

Agenda – Children, Young People, and Education Committee

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| Meeting Venue: | For further information contact: |
| Hybrid – Committee room 4 Ty Hywel and video conference via Zoom | Naomi Stocks Committee Clerk |
| Meeting date: 7 October 2021 | 0300 200 6565 |
| Meeting time: 11.00 | SeneddChildren@senedd.wales |

In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on www.senedd.tv

As agreed at the meeting on 23 September items 1 to 4 are to be held in private

Private pre-meeting

(11.00 – 11.15)

1 Legislative Consent Memorandum on the Skills and Post-16 Education Bill – consideration of the draft report

(11.15 – 11.30)

(Pages 1 – 9)

Attached Documents:

Correspondence from the Minister for Education and Welsh Language
Private Paper 1 – Legislative Consent Memorandum Report

2 Priorities for the Children, Young People and Education Committee – strategy for engaging with children and young people

(11.30 – 11.45)

(Pages 10 – 17)

Attached Documents:

Private Paper 2 – Priorities Engagement Plan



**Senedd Cymru
Welsh Parliament**

3 Consideration of the approach to Committee strategic planning
(11.45 – 12.00) (Pages 18 – 33)

Attached Documents:

Private Paper 3 – Approach to strategic approach

4 Consideration on the Committee forward work programme
(12.00 – 12.15) (Pages 34 – 44)

Attached Documents:

Private Paper 4 – Autumn 2021 Forward Work Programme

Correspondence from the Llywydd and Chair of the Business Committee

Lunch break

(12.15 – 12.50)

Private pre-meeting

(12.50 – 13.00)

5 Introductions, apologies, substitutions and declarations of interest
(13.00)

6 General scrutiny session with the Minister for Health and Social Services, Deputy Minister for Social Services and Deputy Minister for Mental Health and Wellbeing
(13.00 – 14.30) (Pages 45 – 103)

Eluned Morgan MS, Minister for Health and Social Services

Julie Morgan MS, Deputy Minister for Social Services

Lynne Neagle MS, Deputy Minister for Mental Health and Wellbeing

Dr Chris Jones, Deputy Chief Medical Officer

Albert Heaney, Chief Social Care Officer for Wales

Claire Bennett, Director, Communities & Tackling Poverty Department

Tracey Breheny, Deputy Director, Mental Health, Substance Misuse & Vulnerable groups Department

Irfon Rees, Director of Population Health

Attached Documents:

Research Brief

Paper 1 – Written evidence from Welsh Government

7 Papers to note

(14.30)

7.1 Committee Forward work programme

(Pages 104 – 105)

Attached Documents:

Letter from the Chair to the Llywydd – CYPE(6)–03–21 – Paper to note 1

7.2 Legislative Consent Memorandum on the Skills and Post–16 Education Bill

(Pages 106 – 108)

Attached Documents:

Letter from Chair of the Children, Young People and Education Committee to the Minister for Education and Welsh Language – CYPE(6)–03–21 – Paper to note 2

7.3 Legislative Consent Memorandum on the Skills and Post–16 Education Bill

(Pages 109 – 110)

Attached Documents:

Letter from Chair of the Children, Young People and Education Committee to the Secretary of State for Education – CYPE(6)–03–21 – Paper to note 3

7.4 International agreements

(Pages 111 – 112)

Attached Documents:

Letter from the Chair of the Legislation, Justice and Constitution Committee – CYPE(6)–03–21 – Paper to note 4

7.5 International agreements

(Pages 113 – 114)

Attached Documents:

Letter from the Chair of the Legislation, Justice and Constitution Committee –
CYPE(6)–03–21 – Paper to note 5

8 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting and for the whole meeting on 18 October

(14.30)

9 Consideration of the evidence from the Ministerial scrutiny session

(14.30 – 14.45)



Ein cyf/Our ref JMEWL/2376/21

Jayne Bryant MS
Chair Children, Young People and Education Committee
Welsh Parliament

1 October 2021

Dear Chair,

Thank you for your letter of 24 September concerning the Legislative Consent Memorandum (LCM) for the UK Government's Skills and Post-16 Education Bill (the "Bill"). You raised a number of queries relating to specific provisions of the Bill to which I have provided a response below.

Clauses 1 (Local Skills improvement plans) and 4 (interpretation)

The Welsh Government does not recommend that the legislative consent of the Senedd should be given in respect of clauses 1 and 4 of the Bill as introduced. In July I wrote to the Secretary of State for Education setting out my concerns about the practical effect of these clauses. My Department's assessment is that these clauses would apply to Welsh further education providers or higher education institutions if their provision of post-16 technical education is deemed material to a specified area in England. This could have the effect of imposing duties on Welsh institutions providing education only in Wales which is accessed by students from England if the provision was material to a specified English area.

My expectation is that duties would not be imposed on Welsh providers in respect of provision delivered in Wales as such duties could require Welsh institutions to have regard to the skills needs of employers in England at the same time as responding to the skills needs of Welsh employers and the priorities of the Welsh Government. In particular, I do not want any Welsh institutions who are not in receipt of funding from the Secretary of State to be subject to duties to have regard to Local Skills Improvement Plans in England. I therefore would expect amendments to be made in respect of clauses 1 and 4 that address these concerns and to restrict their application to institutions in Wales who are in receipt of funding from the Secretary of State.

Following my letter there have been productive discussions at officials' level which have informed the Department for Education's intention to bring forward amendments in respect of clauses 1 and 4. My officials are currently awaiting sight of the proposed amendments concerning the application of local skills improvement plans to Welsh institutions. I anticipate that the Secretary of State will be writing to me on this matter ahead of laying amendments for Report Stage in the House of Lords. Subject to a legislative competence assessment of the effect of those amendments the Legislative Consent Memorandum will be updated in due course.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Clause 14 (Support for lifelong learning)

The UK Government's policy intentions regarding the introduction of a Lifelong Loan Entitlement (LLE) are set out in their white paper Skills for jobs: lifelong learning for opportunity and growth. Further detail on the proposals is provided in the Impact Assessment accompanying the Bill which states: "*The current student finance system is underpinned by primary and secondary legislation. The government seeks to modify existing regulation-making powers in primary legislation to make specific provision for student finance in respect of modules of courses.*" The Impact Assessment also states that "*In order to introduce the LLE from 2025, secondary legislation will need to be laid in Parliament by summer 2024. We will consult on the detail and scope of the LLE this year.*"

The Welsh Ministers' powers are not changed by the proposed modifications to section 22 of the Teaching and Higher Education Act 1998 as provided for by Clause 14 of the Bill. The reasons for this are as follows. Clause 14 amends the 1998 Act to provide a gloss to section 22 of that Act (which is an enabling power for making the student support regulations in both Wales and England) so that modules of higher education courses (and not just such courses as a whole) are able to attract student support. The gloss has effect only in so far as functions are exercisable by the Secretary of State. Some of the Secretary of State's functions are exercisable in relation to Wales concurrently with the Welsh Ministers, though none of those functions are the subject of textual amendments to be made by the Bill. However, only the Secretary of State's functions are to be amended leaving the Welsh Ministers' functions in respect of student support intact.

The Secretary of State's function in respect of making regulations under section 22(1) authorising the making of grants or loans in connection with the undertaking modules of HE or FE courses is exercisable in relation to England only. The need for legislative consent is a consequence of the incomplete separation of powers as between the Secretary of State and the Welsh Ministers when the student support functions under the 1998 Act were devolved to Wales.

Subject to passage of the Bill the Welsh Ministers' powers under section 22 of the 1998 Act would not be the same as those of the Secretary of State. The Welsh Minister's powers would remain as at present and would refer to whole courses but not to modules of such courses. My letter of the 9 July to the Secretary of State for Education stated that if similar provision is to be sought for Wales, it should be achieved by way of a Senedd Bill. Additionally, I informed the Secretary of State in July that it would be helpful to receive more detail on the UK Government's proposals to introduce a Lifelong Loan Entitlement and that I should welcome further information about how the proposed entitlement will impact budget consequentials, and how loans for the Lifelong Loan Entitlement might be made available to the Welsh Government.

As things stand the UK Government has not published its detailed proposals for the operation and delivery of the proposed Lifelong Loan Entitlement and I have not received any further information about these proposals from the Secretary of State. We touched on this matter during my evidence to the Committee on 23 September where I indicated that advice will be provided on the LCM once the discussions with the Westminster Government have been concluded.

Clause 18 (List of relevant providers)

According to the [Explanatory Notes](#) to the Bill clauses 18 to 21 “enable the Secretary of State to make regulations to provide for a list of post-16 education or training providers, in particular Independent Training Providers (“ITPs”), to indicate which providers have met conditions that are considered to prevent or mitigate risks associated with the disorderly exit of a provider from the provision of education and training. Education or training is funded by various funding authorities.”

Clause 18 provides that the Secretary of State may by regulations make provision: (a) for the Secretary of State to keep a list of relevant providers in respect of relevant education or training who meet conditions specified in the regulations for being on the list in respect of that education or training; (b) in connection with the list.

The purpose of the list is to prevent funding authorities from entering into funding arrangements with providers which are not listed (and to ‘regulate’ funding arrangements) - see clause 19. The effect of the definition of “relevant training provider” in Clause 18 means that certain independent Welsh providers of education and training could fall within scope of the regulation making power. They could, for example include private training providers operating in Wales who offer post-16 education or training provision in England. However, only in so far as they are funded by persons in England (see clause 19(7)) and in relation to the provision of education and training wholly or mainly in England. It is my view that clauses 18 to 21 therefore do not constitute “relevant provision” within the meaning of Standing Order 29.1 and consequently the consent of the Senedd is not required. Clause 20 contains provisions for the interpretation of clauses 18 and 19. Clause 21 makes ‘ancillary’ and procedural provisions in respect of regulations under clauses 18 and 19.

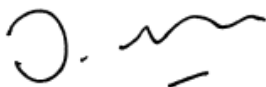
Clause 25 (Institutions within the further education sector: procedure for designation)

Clause 25 makes amendments to the Further and Higher Education act 1992 and it applies in relation to Wales. However, it makes no changes to the law - it is simply clarifying and restating the law in respect of Wales and it is my view that the consent of the Senedd is not required.

Delay in laying the LCM

It is important that any legislation affecting further and higher education in Wales takes into consideration the specific Welsh context. The laying of the legislative consent memorandum for this Bill was delayed due to the need to consider the legal and policy implications for Wales arising from the complex provisions in the Bill and discussing with Whitehall the effect that draft provisions are capable of having in relation to Wales.

Yours sincerely,



Jeremy Miles AS/MS

Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

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Agenda Item 2

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 3

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 4

By virtue of paragraph(s) vi of Standing Order 17.42

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By virtue of paragraph(s) ix of Standing Order 17.42

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Written Response by the Welsh Government to the Children, Young People and Education Committee.

The written information requested by the Committee to support the meeting is set out below:

1. Your priorities and key areas of work.

YOUNG CARERS AND YOUNG ADULT CARERS

Responsibility for all ages of unpaid carer is held by the Deputy Minister for Social Services, and in co-operation with the Education Minister with regards to those policy decisions and actions affecting young and young adult carers, notably in statutory education, as well as FE and HE learning. Improving awareness amongst health and social care professionals, but also education and training, is essential if we are to improve the life chances and opportunities for young carers from primary school age up to 25.

Our ambitious project to create a national Young Carer ID card, working in collaboration with all 22 local authorities and Carers Trust Wales, has now entered its second year. In 2021-22 we have made available £186k of which £150k is for local authorities to progress their activity, and £36k to Carers Trust Wales to produce national resources to inform professionals and support the national project meetings and learning cluster groups. The project is enabling local authorities and their commissioned third sector young carers' service providers to test and trial different approaches and systems to see what really works on the ground to benefit young carers. 16 local authorities have now launched an ID card or transitioned an existing card into the national project. The aim is to have all 22 local authorities offering the national ID card for young carers up to age 18, by end of March 2022.

CHILDCARE, PLAY AND SUPPORT FOR CHILDREN AND FAMILIES

Responsibility for childcare, play and our programmes providing support for children and families rest with the Deputy Minister for Social Services. Ensuring all children have the best start in life remains a key priority for this government and to that end we are continuing our investment in key programmes such as Flying Start, Families First (which are 2 of the 7 programmes within the CCG (FLG MEG) providing funding of £149m in 2021-22) and the Childcare Offer (£75m). We are also progressing the Ministerial Review of Play Policy and taking forward critical activities on children's rights and through our programmes focussed on speech, language and communication, parenting and Early Years Transformation. Alongside this we continue to take forward the implementation of the Children (Abolition of defence of reasonable punishment) (Wales) Act 2020.

We are working closely with Care Inspectorate Wales (CIW), local authorities and sector representatives to support the recovery of the childcare and play sector following Covid-19 and have invested a further £3.5m in this financial year (via the CCG in the FLG MEG) to enable local authorities to provide small scale sustainability grants to providers. This kind of support is vital in ensuring there is sufficient, good quality childcare and play services available to meet the diverse

needs of all parents across the whole of Wales, including through the medium of Welsh.

Of critical importance for us is addressing the impacts the pandemic and its associated restrictions have had on our children and young people. Working collaboratively we have brought together a cross-government working group to tackle these issues, working particularly closely with the Minister for Education and Welsh Language and the Minister for Social Justice. Through its work, the group has found that the harm arising from the covid-19 restrictions is high; impacted on all aspects of the life and development of children and young people; is felt differently across different age groups and development stages; and is unevenly distributed.

The group's work has led to initiatives such as the Child Development Fund (£11.5m from Oct 2021-March 2022), the Summer of Fun (£5m), which is closely linked to Renew and Reform, and £7 million boost to the Children and Communities Grant to drive down waiting lists for early help and support services and provide support as early as possible, to help address the adverse effects of the pandemic on children and young people aged 0-25, including those who are newly vulnerable

The group is now working to ensure that understanding of known harms is fully factored into future decisions on pandemic restrictions should there be further waves and to develop a cross-government children and young people overarching narrative to present a holistic understanding of cross-government actions linking to our Programme for Government with its strong focus on social justice.

CARE EXPERIENCED CHILDREN AND YOUNG PEOPLE

Policy responsibility for care experienced children and young people and children on the edge of care is part of the portfolio of the Deputy Minister for Social Services.

Our priorities in this policy area are to take forward the commitments set out in the Programme for Government and are outlined in section 2 of this written response. These commitments concern the future delivery of children's social care in Wales, which when implemented together will support the wholesale transformation of children's social care.

Delivering the commitments in our Programme for Government will help reduce our numbers of looked after children and by so doing alleviate pressures in children's services. The commitments provide a framework for a new vision for children's services and a plan for delivering reform of the sector, focussing on restorative approaches and less risk adverse practice. The programme of work we are putting in place to support the eliminating profit from care and reform of children's services commitments will shape and drive our activity in this area.

Our programme of work includes continued support for Foster Wales, launched in the summer, to drive up local authority foster carer recruitment and capacity. We will also be investing in regional residential services to better support those

children with complex needs, parental advocacy for those parents who are on the edge of care and providing specialist support for children with complex needs. Through our corporate parenting work we will be seeking to strengthen local authority responsibilities towards looked after children as well as extending duties across the public sector.

In respect of family justice and the courts we are working with Local Family Justice Boards to help deliver the Public Law Working Group recommendations to safely divert children away from becoming subjects of public law proceedings. Our Family Drug and Alcohol Court pilot in South East Wales will also instigate a problem-solving court approach to care proceedings that parents can choose to enter rather than going through standard care proceedings.

TRANSFORMATION FUND

The Transformation Fund is supporting several projects across Wales with a focus on children and young people. In **Cardiff and Vale**, the development of an ACE Aware Approach to Resilient Children and Young People involves a resilience team working in schools to support children's emotional wellbeing, bringing the attachment, Adverse Childhood Experiences (ACEs) and mental health perspective in a holistic service spanning education, health and social care. Error! Reference source not found. The ICEBERG project in **Gwent** aims to provide seamless access to mental health care for children, young people and their families and includes early intervention to aim to prevent escalation of needs and care where possible.

The Error! Reference source not found. **North Wales Early Intervention and Intensive Support for Children and Young People** project encompasses three elements:

- a multi-agency drive to improve emotional health, wellbeing and resilience of C&YP through early intervention and prevention
- the development of 'rapid response' (crisis outreach) interventions for children and families on the edge of care
- the development of short-term residential services to promote effective returns home for C&YP on the edge of care.

And there are two targeted projects ongoing in **Powys**:

- **Repatriation of Children Looked After** aims to safely reduce the number of looked after children who are placed out of County and return children closer to home by creating and developing additional in-house fostering capacity, establishing residential provision and lodgings capacity and increasing resources.
- **Targeted Prevention** aims to improve health outcomes for children in deprived communities in North Powys by focussing health and wellbeing programmes in primary schools.

SOCIAL CARE RECOVERY

Taking into account the challenges the pandemic continues to bring to the social care sector and of the need to support it, as the Programme for Government sets

out, to recover and to move forward, Ministers have agreed a £40 million recovery fund in this financial year for social care. Allocations have been made by local authority for authorities to spend, with partners, on social care recovery activity in line with the priorities in the Social Care Recovery Framework, which the Welsh Government co-developed with sector representatives and published on 22 July. (See: <https://gov.wales/social-care-recovery-framework-covid-19>)

The fund builds on that Framework and is intended to support local authorities and partners to address agreed immediate and short term priorities for recovery. The Framework expands on **Improving Health and Social Care (Covid 19 Looking Forward)**, which was published in March, and is intended to help lay the foundations for the strong, positive future for social care in Wales outlined in the Programme for Government.

In addition, the Welsh Government will be investing a further £8 million in a range of social care recovery activities. Projects relevant to children and young people include:

- £2,800,000 for a Family Intervention Fund, supporting Child and Family Well-being through a mixture of practical and direct support to safely divert cases from Child Protection Registration;
- £2,800,000 for Regional residential services for care experienced children and young people with complex needs; extending the planned availability of this type of provision across Wales;
- £1,000,000 (as expanded on below) to secure continuation of the Carers Support Fund, continuing to mitigate the financial impact of the pandemic by providing grants of up to £300 to unpaid carers in urgent need across Wales;
- £600,000 to support a cluster level approach to delivery of learning disability health checks, increasing health board activity in this area in order to ensure the health and wellbeing of individuals and to quickly identify potential health issues as early as possible and to reduce the associated health inequalities; and
- £150,000 for supporting the Covid-19 recovery of Hillside Secure Children's Home.

CAFCASS CYMRU

Whilst the Family Court and Family Justice policy is not devolved to Wales, Cafcass Cymru provides a demand-led statutory service through The Children Act 2004 to the Family Court in Wales on behalf of Welsh Ministers. We work closely with the President of the Family Division, Ministry of Justice (MoJ) and Her Majesty's Courts and Tribunals Service (HMCTS) to ensure the needs and rights of children and young people in Wales are respected and accounted for in the Family Justice System which serves Wales and England.

In 2020-21 we worked with over 11,000 of the most vulnerable children and young people subject to Family Court proceedings in Wales. A 16% increase in the last 3 years in the number of children we work with has put workloads at their highest level ever. In addition to the increase in new cases, the Covid-19 pandemic has

had a significant impact on the delay in cases progressing thorough the court system which has resulted in Cafcass Cymru holding the highest number of open cases it has ever managed.

The pressures Cafcass Cymru is experiencing are reflective of the whole Family Justice System. The Chief Executive of Cafcass Cymru is a member of the Family Justice Board that is actively considering proposals for recovery, improvement and reform in the family courts in Wales and England. The MoJ is leading on an ambitious programme to reform core elements of the Family Justice System which will potentially expand the role of Cafcass Cymru in 'Private Law' matters.

The need for cultural change and the way separating/separated parents are supported inside and outside of the court are key. The aim is to ensure families who require the intervention of the court receive it, whilst those who would be best helped by an alternative intervention outside of court can be supported to do so. We are working closely with key partners including MoJ to ensure the radical reform that is needed to improve outcomes for children is achieved.

In Public Law, we continue to work with all stakeholders to implement the recommendations set out in the report published by the President of the Family Division's Public Law Working group, alongside the Best Practice Guidance for those working in the Family Justice system. Cafcass Cymru continues to be part of ongoing sub-groups considering the future role of Supervision Orders and reviewing current Adoption legislation.

We also continue to work with local authorities to implement the First Minister's priorities for children and families.

LONG COVID

Alongside other impacts of the pandemic we are seeing small numbers of children and young people who continue to experience symptoms after having COVID 19. Whilst numbers are currently low, those who do experience ongoing symptoms beyond 12 weeks after the initial infection, can have very significant needs.

We launched the 'Adferiad' programme on the 15 June 2021, which included a £5 million package of support for the introduction of a new suite of services and new patient pathways to support those with long COVID. To ensure we keep in line with the best international advice and continue to respond appropriately, as we learn more about this devastating condition, the programme will be reviewed on a six monthly basis.

In the same week, the All Wales guideline for the treatment of long COVID was also launched. This guideline, available digitally to healthcare professionals including GPs, means for the first time there is a consistent set of advice and information available to healthcare professionals, enabling them to provide appropriate advice to patients and make referrals onward to services, including where required, specialist secondary care services. This guideline also includes advice on the treatment of children and young people.

Long COVID is a new condition and, conscious that as the impacts are not the same, we are considering whether the needs of children and young people are being appropriately met by current arrangements. A group including health care professionals, policy officials from education and health and the Royal College of Paediatrics and Child Health (RCPCH) has recently been brought together to consider our response.

HEALTH INEQUALITIES

It is a central ambition of this Government to do everything we can to address the inequalities in health outcomes between our most and least deprived communities. We will continue to take a whole-Government approach to tackling the root causes of health inequalities in-line with the commitment set out in our new Programme for Government which has tackling inequalities in Wales as one of its key themes. To this end, we are progressing our work with the Welsh Health Equity Status Report initiative (WHESRI) and continue to embed our cross-government Health in All Policies approach and promote use of the Health Impact Assessment process to ensure policies contribute as much as possible to reducing health inequalities.

Deprivation is a major factor in smoking, which in turn exacerbates health inequalities across Wales. We want to reduce the number of young people starting smoking and encourage them to live healthier lives, benefitting future generations.

On 1 March 2021, we made it illegal to smoke in school grounds, public playgrounds and outdoor areas of childcare settings as we are determined to protect people from harmful second-hand smoke and change how children and young people view smoking.

SUBSTANCE MISUSE

Responsibility for 'Substance Misuse' sits within the portfolio of the Deputy Minister for Mental Health and Wellbeing.

Tackling the harms associated with substance misuse remains a priority for the Welsh Government. Substance misuse affects people of all ages, including children and young people, both as a result of their own use and that of their parent/carer.

We invest almost £55m per annum in our substance misuse agenda with £2.75m ring-fenced specifically to support work with children and young people. Support for children, young people and families is a priority within the Substance Misuse Delivery Plan 2019-22 and when we uplifted funding for Substance Misuse Area Planning Boards (APBs) by 10% in 2019, we indicated this was a priority area for investment.

The Substance Misuse Delivery Plan 2019-22, published in October 2019, is rooted in a harm reduction approach which recognises addiction as a health and care issue as opposed to one that is solely related to criminal justice. The overall aim of the Plan is to ensure that people in Wales are aware of the dangers and the

impact of substance misuse and to know where they can seek information, help and support.

The Plan has been revised in response to Covid-19 to reflect the work that has been, and will be, undertaken as a result of the pandemic. The revised Plan was published in January 2021.

2. Relevant Programme for Government activities and commitments within your portfolio, including: those where you are listed as the ‘lead portfolio Minister’; those within your portfolio but listed as the responsibility of the ‘full Cabinet’ and how you will co-ordinate and integrate across the whole of government to deliver these; and indicative steps and timelines for the delivery of these activities and commitments.

The Committee would also welcome an outline of how you intend to work with the Deputy Minister for Social Services and Deputy Minister for Mental Health and Wellbeing, including details of the lines of responsibility for delivering the commitments within this Committee’s remit.

FLYING START

The Deputy Minister for Social Services leads on the Cabinet responsibilities relating to Flying Start and the provision of childcare for parents in education and training, as well as the portfolio commitment regarding Baby Bundles.

We have maintained our current investment in Flying Start. The Welsh Government’s flagship early years programme, Flying Start aims to make a decisive difference to the life chances of children under four in the areas which it runs. It includes four core elements; these being fully funded quality childcare, parenting support, intensive health visitor support, and support for speech, language and communication. It continues to make a real difference to the lives of children in some of our most disadvantaged communities. In 2020, the Welsh Government met its target of providing Flying Start services to 36,000 children for the Sixth year running.

The outbreak of COVID-19 has presented unprecedented challenges to all families and the support offered to vulnerable families by Flying Start has been all the more valuable during the course of the pandemic. We are also considering how best to provide additional support with childcare costs for more families, utilising existing programmes across government and looking at the most appropriate way in which to target this support, for example by identifying priority groups of parents and/or priority sectors.

Building on the successful pilot earlier this year, we are currently scoping a national scheme of baby bundles.

HEALTH INEQUALITIES

To tackle health inequalities, the Welsh Government signed a Memorandum of Understanding with the World Health Organisation Regional Office for Europe in 2020 with an aim to accelerate progress in building a healthier and more equal Wales and Europe. The Welsh Health Equity Status Report: Placing health equity at the heart of the Covid-19 sustainable response and recovery was published on 18 March 2021 as the first report to come out of the memorandum of understanding. The report highlights the diverse harms and opportunities, resulting from the coronavirus and related restrictive measures, focusing on the unequal consequences across different sectors, areas of life and population groups.

It also highlights a wide-range of Welsh Government policy, guidance and legislation in areas such as finance, education, housing and digital connection which all contribute to our response in Wales to Covid-19. We will continue to consider this report and its findings in shaping policy to tackle health inequalities as we emerge from the Covid-19 pandemic.

Over the coming months, we will also continue our work with Public Health Wales on the development of the Welsh Health Equity online Solutions Platform which will provide an invaluable resource to policy makers to assist them to ensure their work contributes to tackling health inequalities as much as possible.

During this Government's term, we will continue to further embed our Health in All Policies approach by developing our use of Health Impact Assessments (HIAs). This will contribute to ensuring our policies are contributing as much as possible to tackling health inequalities by identifying opportunities where policies can be amended to have a greater impact on tackling health inequalities, and also to identify and mitigate against any possible negative impacts. We will complement this work by developing Regulations as required by the Public Health (Wales) Act 2017 to mandate public bodies to carry out a HIA in certain circumstances.

CHILDHOOD OBESITY

We know that around one in four (about 9,000) of our four to five year olds start school each year overweight or obese. Levels of childhood obesity are worse in our most deprived areas and severe obesity in children continues to rise. This trend increases throughout adolescence and continues into adulthood, with nearly 60% (about 1.5 million adults) who are overweight or obese. The pandemic has also impacted upon food and physical activity choices, which has had a worse impact across health inequalities and we will be setting a path to tackle these issues and to take forward a multi-component approach to support children and families across Wales.

The Healthy Weight Healthy Wales Strategy, which is our ten year plan to reduce and prevent obesity, will seek to make these changes by changing behaviours in our setting, environments and habits. This includes a series of biannual delivery plans which focus on achievable actions. The Deputy Minister for Mental Health and Wellbeing will be launching a 22-24 Delivery Plan early next year, which will include a funding commitment of over £13m over 2 years.

This will include funding obesity services to provide equitable access to support across Wales, delivering system led work which will work with communities, piloting interventions such as a Children and Families Programme, introducing new legislation in the food environment and developing behavioural change campaigns to support sustainable change. We will build accountability across the system, including with Local Health Boards, to help us deliver these commitments.

SOCIAL PRESCRIBING

Social prescribing has featured in a number of Welsh Government policies and strategies, including Together for Mental Health delivery plan (2019-22) and Connected Communities: a strategy for tackling loneliness and social isolation and building stronger connections. More recently, the Programme for Government 2021-26 commits to introducing an all-Wales framework to roll out social prescribing to tackle isolation.

A task and finish group was established by the previous Minister for Mental Health, Well-being and Welsh Language in March 2021 to understand how social prescribing could aid Wales in its recovery from Covid-19, and the Programme for Government outlines a commitment to develop an all Wales Social Prescribing Framework. In partnership with primary care, health boards, the third sector and other relevant bodies, the Task and Finish group is looking at the options around the development of such a framework, and how it can complement, not replace existing social prescribing and community connector services. It has been looking at gaining an understanding of the benefits of introducing an all Wales offer to support the development of social prescribing in light of Covid-19, and an understanding of the barriers to progressing social prescribing within Wales. So far the group have worked with the sector to identify some key areas where the framework could add benefit on a once for Wales basis, such as common standards, supporting the workforce, governance and the use of technology. The next meeting of the task and finish group takes place in early October, chaired by the Deputy Minister for Mental Health and Wellbeing, where next steps will be discussed.

CLIMATE CHANGE

The Minister for Health and Social Services' role includes working with Climate Ministers to provide oversight for ensuring NHS Wales fully contributes to legislative targets for a net zero Wales by 2050 and the ambition for the public sector to be collectively net zero by 2030. NHS Wales recognises there is a significant opportunity for the health system in leading the way on reducing public sector carbon emissions.

Action is needed not only because NHS Wales is the biggest public sector emitter (with a carbon footprint of around 1.00 MtCO₂e in 2018/19) but also because, along with social care, the health system is at the forefront of responding to the detrimental impact of the climate emergency on health outcomes including those that impact children and young people. In response to the challenge in

March 2021 the [NHS Wales Decarbonisation Strategic Delivery Plan](#) was published. The plan sets out 46 commitments for delivery by 2025 across the highest emissions areas including Procurement, Buildings, Land Use, Mobility and Transport - 30 of these commitments are due for delivery by 2023.

SUPPORT FOR CARERS

The Deputy Minister for Social Services has responsibility for unpaid carers of all ages. The £1m Carers Support Fund was launched in late October 2020 in co-operation with Carers Trust Wales and its network partners across Wales. An additional £0.25m was made available in late January 2021, in recognition of the substantial demand identified through the first phase of delivery. The fund was advertised and promoted to a broad range of audiences nationally and locally. In 2020-21 the fund supported more than 5,900 unpaid carers, including young carers, to help them meet additional financial pressures. Not only did the scheme help carers experiencing financial difficulty, it also helped to connect previously unsupported carers to wider support services.

A further £1m has been agreed to continue delivery of the Carers Support Fund in 2021-22, and deliver the Programme for Government commitment, aiming to provide additional sustainable support services for the most vulnerable carers.

CARE EXPERIENCED CHILDREN AND YOUNG PEOPLE

In taking forward these commitments, the governance structures in place and those to be finalised, will ensure other areas of the Welsh Government are involved in their development and implementation. In particular, officials from education, health and housing will be members of implementation groups overseeing this work.

Prevent families breaking up by funding advocacy services for parents whose children are at risk of coming into care.

Parental Advocacy aims to provide support for parents whose children are on the edge of care, avoiding statutory social services involvement and preventing escalation, therefore reducing the risk of children entering the care system. We will be investing in Parental Advocacy to ensure advocacy support is available across Wales for parents whose children are on the edge of care. Proposals are being developed to provide funding to extend Parental Advocacy support across all seven regions in Wales.

Provide additional specialist support for children with complex needs who may be on the edge of care.

We will be investing £20m to provide additional specialist support for children with complex needs on the edge of care, via the Integrated Care Fund. We are exploring options on how best we can utilise our investments to provide evidence based, targeted support to families who have children with complex needs. We want to see integrated system approaches which provide direct benefits to children and young people so that families receive the right specialist support to meet their

needs close to home. It is important children and young people receive help within their communities wherever possible, supported by their families and friends.

Explore radical reform of current services for looked after children and care leavers.

The White Paper on Social Care Futures touched on opportunities for reform of children's services as part of wholesale reform of social services. Further options for reform are being developed by officials for consideration by Ministers. We will be looking to develop these proposals further and deliver a new vision and ambition for children's services, based on more consistent practice, less risk adversity and more restorative approaches being prescribed and adopted across Wales.

Eliminate private profit from the care of looked after children during the next Senedd Term

The intention of this commitment is to remove all private profit from the care of children in relation to children's care homes, foster care, supported accommodation for young people up to the age of 25 and specialist care at home for children including disabled children. Our initial focus will be on children's care homes and foster care. A Programme Board, chaired by the Chief Social Care Officer for Wales, is being established to lead the development of proposals which implement the commitment. Representatives from a range of relevant sectors and interests have been identified as potential members and invitation letters distributed. Terms of Reference and programme governance arrangements have been developed with the first meeting due to take place on 27 September.

Fund regional residential services for children with complex needs ensuring their needs are met as close to home as possible and in Wales wherever practicable

In 2021-22, we have already provided £2m Integrated Care Fund revenue funding to three Regional Partnership Boards to pump prime their development of residential regional provision for care experienced children and young people with complex needs. This provision is to prevent escalation to and facilitate de-escalation from secure welfare and mental health in-patient provision. We are looking to establish a community of practice involving all regions to help enable shared learning. A further £2.8m ICF revenue funding has also been identified to support the remaining four regions. This funding will be issued in due course.

Strengthen public bodies in their role as 'corporate parent'

We intend to widen the concept of corporate parenting across all public services that provide services to care experienced children, to help ensure care experienced children are provided with the best response and support from these services.

An Implementation Group has already been established and met. The group is developing a Charter for public sector organisations to sign up to. Engagement

sessions and events across the public sector will be held in the Autumn/Winter to strengthen corporate parenting within local authorities and widen responsibilities across the public sector. Particular focus will be on health, education and housing.

Continue to support and uphold the rights of unaccompanied asylum-seeking children and young people (UASC)

We are working with the Home Office and colleagues in the other devolved administrations to ensure the proposals included in the UK Government's Nationality and Borders Bill are fit for purpose in Wales. This includes specific provisions relating to age assessment. To this end, we have published an Age Assessment Toolkit for practitioners working with UASC which is prepared in the best interests, rights and entitlements context of 'child first, migrant second'.

We are also working with the WLGA, WSMP, local authorities and the 4Cs to support the delivery of the National Transfer Scheme for UASC.

Support our National Fostering Wales scheme

We will continue to support Foster Wales which will support local authorities to increase local placement accessibility, sufficiency. Foster Wales presents an opportunity to rebalance service provision, address demands, and improve quality of placement choice for children in Wales. An important element of this work is a strong focus on ensuring children are cared for, and supported closer to their communities.

Welsh Government has committed a further £1.1 million over two years to continue to support Foster Wales.

SUBSTANCE MISUSE

Substance Misuse is a cross cutting issue so whilst not specifically mentioned as a Programme for Government activity it impacts on a number of key commitments which will not be achieved for the most vulnerable without support for substance misuse services, these broadly are, mental health, housing and homelessness and children and families.

Key PfG commitments linked to substance misuse are:

- Fundamentally reform homelessness services to focus on prevention and rapid rehousing.
- Pay care workers the real living wage.
- Develop an HIV action plan for Wales.
- Prioritise service redesign to improve prevention, tackle stigma and promote a no wrong door approach to mental health support.
- Prioritise investment in mental health.
- Reform primary care, bringing together GP services with pharmacy, therapy, housing, social care, mental health, community and third sector.
- Deliver better access to doctors, nurses, dentists and other health professionals.

- Provide additional specialist support for children with complex needs who may be on the edge of care.
- Explore radical reform of current services for looked after children and care leavers.
- Support innovative housing development to meet care needs.

Responding to co-occurring mental health problems, ensuring strong partnership working with housing and homelessness services and further support for families and carers of people who misuse substances are all key priority areas in the Substance Misuse Delivery Plan 2012-22 and have been reinforced during the pandemic.

AUTISM AND NEURODEVELOPMENTAL SERVICES

The introduction of an autism statutory code of practice on the delivery of autism services for children and adults is a current Programme for Government commitment. The responsibility for delivering this commitment lies with the Deputy Minister for Mental Health and Wellbeing and it is listed as the responsibility of the full Cabinet.

The [final statutory Code of Practice on the Delivery of Autism Services](#) and accompanying supporting guidance was published on the 16 July and came into effect on 1 September 2021. The Code includes a joint foreword from myself and the Deputy Minister for Mental Health and Wellbeing, emphasising our combined and full commitment.

On 16 July, we also published an initial delivery plan which sets out the priorities in delivering the Code. This includes plans relating to Covid-19 recovery, Welsh language services and support for people who identify as Black, Asian or Minority Ethnic. To demonstrate our ongoing commitment to improve services for both adults and children, the Deputy Minister for Mental Health and Wellbeing has agreed that funding for the National Autism Team and for the Integrated Autism Service will continue. This represents an investment of at least £3.6 million for 2022-23.

The demand and capacity review commenced in February this year and an interim report at the end of September will set out early action to be taken to improve services and options for future service development. The final report will be available by March 2022 and will inform the next phase of the delivery plan.

The Together for Children and Young People Programme - neurodevelopmental conditions work stream is supporting the development of services, including the testing of a profiler tool which will help to streamline the assessment process. The Programme has also progressed the roll out of the [NEST/NYTH planning framework](#) across Regional Partnership Boards. NEST, which stands for 'Nurturing, Empowering, Safe and Trusted', places children at the centre of decision making to ensure that there are no wrong doors when families seek support.

The Code represents a solid foundation for future improvement, and alongside prioritising implementation we are also encouraging and listening to stakeholder feedback. A team has been established responsible for learning disability, autism and neurodevelopmental services, delivering cross portfolio work with mental health, education and employment policy. This integrated and joined up approach will help to ensure that health, local authority and community support are considered equally and can be developed in partnership across organisations, including the support for co-existing conditions.

3. How you intend to give due regard to children and young people's rights to good physical and mental health in the context of the Programme for Government healthcare commitments (such as those to provide treatments which have been delayed by the pandemic, reform primary care, and prioritise investment in - and redesign of - mental health support)?

REVIEW OF ESSENTIAL CHILDREN'S SERVICES - MARCH-MAY 2021

In many ways, children have been the innocent bystanders of Covid as they have been disproportionately impacted by the pandemic. Their education and social development has been severely disrupted and the duration of 'lock down' has been for a larger proportion of their lifetimes to date. Although Covid-19 has minimal direct impact on the paediatric population, the pandemic has had a significant impact on the ability of children to access services, including essential services.

It is, therefore, vital that when Boards are faced with prioritising and making difficult choices and decisions that the needs of children are considered within the overriding ethical principles, as articulated in the Welsh Government's 'Coronavirus: ethical values and principles for healthcare delivery framework'. In late 2020, the Essential Services Steering Group undertook several "deep dives" into specific areas to identify the extent to which essential services had been maintained during the pandemic.

The first 'deep dive' was into cardiac services. Having initially looked at a condition specific topic, it was determined that a wider population approach would be undertaken next. The Steering Group, therefore, agreed that the second review should determine how essential services for children had been maintained. This set of services was chosen to provide an overview of services which encompass preventative services and services that meet both acute physical and mental health needs, including specialist/tertiary elements. Children under the age of 18 were in the scope of the review. Specifically, the deep dive considered several key areas:

- Immunisation and screening
- General and specialist surgical services
- CAMHS
- Safeguarding

Throughout the process, a lot of work was undertaken to gather direct views from children about their experience of accessing health services during the pandemic. In partnership with the organisation 'Children in Wales', an online survey of children was conducted and a focus group discussion held. The overall aim of this work was to consider the views and experiences of children and young people who have accessed or tried to access health services during the pandemic.

The deep dive identified concerns in all areas covered and made a number of very important observations in respect of the impact that COVID-19 has had on the ability of children to access services. It also identified that while the direct morbidity and mortality from COVID-19 is less in children than other age groups, in other respects the wider impact of COVID-19 on children's lives has been profound. Consequently, Andrew Goodall wrote to health boards on 26 August emphasising a need to ensure that children's services are fully represented in local planning assumptions.

WELSH GOVERNMENT GUIDANCE ON THE MANAGEMENT, HANDOVER AND ACCOUNTABILITY OF HEALTHCARE SERVICES FOR CHILDREN AND YOUNG PEOPLE DURING THEIR TRANSITION FROM CHILDREN'S TO ADULTS' SERVICES

Welsh Government officials are in the process of developing guidance detailing the provision of appropriate handover of health care from paediatric to adult services. The focus of the guidance is on what health services need to do to ensure that a well-structured, effective process is in place to meet the integrated healthcare needs of children, young people and young adults, promote quality and safety, access, autonomy and efficient care for better health outcomes.

Easy read and youth friendly versions will be produced, and we will seek the views of young people as these are developed.

THE HEALTHY CHILD WALES PROGRAMME

The Healthy Child Wales Programme, sets out a universal range of key contacts between families with children aged 0-7 and health visitors. It is applicable to all families across Wales, irrespective of need. These universal contacts cover three areas of intervention; screening, immunisation and monitoring and supporting child development.

By delivering a core set of all Wales universal contacts, health boards are able to minimise the possibility of children and families missing out on the positive impacts of receiving the benefits of an early intervention and public health programme. Welsh Government expects all health boards to offer the full range of HCWP contacts without exception.

PAEDIATRIC SURGERY

In a review recently undertaken to understand the impact of COVID on paediatric services made a recommendation to look at developing a risk priority framework to

support paediatric surgery. This is to build on the work of the Royal College of Surgeons risk prioritisation tool developed during the pandemic and to support a Welsh model that links speciality surgery with local surgical teams across all health boards.

A dedicated group of surgeons across NHS Wales has been established. They will be tasked to review the current tool, and to explore what additional elements are required to operationalise the framework across Wales. This work will form part of the wider project exploring planned care measurement based on clinical priority and maximising clinical outcomes.

The surgical speciality boards within the planned care programme have refocused following COVID and are now committed to include looking at paediatric specific national pathways as part of their programme. A recent review discussed at the orthopaedic board looked at the paediatric spinal surgery pathway between Swansea Bay and Hywel Dda.

This work will link with the Welsh Specialist Commissioning Board and the need for clinical networks both in individual health boards but also between speciality and local teams.

Specific funds have been provided for paediatric care as part of the recently announced recovery monies.

TRANSFORMATION PROGRAMME – A HEALTHIER WALES

The forty actions in the Transformation Programme for *A Healthier Wales* were reviewed in March 2021 to support the stabilisation and recovery of services following Covid-19 and to reflect priorities that have been brought to the forefront by the pandemic. As part of this refresh a new action focussing on children and young people has been introduced:

- *Ensure our transformation to a system of seamless health and care provision promotes the wider adoption of integrated and effective interventions for children, resulting in greater positive health and wellbeing outcomes over time.*

UNPAID CARERS AND RESPITE FUNDING 2021-22

Since the start of the pandemic, many unpaid carers in Wales have been coping alone without the support of statutory services or their usual community and family networks. This lack of support has inevitably had an impact on their own physical and mental well-being, with the current lockdown only placing additional pressure on unpaid carers already struggling to cope.

A survey in summer 2020 of young and young adult carers by Carers Trust Wales, “Support not Sympathy”, stated that 1 in 5 (20%) young carers and 1 in 3 (31%) of young adult carers were unable to take any break from their caring role. A lack of respite and having time to recharge and do things they enjoy continues to have a negative effect on their mental and physical health.

<https://carers.org/downloads/wales-pdfs/support-not-sympathy-english-language.pdf>

In 2021-22, we have allocated £3million to increase and diversify respite services for unpaid carers across Wales. Initially local authorities have used the funding to meet the spike in demand for respite as lockdown restrictions were eased. As the year progresses we are encouraging local authorities to work across sectors to develop more innovative approaches, such as a short breaks fund. To guide this work and identify good practice that has the potential to be replicated across Wales, we commissioned Carers Trust Wales and academics at Swansea and Bangor universities to draft a 'Roadmap to Respite' report.

Through the development of person-centred approaches that cater to individual need, all unpaid carers will be supported to benefit from this funding, including the families of children with life limiting conditions, young carers, and older carers who may also be living with their own health condition.

The mental health and wellbeing of unpaid carers continues to be a priority. We provided £60,000 to Carers Wales in 2020-21 to develop their Me Time online sessions focussing on psychological support and carer wellbeing. The online sessions and wellbeing events provide carers of all ages with a brief break from their caring role, as well as useful guidance on how to manage their own mental health and wellbeing. Young and young adult carers can also access support from their local authority young carers' services, the MEIC helpline and website, school counselling services and the national Young Person's Mental Wellbeing toolkit on Hwb.

CARE EXPERIENCED CHILDREN AND YOUNG PEOPLE

We recognise that the mental health of care experienced children and young people and those at the edge of care can be worse than their peers. We are providing additional funding focused on early intervention and support so that mental health issues do not escalate. When significant difficulties emerge our funding is focused on facilitating de-escalation from secure welfare and mental health in-patient provision.

MENTAL HEALTH

Our Together for Mental Health Delivery Plan has been updated since the pandemic, as has the related Children's Rights impact Assessment, to ensure we continue to give due regard across Children's rights within mental health policy commitments.

We will continue our implementation of the Mind Over Matter committee report recommendations to ensure the step change needed in emotional and mental health support for children and young people in Wales is delivered

We will also continue to give due regard to the rights of children and young people as we consult on legislation for Wales – for example new regulations that will

support the implementation of the Mental Capacity (Amendment) Act 2019 and the new Liberty Protection Safeguards.

The Welsh Government will continue to work with an updated Joint Ministerial Task and Finish (T&F) Group to take forward the whole school approach to emotional and mental wellbeing, as part of a whole system approach which also recognises the wider impact of physical wellbeing. The group has a broad range of members. The Group will ensure that policy and practice across government supports positive physical and mental health and well-being for children and young people, taking this forward in a cross-government and cross-sector way, seeking advice from sector experts, children and young people, and others to ensure that the UNCRC is at the heart of this work.

To ensure that children and young people remain at the heart of this work, it will be supported by a Youth Stakeholder Group.

TOBACCO

We are currently developing our new Tobacco Control Strategy for Wales. This will set out our long-term aims to reduce smoking prevalence and prevent uptake across Wales.

Supporting children and young people to have a smoke-free childhood is key part of our vision for a smoke-free Wales.

Smoking impacts on the lives of children and young people throughout their childhood, from pregnancy to adolescence, within our new Strategy we will address this as a priority area.

We want to focus on increasing the proportion of children and young people who have a smoke-free childhood, reducing inequalities in smoking, and ensuring that there is a whole-system approach to a smoke-free Wales.

We plan to consult on the Strategy and first Delivery Plan in the autumn. We will be undertaking a range of engagement activities to support the consultation and we will be working closely with key stakeholder to ensure we hear the voices of children and young people in Wales to help guide our actions.

SUBSTANCE MISUSE

At an early stage in response to the pandemic, we sought assurance from all Substance Misuse Area Planning Boards (APBs) that services and support for children and families remained in place.

We are working across government to ensure we address the impact of Covid-19 on our children and young people and will continue to monitor the risks of increased harms from substance misuse for families. The Welsh Government is committed to ensuring that our services provide early intervention and prevention so that longer-term harms are prevented, before they occur.

The Welsh Government also invests £1.98m each year in the Wales Police Schools Programme (WPSP), which is match funded by the four Welsh Police Forces. The programme involves Police Officers going into schools and delivering lessons on a range of areas. The core programme includes substance misuse, anti-social behaviour, domestic abuse, bullying, online safety, sexting, child sexual exploitation and consent, delivering a balanced programme within primary and secondary schools. It focuses 50% on delivering the core content to meet the needs of pupils and schools and 50% with proactive interventions on safeguarding and incident management.

A review of the WPSP was carried out by the Police in November 2019. We are currently working with partners to implement the recommendations from the review and how they can complement and add value to work underway through the Joint Ministerial Task and Finish Group on a Whole School Approach, to improve emotional and mental wellbeing in learners.

AUTISM AND NEURODEVELOPMENTAL SERVICES

Due regard was given to children and young people's rights during the development stages of the Code of Practice. We undertook a [children's rights impact assessment](#) which was published alongside the Code on 16 July. Work was undertaken closely with Additional Learning Needs reform, the Whole School Approach as well as Child and Adolescent Mental Health Services (CAMHS). This work will continue throughout the Code's implementation. In drafting the Code due regard was also given to the Children's Commissioner's 'No Wrong Door report'.

The Code sets out the duties related to the social services functions of local authorities and health services functions of local health boards and NHS trust bodies about the range and quality of services that should be available in their local areas for autistic children, young people and adults and their families and/ or carers.

Section 4 of the Code sets out the role of the Autism Champion. Each Regional Partnership Board will appoint an Autism Champion who will be an advocate for awareness raising and ensuring that the Board gives due regard to the issues faced by autistic children and adults and their parents and carers.

We are already working with Regional Partnership Boards to support the implementation of the Code, this includes a small grant (£4,000) to support the development of an autism infrastructure of stakeholder groups and a monitoring framework. These stakeholder groups will feedback on the issues faced by autistic children and their parents and carers.

4. How the voices of children and young people will influence your decisions, as recommended by the Children, Young People and Education Committee of the Fifth Senedd.

CHILDREN'S RIGHTS SCHEME (CRS)

I warmly welcomed the wide ranging and in-depth inquiry into Children Rights by the Children, Young People and Education Committee, published in August 2020. I was pleased to have included a number of the committee's recommendations in the revised Children's Rights Scheme (CRS) which was published for consultation in December 2020. The CRS sets out our intention to develop a participation model to ensure children and young people are provided with meaningful opportunities to express their views across all areas of government policy.

We also provide annual funding to Children in Wales, which is a national umbrella body for organisations and individuals who work with children, young people and their families in Wales. This funding enables children and young people to have their views heard by Ministers and policy makers through the 'Young Wales' programme and other participation activity. As one example, Children in Wales will be supporting Welsh Government to engage with children and young people regarding the development of the draft regulations that will support the implementation of the Liberty Protection Safeguards.

My intention is to publish the final CRS during Autumn 2021.

UNPAID CARERS STRATEGY (Young Carers and Young Adult Carers)

Welsh Government has a longstanding commitment to improve the recognition of and support to unpaid carers in Wales. The pandemic further heightened our awareness and our new Strategy, launched in March 2021, reaffirms this commitment and details how we will work with partners to ensure unpaid carers of all ages are supported more effectively, and are able to access their rights and entitlements.

Following engagement with unpaid carers, including young carers and their representatives, we refreshed the existing national priorities and added a new fourth priority - focusing on unpaid carers in education, training and employment. The four updated national priorities are: *Identifying and valuing unpaid carers; Providing information, advice and assistance; Supporting life alongside caring; and Supporting unpaid carers in education and the workplace.*

Working with the Carers' Ministerial Advisory Group and Carers' Engagement Group we have convened three time-limited working groups to co-produce a supporting delivery plan, and a new Carers' Charter. We aim to publish the delivery plan, and a draft of the new charter in autumn 2021. The plan will set out clear actions, timescales and measures for monitoring progress for each of the four national priorities.

The Children's Commissioner for Wales is a member of the Carers' Ministerial Advisory Group providing input at the strategic level regarding the rights and needs of children and young people who are carers. We also fund Children in Wales (£14,000 in 2021-22) to maintain the Young Carers' Network, and are working with them to directly involve more young carers in discussions to develop the content of the strategic delivery plan and Carers' Charter.

Young carers' voices are also represented by Carers Trust Wales which has a Youth Council, and through meetings with young and young adult carers. For example, on Young Carers Action Day in March 2021 the Deputy Minister for Social Services met with a group of young carers, and her Ministerial counterparts from the Scottish Government, to discuss issues affecting young carers and measures to support them.

CARE EXPERIENCED CHILDREN AND YOUNG PEOPLE

Our Programme for Government commitments have been shaped by the voices of children and young people. For example we know from children and young people they feel exploited by large, private organisations which make a profit from their lived experience of being in care.

In taking forward commitments concerning care experienced children and young people the governance structures in place and those to be finalised we will ensure that care experienced children and young people continue to have a voice in the development and implementation of policy. This includes membership by organisations who work directly with, and are guided by, care experienced children and young people, such as Voices from Care Cymru, on our implementation groups.

We will also continue, for example with the corporate parenting work on developing a charter, to hold workshops where care experienced young people can comment, and influence implementation of policy proposals.

MENTAL HEALTH

To make sure that children and young people remain at the heart of decision making for emotional mental health support policy and practice, the Whole System Approach for children and young people will be supported by the Youth Stakeholder Group.

Youth stakeholder group purpose

The purpose of this group is:

- To offer first-hand experience of mental health and wellbeing support for children and young people
- To provide advice to the Task & Finish group on their work programme
- To co-produce policy with Welsh Government and Together for Children and Young People (T4CYP)
- To challenge the Task & Finish Group to keep the voice of children and young people at the centre of all its work

Mental Health Policy officials will also work very closely with the Wolfson centre and their **Wolfson Centre Youth Advisory Group**. The Wolfson Centre want to put the experiences and voices of young people at the heart of their work, recruiting young people aged 14-25, with lived mental health experience, to join the new Youth Advisory Group.

Members will:

- Help shape the Centre's work by advising on the research questions that are important to young people;
- Advise on how Wolfson undertake research;
- Assist in understanding what the research findings mean for young people, and
- Suggest how the findings could be used to improve what happens in real life for young people with lived mental health experiences.

CHILDHOOD OBESITY

We are engaging with children and families through the delivery of the Healthy Weight: Healthy Wales strategy including discussions on programme design. This includes through work on a daily active schools offer, where we will be designing bespoke consultation with children to develop the approach.

There has been a Youth Healthy Weight ambassador appointed who is undertaking engagement with children and working across a range of networks to ensure that children and young people's voices are clearly fed in to delivery.

SUBSTANCE MISUSE

The Substance Misuse Delivery Plan 2019-22 was reviewed in response to Covid-19 and new actions have been included to reflect the work that has been undertaken during the pandemic and particularly to meet the new challenges ahead.

These actions include ensuring service user feedback is taken on board by taking into account the findings of a peer-lead COVID-19 Impact Study and to continue carrying out service user research in relation to treatment and support during COVID-19, which in turn will influence future practice in meeting needs.

In line with this, each Substance Misuse Area Planning Board (APB) has mechanisms in place to support service user involvement, including from young people, in relation to the design and delivery of services. The Welsh Government will continue to work with APBs to ensure that services are accessible to all people with protected characteristics. Early in 2022 we will be consulting on a Substance Misuse Treatment Framework for Children and Young People and this will include ensuring the views of children and young people are fully considered.

We have also committed to review the actions in the Plan to assess them against those groups where it is becoming clearer they have been most impacted by COVID-19 (e.g. Black Asian and Minority Ethnic/low income/unemployed/in debt/children and young people (including those in the justice system)).

AUTISM AND NEURODEVELOPMENTAL SERVICES

Policy development in children's neurodevelopmental services, which includes autism for children and young people, is being progressed as part of the Together for Children and Young people Programme 2 (T4CYP2). The programme is working to improve the emotional wellbeing and mental health services available to children and young people in Wales, with three areas of focus:

- Early Help and Enhanced Support
- Neurodevelopmental Services
- Regional Partnership Boards

The programme works with a range of partners including the Children's Commissioner, the Welsh Youth Parliament, Regional Partnership Boards and Youth Councils to ensure engagement and co-production, making sure the voice of children and young people are listened to and taken into account.

The programme has also worked with Regional Partnership Boards to roll out the NEST planning framework, placing children at the centre of decision making and ensuring that there are no wrong doors when families seek support.

In addition, our National Autism Team which is hosted jointly by the Welsh Local Government Association and Public Health Wales provides a dedicated section on its [website](#) providing information for children and young people and parents and carers. Recent programmes taken forward include *Teifi and Friends*.

5. Planned primary or significant secondary legislation within the Committee's portfolio, to include an update on the plans for implementing the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 and confirmation of the timescale for section 1—which abolishes the common law defence of reasonable punishment—coming into force in Wales.

BACKGROUND

In March 2020 the [Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020](#) ("the Children Wales Act") received Royal Assent. When Section 1 of the Children Wales Act comes into force on 21 March 2022 the defence of reasonable punishment will no longer be available in Wales to parents, carers and guardians and those acting *in loco parentis* facing a charge of assault and battery against a child in their care.

The aim of the Children Wales Act is to help protect children's rights by prohibiting the physical punishment of children by parents and those acting *in loco parentis* within Wales, including visitors to Wales. The intended effect of the Act, combined with an awareness-raising campaign and support for parents is to bring about a further reduction in the use and tolerance of the physical punishment of children in Wales.

The current focus is on ensuring the Children Wales Act is implemented in a practicable and workable way. We are working with key stakeholders through a [Strategic Implementation Group \(SIG\) and three task and finish groups](#).

These groups are considering how to monitor the impact of the Act; whether any processes, guidance or training may need to be put in place following removal of the defence; and what additional, if any, support for parents will be required, including in conjunction with an Out of Court Disposal (OCD).

CURRENT PRIORITIES

Behaviour change

We fund Local Authorities to provide parenting support (e.g. Flying Start & Families First) and the [Parenting. Give it Time campaign](#) which provides information and advice about positive parenting and alternatives to physical punishment.

We are working with the Parenting Expert Action Group, one of the Task and Finish Groups, to:

- analyse and fill potential gaps in parenting provision across Wales to support the Act;
- assess the parenting workforce;
- review current Parenting. Give it time information and advice, ensuring it complements messages of the Act; and expanding the campaign with appropriate advice for parents with children up to 18 years of age.

We are working with the police and others to agree an option for the provision of tailored parenting support which the police can offer as a condition of an out of court disposal. The tailored parenting support will be delivered by local authorities. It will encourage and support parents to adopt positive parenting techniques while making it absolutely clear to everyone that the physical punishment of children is unacceptable in all circumstances.

Ministers have agreed:

- Funding of up to £500,000 in this financial year (2021/22) for local authorities to prepare to deliver tailored parenting support in relation to the Children Wales Act; and
- Indicative funding for financial years 22/23, 23/24 and 24/25 to continue to provide the tailored parenting support. The indicative funding amounts to £810,000 per annum. A proportionate share of the annual funding will be made available to all local authorities across Wales.

Guidance has been drafted and distributed to a range of stakeholders, requesting feedback by 30 September. The guidance is intended to:

- support local authorities in administering tailored parenting support for the Children Wales Act; and
- provide clarity for the police, Youth Offending Teams and local authorities on the roles of the different partners who will be involved.

Awareness Raising

Under the Children Wales Act Welsh Ministers have a legal duty to promote public awareness of the law change before it comes into force in March 2022.

Funding for a public awareness raising campaign, has been agreed. The campaign will include TV, radio and digital advertising. There is a dedicated [webpage](#) for the Ending Physical Punishment in Wales campaign, as well as a number of [resources and background information](#).

Between June and July 2021 there was targeted digital advertising of identified audiences with low level awareness of the change in the legislation: Black, Asian and Minority Ethnic groups; 16-34 year olds and people living in North Wales. In addition an Ending Physical Punishment advertising van has visited 40 key tourism destinations across Wales over the school summer holidays. The van is designed to raise awareness for local residents as well as visitors to Wales of the forthcoming change in the law.

From September 2021 a mass-media nationwide advertising campaign - *The Sound of Change* - launched across television, radio, print, outdoor and digital platforms.

We are ensuring that professionals who work with parents and children know about and are prepared for the change in the law. We have produced sector specific leaflets and we are drafting a Practice Guide which will provide additional information about safeguarding responses where a child is affected by physical punishment. It will be used in conjunction with the [Wales Safeguarding Procedures](#).

We are considering the most appropriate way of raising awareness about the change in the law with children and young people.

Measuring Impact

The Children Wales Act places a duty on the Welsh Government to conduct a post implementation review. This includes monitoring the impact on public services, levels of awareness, and changes in attitudes.

An approach to the collection of data from the police, social services, Crown Prosecution Service and Her Majesty's Courts and Tribunal Service has been agreed. We will have data for a baseline before the Act commences and will continue to collect data to measure impact following commencement.

To track awareness levels and attitudes an annual survey is being conducted. The most recent survey was undertaken in November 2020 (report [published 23 September 2021](#)), and due to the pandemic moved to an on line mode of delivery. Such changes in survey type have been shown to impact responses related to attitudes and behaviours. Therefore any changes in results from previous surveys before the mode change and the current report should be interpreted with caution; a change could be wholly, partly or not at all due to the change in mode. This issue

will be kept under review for future data collections and subsequent reporting. The surveys will continue to provide useful insight into attitudes and awareness pre and post implementation.

CARE EXPERIENCED CHILDREN AND YOUNG PEOPLE

To take forward our commitment to eliminate private profit from the care of looked after children we are initially looking to use our existing strong legislative framework. If it is not possible to implement the changes we want from that framework we will consider if additional legislation is needed or if the existing framework requires strengthening or refinement.

As part of the work on corporate parenting there will be the development of statutory guidance, including a dedicated chapter within the Part 6 Code of Practice, under the Social Services and Wellbeing (Wales) Act and other regulations to strengthen partnership arrangements with health and other public bodies.

We are committed to legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25. We are able to make this change via Regulations under the Social Services and Well-being (Wales) Act 2014. The timetabling and prioritisation of subordinate legislation is currently be considered for this Senedd Term. We anticipate this will be taken forward in 2022/23.

We are currently exploring options to consider what amendments may need to be made to the Regulation and Inspection of Social Care (Wales) Act, to strengthen the inspection and regulation of care and accommodation provision for under 18s that does not currently fall under the remit of the Act.

OTHER LEGISLATIVE PROPOSALS

Consideration is being given to the response to the recent Welsh Government white paper consultation (see: [Improving social care arrangements and partnership working | GOV.WALES](#)), and what legislation might need to be taken forward as a result. In addition, Welsh Government officials are also examining the potential legislative implications of our Programme for Government commitments in the field of social care which are pertinent to children, for example those in relation to eliminating private profit from some types of children's social care.

Ministers will provide further information to Members as these considerations become more developed.

Agenda Item 7.1

CYPE(6)-03-21 - Paper to note 1

**Y Pwyllgor Plant, Pobl Ifanc
ac Addysg**

**Children, Young People
and Education Committee**

Elin Jones MS

Llywydd

Dyddiad | Date: 14 September 2021

Pwnc | Subject: Additional meeting

Dear Elin,

We wish to request additional meeting slots for the Committee. We want to meet in both of the protected weeks, but do not need full day slots. In October, we wish to undertake strategic planning. We could not do this within our scheduled slots, as we had to schedule our ministerial scrutiny sessions over our first two meetings. In December, we are planning to hold the pre-appointment hearing for the next Children's Commissioner for Wales. We have been advised by the Welsh Government that the timetable will only allow for this to be done in the protected week.

I also want to highlight that we are expecting a Bill to be referred to us at some point in the autumn term. Once the timetable for this is clearer, we may need to request additional meeting slots in order to accommodate this scrutiny. However, at this stage it is unclear if and when we will need to do this. I hope to outline any further requests when we respond to any correspondence from you about the proposed legislative timetable.

Yours sincerely,



Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

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**Senedd Cymru
Welsh Parliament**

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We welcome correspondence in Welsh or English.

Agenda Item 7.2

CYPE(6)-03-21 - Paper to note 2

**Y Pwyllgor Plant, Pobl Ifanc
ac Addysg**

**Children, Young People
and Education Committee**

Jeremy Miles MS
Minister for Education and Welsh Language

Dyddiad | Date 24 September 2021

Pwnc | Subject: Skills and Post 16 Education Bill LCM

Dear Jeremy,

We considered this LCM at our Committee meeting on 23 September. As you will recall, we indicated that we would be writing to seek clarity on a number of issues. We are also writing to the Secretary of State for Education (a copy of which is attached.)

As the Committee must report on this LCM by 21 October we would appreciate a response as soon as possible, and no later than Friday 1 October, to enable us to consider it at our meeting on 7 October.

Clauses 1 (Local Skills improvement plans) and 4 (interpretation)

The LCM states that the Welsh Government does not recommend that legislative consent should be given for these two clauses.

Can you outline what amendments the Welsh Government would want made to each of these provisions to enable you to recommend consent? Can you also outline the discussions you have had with the UK Government in relation to getting the amendments that you are seeking, and any response you have had?

Clause 14 (Support for lifelong learning)

The LCM states that the modifications that clause 14 will make to section 22 of the Teaching and Higher Education Act 1998 will "carry forward into provisions that are exercisable by the Secretary of State (concurrently with the Welsh Ministers) in relation to Wales and therefore are amendments with

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regard to devolved matters in Wales.” It also states that the “UK Government intends in future to make regulations implementing the Lifelong Loan Entitlement and will rely on the Secretary of State’s amended functions under section 22 of the 1998 Act for this purpose.” The LCM does not indicate where this information about the UK Government’s intentions has come from. Can you clarify where this information has come from?

There is nothing in the Bill to indicate that the modifications to section 22 of the 1998 Act will only apply when they are exercised by the Secretary of State. The LCM does not clarify the position, or detail why modifications made under this clause do not relate specifically to functions of Welsh Ministers. Can you provide this clarity? If the Welsh Ministers’ powers are changed by the modifications to section 22, can you confirm how they are changed and whether the Welsh Ministers have any intention to use these modified powers and, if so, for what purpose? Could you also confirm that if the changes are agreed that you will have the same powers as the Secretary of State in relation to student finance? This information will enable us to determine whether to recommend in our report to the Senedd that consent should be given to clause 14.

Additional clauses

Clause 18 (List of relevant providers)

Clause 18 of the Bill enables the Secretary of State to make regulations which provide for the Secretary of State to keep a list of “relevant providers” in respect of “relevant education or training” who meet certain conditions, to be specified in the regulations. There is nothing on the face of the Bill to state that a Welsh provider cannot be a “relevant provider”. Clause 18(3) then sets out what is meant by “relevant education or training”, again there is nothing on the face of the Bill that says that such education or training has to be provided in England only. There is also nothing in clause 18 which limits its application to England only. Can you detail why you do not consider that this clause requires the consent of the Senedd?

Clause 25 (Institutions within the further education sector: procedure for designation)

This clause amends the Further and Higher Education Act 1992. It changes the mechanism by which the Secretary of State can designate educational institutions in England as falling within the statutory FE sector. Clause 25(2) makes provision to clarify the appropriate authority to make designation orders in relation to educational institutions in Wales. The Explanatory Notes to the Bill state that this clause applies to Wales; and that the corresponding provision would be within the legislative competence of the Senedd. In light of this, can you outline why the Welsh Government does not consider that consent of the Senedd is required for this clause?

Delay in laying the LCM

Standing Order 29.2(i) requires an LCM to be laid normally no later than two weeks after the introduction of the Bill. In this instance, there was over a seven week delay between being the Bill being introduced, and the LCM being laid by. Can you outline why there was such a delay?

I look forward to receiving your response.

Yours sincerely,



Jayne Bryant MS
Chair

Enc: Letter to Secretary of State for Education

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



CYPE(6)-03-21 - Paper to note 3

**Y Pwyllgor Plant, Pobl Ifanc
ac Addysg**

**Children, Young People
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The Rt Hon Nadhim Zahawi MP
Secretary of State for Education

Dyddiad | Date 24 September 2021

Pwnc | Subject: Skills and Post 16 Education Bill LCM

Dear Secretary of State,

I am writing on behalf of the Children, Young People and Education Committee, a cross party Committee of the Senedd Cymru. We have been referred the Skills and Post 16 Education Bill Legislative Consent Memorandum ("the LCM") for scrutiny.

We have limited time available for scrutiny of this LCM; and must report by 22 October. We would therefore appreciate a swift response to our request for information, and preferably in time for consideration at our next meeting on Thursday 7 October.

I have attached a copy of the Welsh Government's LCM for your reference. We are aware that the UK Government is only seeking the Senedd's consent for clause 14. However, the LCM is seeking the Senedd's view on three clauses (1, 4 and 14.) We have therefore considered all three clauses.

We have also written to the Minister for Education and Welsh Language on this LCM. A copy of which is attached for your reference.

Clauses 1 (Local Skills improvement plans) and 4 (interpretation)

The LCM states that the Welsh Government does not recommend that legislative consent should be given for these two clauses as they believe that this could lead to duties being placed on Welsh providers. Do you agree with this analysis?

Can you outline what discussions you, your predecessor or your officials have had with the Welsh Government in relation to these clauses, and what amendments they have sought in order to enable them to recommend that the Senedd approves legislative consent. I would also be grateful if you would confirm whether you are aware of any intention to table amendments to the Bill to reflect the Welsh Government's representations?

If you want any further information on this letter, please contact me.

Yours sincerely,



Jayne Bryant MS
Chair

Enc: Skills and Post 16 Education Bill LCM

Letter to Minister for Education and Welsh Language

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

CYPE(6)-03-21 – Paper to note 4

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

—
**Legislation, Justice and
Constitution Committee**

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Jayne Bryant MS

Chair, Children, Young People, and Education Committee

21 September 2021

Dear Jayne

UK/Peru: Treaty on the Mutual Recognition of Degrees

You will be aware that the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

At our meeting on 13 September 2021 we considered the **UK/Peru: Treaty on the Mutual Recognition of Degrees**.

The treaty's purpose is to strengthen the cooperation in the education sector and promote bilateral academic and professional mobility by recognising and validating degrees issued by the officially recognised and authorised higher education institutions of each party. The UK degrees covered are Bachelor's, Master's and Doctoral degrees.

During our consideration of this treaty we identified a number of issues which the Children, Young People and Education Committee may wish to be aware of given the Committee's remit:

- the Welsh Government has not yet published its assessment or provided information on the treaty's impact; and
- the agreement was laid during the passage of the UK Government's Professional Qualifications Bill, for which the Senedd's consent has been sought. In its Legislative Consent Memorandum, the Welsh Government recommends that the Senedd withhold its consent to the Bill. One of the reasons provided is that the UK Government has failed to confirm to the Welsh Government which educational qualifications are within scope of the Bill, such as further education qualifications.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair



CYPE(6)-03-21 – Paper to note 5

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

—
**Legislation, Justice and
Constitution Committee**

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Jayne Bryant MS

Chair, Children, Young People, and Education Committee

21 September 2021

Dear Jayne

UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education

You will be aware that the Legislation, Justice and Constitution Committee is responsible for monitoring the implementation of non-trade international agreements in the Sixth Senedd.

At our meeting on **13 September 2021** we considered the UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education.

The Convention will facilitate academic and professional mobility among member states through the recognition of qualifications obtained from other member states by providing a global framework for the recognition of higher education qualifications and qualifications giving access to higher education. It is the first legally binding United Nations treaty on higher education.

During our consideration of this Convention we identified a number of issues which the Children, Young People and Education Committee may wish to be aware of given the Committee's remit:

the Welsh Government has not yet published its assessment or provided information on its impact, nor has it confirmed whether intergovernmental arrangements for UK representation have been finalised for the Convention's Intergovernmental Conference (to be held every two years);

the agreement was laid during the passage of the UK Government's **Professional Qualifications Bill**, for which the Senedd's consent has been sought. In its Legislative Consent Memorandum, the Welsh Government recommends that the Senedd withhold its

consent to the Bill. One of the reasons provided is that the UK Government has failed to confirm to the Welsh Government which educational qualifications are within scope of the Bill, such as further education qualifications.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair