



Ein cyf/ Our Ref: MA - L/HID/0595/18

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17 October 2018

Dear Lynne and Mick

### **Childcare Funding (Wales) Bill**

In my response to both the Children, Young People and Education and Constitutional and Legislative Affairs committees following stage 1 scrutiny of the Childcare Funding (Wales) Bill, I said I would write again to update the committees in relation to two recommendations.

These are recommendation nine of the Children, Young People and Education Committee report and recommendation four of the Constitutional and Legislative Affairs Committee report, which state the Bill should include a duty on Welsh Ministers to provide the childcare offer.

I also committed to exploring some options in terms of CLAC recommendation three, which makes the case for a provision in the Bill, requiring the Welsh Government to review and repeal the legislation.

I have had an opportunity to consider these recommendations in more detail; the arguments put forward in your reports and to explore the options open to me. I will bring forward a government amendment at stage 3, which will place a duty on Welsh Ministers to provide funding in respect of the provision of childcare for qualifying children of working parents.

The amendment will place a duty on the Welsh Ministers to provide funding for the provision of childcare and enable the detail in respect of the age of the qualifying child and the specified

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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.

amount of childcare to be set out in regulations. I believe this strikes a reasonable balance between what both committees are seeking to achieve in respect of their recommendations, while respecting the principles of good law making.

I have also considered including provisions that would require the Welsh Government to review and repeal the legislation, should it be enacted and commenced. While there were particular legal reasons for including a sunset section in the Public Health (Minimum Price for Alcohol) Act 2018, a similar provision would not be applicable for this technical Bill.

I have given a series of commitments to regularly and routinely review the effectiveness of the legislation. It is important we have flexibility in the Bill's regulation-making powers to make any necessary adjustments to the legislation, if the evidence and feedback suggest we need to make changes to improve the effectiveness of the scheme.

However, I do accept the point the committee is making about the need for the legislation and the offer to be subject to review at a given point in time. I will therefore bring forward amendments during at Stage 3 to require Welsh Ministers to undertake a review and publish its findings as soon as practicable five years after commencement of the powers in section 1 of the Bill. The findings should provide an excellent basis on which to reflect on the offer and its impact.

I would like to take this opportunity to update the committees on the progress we have made in relation to some of the other commitments in my letters of 17 September.

I am pleased that we have been able to arrange for the independent evaluator to provide a confidential briefing for committee members about the first year of implementation on 24 October. This session has been organised for members of the Children, Young People and Education Committee but I would be pleased to extend an invitation to members of the Constitutional and Legislative Affairs Committee, if they are available to attend.

I hope an initial draft framework administrative scheme will be available for consideration by members of the Children, Young People and Education Committee by 2 November. I also intend to bring forward an integrated impact assessment in relation to the wider childcare offer, including an assessment of the impact on children's rights, in the spring.

In terms of the capital grant programme which we have announced, we have now received the bids and are discussing them in more detail with local authorities. We will be making announcements in the New Year, and as I set out in my response to one of the Children, Young People and Education Committee's recommendations, I would welcome the opportunity to return to the committee to discuss this programme further. I would also be very happy to facilitate visits for committee members to some of the settings funded by Welsh Government programmes.

In the meantime, I look forward to the Bill's Stage 2 committee session on 18 October when we can continue to discuss some of these issues in more detail.

Yours sincerely



**Huw Irranca-Davies AC/AM**

Y Gweinidog Plant, Pobl Hŷn a Gofal Cymdeithasol  
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