, in care settings generally, young people in those care settings, supporting—workers, I should say, in those settings. We think there's potential opportunity as well for retired or older people to be involved, because I think there's a really great opportunity here for intergenerational working—young people and older people.

[206] I've seen a great example of a crèche facility—care facility—in an older persons' supported accommodation, and it works fantastically. That integration of young people, young workers, and older people is a model that I'd like to replicate over here.

[207] **Julie Morgan:** What about the aim of having a graduate-led workforce?

[208] **Carl Sargeant:** That's still up for debate with my department and Julie James's department. I think this is a huge pledge to deliver on. We've started to roll out, registrations are coming in as we speak, and the programme

starts in September. Workforce is part of the jigsaw of securing a long-term economic opportunity for individuals as well, both of quality settings for the children and for the workforce. Affordability is one that is always going to be challenging, and, when we get to graduate levels, there is a cost involved in that.

[209] **Julie Morgan:** The First Minister announced in the legislative programme that there would be a process, a law, that would enable applications to be made and checks to be made about people who wanted to have advantage of this offer. How are you taking that forward?

[210] **Carl Sargeant:** I had a meeting yesterday about the drafting of that piece of legislation. It's a technical piece of work. It basically gives instruction for data to be used from HMRC so you can access this online. When we ramp this scheme up, we're going to need a body that can help us support the process of how it operates. It's purely technical. HMRC are happy to do this. They do it in the UK, but they can't do it until we legislate for it. So, it's a bit of a hindrance more than a technical Bill; it's just that we have to do it in order to enact HMRC.

[211] **Lynne Neagle:** Llyr, on this.

[212] **Llyr Gruffydd:** Yes. The early years workforce strategy—when are we going to see it? Because when I pressed you on this in the autumn you told me spring, and it's now summer.

[213] **Carl Sargeant:** I'm aligning this up with Julie James's employability programme. I think it's important that we have a long-term vision for the workforce for all of Wales, as I think I've said to you in the past. I know you're pushing me on this, but I'm relatively relaxed about it. I think we've got to just get this right and look at it as a whole approach about training, from whether that be Flying Start—sorry, whether that be the Communities for Work programme, where people access very challenging experiences of work, right the way through to graduate level and beyond. Julie James will launch a pathway of employability and workforce planning very shortly.

[214] **Llyr Gruffydd:** But the reformed employability programme that I think you're referring to isn't going live until 2019, so are you saying that we're going to wait that long, because this strategy, I'm told, has been in draft form for about two years?

[215] **Carl Sargeant:** I'm not saying that you'll be waiting that long. There will be the principles, and that employability plan will be very clear in terms of the workforce profiling as well. We've done some work, actually, with the—. We started engaging the children's commissioner and the future generations commissioner on this very issue about how do we plan for the future and what does childcare look like post 2021, for the next Government, whoever that may be. What we want to do is make sure that we've got our workforce plan, alongside our vision for education, right for the future. As I said to Julie earlier on, the real challenge here is the amount of staff and capacity in the system that we're going to have to ramp up to to deliver this pledge by the end of Government.

[216] **Llyr Gruffydd:** But—. I'm a little bit speechless because, when I pushed you on this about seven or eight months ago, you said it was Brexit and we need to see what the implications of that are, and funding. Now you're saying it's being aligned to something else. What is there to say that something else again won't come up in the meantime, which will mean that you'll kick it further down the road?

[217] **Carl Sargeant:** Well, I will deliver the plan when it's in a fit and proper state where I can give you relevant information that will be useful to you. Publishing the plan today would not be credible and would not be helpful to your scrutiny in terms of that.

[218] **Llyr Gruffydd:** So, how much time do you need to prepare a plan, then, because this is a discussion around the strategy, I know, that predates your time as Cabinet Secretary, but people in the sector are saying, 'This has been in draft form for years now and we're still waiting'?

[219] **Carl Sargeant:** Well, I think it's important that I get the document right, and I will have an update off my team exactly where the detail is, and I will write to you, as Chair, to give you further information of what that looks like.

[220] **Llyr Gruffydd:** Thank you.

[221] **Lynne Neagle:** Mark.

[222] **Mark Reckless:** How are you measuring outcomes for children and the different impact that different pilot schemes may have?

[223] **Carl Sargeant:** Well, we have assessments of all our programmes,

about what the impacts are. All our investments have follow-up in terms of Flying Start or Families First, et cetera. As I said to Llyr about the Children First programme, I will expect there to be evidence based on what the success of that programme and intervention comes up like. So, there are lots of data about about what success looks like, or doesn't, and people have a view on that, but we measure all of our programmes and our interventions.

[224] **Mark Reckless:** What about robust, academic assessments? John mentioned earlier that in Moorland Park we had Flying Start available but not in Broadmead, a very similar estate next door. How about assessing some of the children who benefit in Moorland Park versus similar children who don't in Broadmead, and measuring what is the impact of that programme in an academically robust way?

[225] **Carl Sargeant:** Yes. I'll have to provide you with details around that intervention and how we measure that, if that's okay. We do make robust assessments of this, but I think I've been very upfront with you in terms of our vision now is moving to a different space, because the postcode-based programmes—I recognise, as Minister responsible for all children in Wales, that we have possibly missed children in need out of an area because of the postcode. I want to be as flexible as I can to give local knowledge, local intervention, the opportunity to have flexibility between schemes. I will give you more details in terms of our measurement of success, though.

[226] **Mark Reckless:** That would be appreciated. Thank you. You mentioned earlier, in response to a question about graduate provision of childcare and early years in this context—. It's one area where I think there is very good academic evidence that graduate-led provision gets better outcomes. As you rightly say, there are cost implications of that. Would you consider that one option of dealing with that might be to allow somewhat higher ratios, conditional on it being graduate-led provision? Could that be something where you might allow a local authority to pilot and see if the evidence showed that that was a good use of money?

[227] **Carl Sargeant:** Well, my door's always open for suggestions, and that may be one of the solutions. I've asked my team to provide me with detail around what is childcare, because, between the foundation phase and childcare, in some areas, there is very little difference, yet it's regulated differently, the skill set that the provider delivers is different, and yet the services, as an outsider, you would not know—there'd be very little difference there. The inspection regimes are different. So, have we got the

right definition for 'childcare'? What does it look like? And why, therefore—? Can we standardise that process? And maybe that's a way of reducing costs, increasing quality. But these are questions that, at the moment, are—they're siloed. And we need to think about that as a broader principle, about what that vision is for the future—it's sort of answering Llyr's question about the complexity of what does childcare look like for the future. I think that's a question we have to answer.

[228] **Mark Reckless:** My own experience is that the two and a half hours—

[229] **Lynne Neagle:** Mark, briefly, please.

[230] **Mark Reckless:** I'll take this up with you perhaps separately.

[231] **Carl Sargeant:** Yes, of course.

[232] **Mark Reckless:** That might be a better use of time, Chair.

[233] **Lynne Neagle:** Just before we move on, the Joseph Rowntree Foundation recommended, in order to tackle child poverty, that it would be a good idea to extend the offer to low-income families with two-year-olds. What consideration have you given to doing that?

[234] **Carl Sargeant:** Lots, but I can't afford it.

[235] **Lynne Neagle:** Okay. Well, that's very clear. Thank you. Michelle, on looked-after children.

[236] **Michelle Brown:** Thank you. I will try and be as quick as I can, Chair. The Fostering Network said to us that kinship fosterers often receive less support than foster carers who are not related to the child. Can you comment on that? Are you putting anything in place to—? What is there in place to support kinship carers?

[237] **Carl Sargeant:** I agree with them, and I've established a ministerial advisory group, chaired by David Melding, looking at how we support looked-after children, foster children. They are giving me advice on the issues that have been raised by the Fostering Network as well. So, I'm looking to make stronger interventions with these supported groups, because all children should have the same opportunity, regardless of who they are looked after by.

[238] **Michelle Brown:** Thank you for that. The children's commissioner made some recommendations in her 'Hidden Ambitions' report. How have you responded to those?

[239] **Carl Sargeant:** Positively. I meet Sally Holland on a regular basis, and we are seeking to achieve as many recommendations as possible. One of the most recent ones was the announcement of a St David's Day fund for looked-after children. We announced £1 million to be distributed to local authorities to have a—my description would be 'the bank of mum and dad-style approach' for looked-after children. My children come to me, 'Can I have a fiver to go to the shops?' Well, these young people don't have that opportunity, and I don't think it's right. Therefore, I've created a fund, which was one of the recommendations of Sally Holland's report to help—it's one example of helping young people try to have a normal life.

[240] **Michelle Brown:** Thank you.

[241] **Lynne Neagle:** Okay. Can we just move on to advocacy, then? Can I have an update for the committee on the implementation of the national approach?

[242] **Carl Sargeant:** That is complete. We've had confirmation from the Welsh Local Government Association that all the regions now have that in place. It was promised to us for June of last year. I understand that that is now completed.

[243] **Lynne Neagle:** So, you are confident now then that all eligible children in Wales will have access to the advocacy they're entitled to.

[244] **Carl Sargeant:** Yes.

[245] **Lynne Neagle:** Okay, thank you. When you responded to the Plenary debate on our committee report on advocacy, you were asked whether you would consider re-establishing the external advisory group on advocacy, and you indicated that that was something you would give further consideration to. Can you tell the committee what your position is on that now?

[246] **Carl Sargeant:** I'm still considering that, Chair. But I will give that some further thought over the summer recess and I will give you a definitive response in the early part of the next session.

[247] **Lynne Neagle:** Okay. Are there any other questions from Members? No. Well, can I thank the Cabinet Secretary for his attendance this morning, and also Albert Heaney and Jo-Anne Daniels as well? We very much appreciate your time. As usual, you will be sent a transcript to check for accuracy. Thank you very much.

[248] **Carl Sargeant:** Thank you, Chair.

11:00

Papurau i'w Nodi Papers to Note

[249] **Lynne Neagle:** Okay. We'll move on now, then, to item 3, which is papers to note. Paper to note 2 is a letter from myself to the Minister for Lifelong Learning and Welsh Language on youth work. Paper to note 3: a letter from the Minister for lifelong learning on the additional learning needs transformation programme. Paper to note 4: a letter from the committee to the Cabinet Secretary for Health, Well-being and Sport on the school nursing framework, as agreed last week. Paper to note 5: a letter from the Llywydd on the implementation of the Wales Act 2017. Paper to note 6: a statement by the children's commissioner on the concluding observations on the United Nations Committee on the Rights of the Child. Paper to note 7: a letter from the Llywydd and Chair of the Business Committee on programming forthcoming legislation, and we've got an item in the private session on that. Paper to note 8: a statement from the Wales UNCRC monitoring group. Are Members happy to note all of those? Okay.

11:01

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o Weddill y Cyfarfod Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Remainder of the Meeting

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the

*cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in
17.42(ix). accordance with Standing Order
17.42(ix).*

*Cynigiwyd y cynnig.
Motion moved.*

[250] **Lynne Neagle:** Item 4, then, is to propose, in accordance with Standing Order 17.42, that the committee resolves to meet in private for the remainder of this meeting. Are Members content? Okay.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:01.
The public part of the meeting ended at 11:01.*