

**Julie Morgan AC/AM**  
**Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol**  
**Deputy Minister for Health and Social Services**



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-L/JM/0665/19

Lynne Neagle AM  
Chair  
Children, Young People and Education Committee

13 September 2019

Dear Lynne,

I would like to thank the Children, Young People and Education Committee for their scrutiny of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill during Stage 1 and for the report which was published on 2 August 2019.

In light of the time you have taken to consider the content of the Bill and its implementation, I wanted to write to you ahead of the general principles debate on 17 September, setting out our detailed response to the committee's recommendations. In doing so, some of the points raised rest within the portfolios of the Cabinet Secretary for Education, the Minister for Health and Social Services and the Deputy Minister for Culture, Sport and Tourism, each of whom are copied into this letter.

I have set out responses to the committee's recommendations at Annex A. The Finance and Constitutional and Legislative Affairs Committees also considered the Bill at Stage 1 and made recommendations about its content. I have tried to strike a balance between all three Committee Reports, but there have inevitably been occasions when I have had to fall on one side rather than the other.

Consequently, it has not been possible for me to accept all of the Children, Young People and Education Committee's recommendations in these areas in full, however, I have carried the principles and underpinning reasoning through as far as possible.

I hope this letter is helpful in setting out responses to the Committee's Report. I will also be writing to the Chairs of the Finance Committee and the Constitutional and Legislative Affairs Committee with respect to their Stage 1 Reports, and will copy the letters to all three Committee Chairs.

I look forward to continuing to work with Members as the Bill progresses through the Assembly process.

Yours sincerely

**Julie Morgan AC/AM**  
**Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol**  
**Deputy Minister for Health and Social Services**

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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.

## Annex A

**Recommendation 1. That the National Assembly, taking into account the wide range of evidence provided to us as part of our Stage 1 scrutiny and the recommendations we make in this report, agree the general principles of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill. Suzy Davies AM and Janet Finch-Saunders AM do not support this recommendation**

**I note and welcome this recommendation** and the support of the majority of the Committee for the general principles of the Bill. I would like to thank each member of the Committee for their considered and thorough scrutiny of the Bill. I believe, along with the vast majority of those delivering statutory services to children and their families, that this important piece of legislation will not only help protect children's rights but also provide clarity in the law.

**Recommendation 2. That the Welsh Government ensure the work of the Bill Implementation Group proceeds at pace, and with a sufficient level of transparency for ongoing scrutiny of its work to continue as the Bill progresses through its stages.**

**I accept the principle of this recommendation**, however I ask the committee to note that the work of the Implementation Group will extend beyond the passage of the Bill, if passed, to at least commencement. We have already made progress in the core business of the Strategic Implementation Group. The ongoing detailed work of implementing the Bill will be taken forward by four specific task and finish groups - Parenting advice and support; Data collection and monitoring; Operations, procedures and processes; and Out of court disposals and diversions. In addition the Implementation Group will receive regular updates on the plans for awareness raising. These groups have either already met or are due to meet in the near future.

I am confident that through working together and drawing on the expertise and experience of our partners in public bodies and services, including the third sector, we will ensure that, if passed, the legislation is implemented in a practicable and workable way.

A high level plan for the Implementation group is being prepared and will be considered by the Strategic Implementation Group at their next meeting on 23 September. At this meeting we will agree with members of the group the best way of updating the Committee and ensuring you get useful and meaningful information on the progress of the Strategic Implementation Group and associated task and finish groups.

**Recommendation 3. That the Welsh Government allow sufficient time between Royal Assent and commencement of the Bill's substantive provision (to remove the defence of reasonable punishment) and for the Deputy Minister to keep the National Assembly updated on her plans in this regard. We believe this time will be needed to enable the provision of information and support to parents, to raise awareness of the legislative change, and to update the necessary training and guidance, all of which we conclude are crucial to the effective and proportionate implementation of the Bill and the delivery of its stated aims.**

**I accept this recommendation.** I have made my view clear that I consider a period of up to 2 years between Royal Assent and commencement should allow sufficient time to carry out awareness raising, so that the public have time to understand the implications of this law and, if needed, identify ways to discipline their children that do not include physically punishing them.

This approach also provides time to take account of how the public bodies involved work together; to refine processes, procedures, guidance and training; and put any diversion scheme and associated arrangements in place prior to bringing the Act into force.

The Crown Prosecution Service (CPS) in their written evidence welcomed this approach and the Children's Commissioner for Wales in her evidence has stated:

"I note and understand the requirement to have a suitable period post Royal Assent (should the Bill pass) in order to do the training, awareness and updating of documents"

**Recommendation 4. That the Welsh Government work with the police, Crown Prosecution Service and relevant UK Government departments to develop, as a matter of priority, a clear pathway to divert cases that would currently be captured under the defence of reasonable punishment away from the criminal justice system, where appropriate and proportionate to do so. Such diversionary schemes should focus on encouraging and supporting parents rather than penalising them**

**I accept the principle of this recommendation.** I absolutely recognise the importance of working closely with the police, CPS and UK departments to implement the Bill effectively. My predecessor and I have had numerous meetings with these bodies over the last two years in which there has been fruitful discussion on a range of issues, including on out of court disposals.

A specific task and finish group will take this detailed work forward overseen by the Strategic Implementation Group. The first meeting of the Out of Court disposals and diversion scheme task and finish group took place in July, with representation from the four police forces across Wales, the CPS and social services. Members of the group recognise the importance of working together to create a joined up approach that encourages prevention and early intervention. Discussion in the meeting included consideration of a diversion scheme for first time offenders and how they might encourage and support parents.

While we will continue these constructive discussions it must be acknowledged that policing and justice in Wales are a non-devolved responsibility. Decisions around appropriate models of delivery and guidance for a diversion scheme are ultimately the responsibility of the UK Government's Home Office and Ministry of Justice.

**Recommendation 5. That the Welsh Government work with the police and relevant UK Government departments to develop, as a matter of priority, clear guidance for police forces in Wales about the recording of information relating to investigation of allegations of the physical punishment of a child(ren)**

**I accept the principle of this recommendation** in terms of working with key partners. However, the governance and administration of the police service remains the responsibility of the UK Home Office and it is for the police and Home Office to develop relevant guidance for police forces in Wales.

The police forces in Wales are represented on the Implementation Group and all of its task and finish groups. These groups will consider a range of issues including:

- How to develop a consistent approach to recording of information relating to reports of the physical punishment of a child(ren).
- What professional guidance and training requirements will be required by the police and other public services involved in the safeguarding of children.

In addition, we will continue to have regular engagement with the Home Office to look at this and other matters relating to the Bill.

**Recommendation 6. That the Welsh Government continue its work to establish a more robust baseline for the number of cases of physical punishment of a child, and provide updates to the National Assembly on a regular basis.**

**I accept this recommendation.** We are committed to working with the police, the Crown Prosecution Service, HM Courts & Tribunals Service and social services to put in place arrangements to collect data, both to establish a baseline pre-implementation, and to monitor the impact post implementation. We are taking this work forward through the Strategic Implementation Group.

The 'Data Collection and Monitoring' task and finish group will be considering how to capture relevant data. The data collected will be analysed as part of the post implementation review of the legislation. We will agree with members of the group the best way of updating the Committee in line with recommendation 2.

I note that there is also a recommendation from the Finance Committee relating to establishing a baseline cost for referrals to social services.

**Recommendation 7. That the Welsh Government, to inform Members' tabling and consideration of amendments, make available before the start of Stage 3:**

- **the conclusions of its exercise to map the support available for parents;**
- **details of the strategic investment that will be made to deliver the step-change in universal support services for parents that we believe is necessary**

**I accept the principle of this recommendation.**

I will be happy to share the conclusions of the mapping of parenting support with the Committee in due course.

While we anticipate the mapping exercise will be completed by the end of September 2019, it will take time to conduct a comprehensive review of the findings and to consider any potential implications. This will fall outside of the timeframe of your recommendation. The Parenting Expert Advisory Group will consider the findings when it meets on 17 October, and will be asked, based on their knowledge and experience, to make recommendations on next steps. When I have considered these recommendations I will write with an update to the Committee.

Delivering parenting support is a priority for this Government and we already have a package of measures to support children and their parents. This includes our online 'Parenting. Give it Time' campaign and access to face to face advice through health visiting and our family support programmes Flying Start and Families First. Currently, 'Parenting. Give it Time' provides information, advice and support for parents with children up to the age of 7 years. It is my intention to expand the age range from 7 years of age to 18 years of age in order to support parents with older children. In the financial year 2019-20 I have identified a budget of around £30,000 to develop new resources.

In addition up to £400,000 has been secured from the European Transition Fund for 2019-20 to help mitigate the potential impact of Brexit on parental and family relationships. The funding will be available to enhance the skills, knowledge and resources of the workforce to support families in the event of inter-parental conflict including where pressures increase due to the potential of job and/or income loss.

I note that there is also a recommendation from the Finance Committee relating to the outcome of the mapping exercise.

**Recommendation 8. That the Welsh Government make a clear statement that it will commit to:**

**a) monitoring closely the impact of the Bill on services' resources;**

**I accept this recommendation.** We are committed to working with organisations to put in place arrangements to collect data about the possible impact on their services, both to establish a baseline pre-implementation, and to monitor the impact post implementation. We are taking this work forward through the Strategic Implementation Group and dedicated Data Collection and Monitoring task and finish group. This group will be considering the most effective ways of monitoring the impact on different services. Work by the Group will help us develop monitoring and reporting processes for future evaluation of the impacts of the change in the law (if passed).

**b) financing the implications of the removal of the defence as fully as necessary over time; and**

**I do not accept this recommendation.** Such a funding commitment would be beyond this Assembly term. The data collected as part of the activity to monitor the impact of the Bill, will be analysed as part of the post implementation review of the legislation. At that stage, Welsh Government can consider, with relevant organisations, how best to manage any impact on workloads or resources, including potential cost implications.

I have already committed to fund a high intensity awareness raising campaign, and to carry out a mapping exercise to establish whether there are any gaps in the parenting support currently provided and for which we already provide funding.

**c) providing public assurances that no other frontline services will be affected as a consequence of the Bill diverting resources**

**I reject this recommendation.** It is for Local Authorities, Health Boards and other public sector bodies to make decisions about the allocation of their budget and priorities for service delivery, underpinned by their legal duties and obligations. However as you will know from your evidence sessions social services, the police and health already deal with calls and referrals about the physical punishment of children, including reasonable punishment, therefore this will not be an entirely new category of work.

We have explored the published data which is available from other countries on the impact of measures they have taken to prohibit the physical punishment of children. We have also spoken to a range of stakeholders in Ireland, New Zealand and Malta who have legal systems similar to our own. In these countries there is no evidence that the police and social services have been overwhelmed following law reform.

A number of stakeholders, in providing evidence to the Committee have also confirmed that this is their view:

*“In terms of thresholds for children's services, we would not be anticipating a huge number of referrals to us. There may be a small number of referrals that come through. What we know from other nations is that it will peak and then settle. We recognise that's likely to happen.”*

Sally Jenkins, ADSS

*“So, we're talking about, in the case of south Wales, maybe something in the region of 100 of those being cases that might fall into this territory.”*

Matt Jukes, Chief Constable for South Wales Police

*“...there's no expectation that there's going to be a huge increase in the number of referrals coming through to local authority social services, I think it would be dealt with within their existing resources.”*

Jane Randall, Chair, National Independent Safeguarding Board

*“I agree, in terms of referrals, it's probably not going to change a great deal”*

Dr Rowena Christmas, Royal College of General Practitioners

**Recommendation 9. That the Welsh Government amend the Bill to include a duty on the Welsh Ministers to provide information and increase awareness about the effect of the legislation. The information provided should include details about the support available to parents to learn and use alternatives to physical punishment when disciplining their children.**

**I accept this recommendation** and will bring forward amendments to the Bill regarding awareness raising. I am fully committed to raising awareness of the change in legislation, if passed, and have already given an undertaking to this committee.

As set out in the Explanatory Memorandum I have given my approval for a high intensity campaign, which would amount to around £2.2 million over approximately 6 years. This includes significant awareness raising between Royal Assent and commencement, to achieve the highest possible awareness levels before the law comes into force. This campaign would continue for around four years after commencement, to maintain a high level of awareness.

The campaign will be delivered alongside our ‘Parenting. Give it Time’ campaign, which provides parents with information on positive alternatives to physical punishment and signposts them to further sources of support. This valuable resource provides information through a dedicated website, Facebook page and a range of resources. The Family Information Service in every local authority area also provides families with free and impartial advice on a range of family issues including childcare, education and training, health, finance, recreation, and parenting support.

I note that there is also a recommendation from the Finance Committee relating to this duty.

**Recommendation 10. That the Welsh Government, before the start of Stage 3, provide a written update to the National Assembly on its awareness raising plans with children and young people. This update should include an indication of how the new curriculum will:**

- **raise awareness of the Bill and how it affects them as children and young people;**
- **equip children and young people to become parents and carers of the future.**

**I accept this recommendation.** I will publish further detail of our communications plans. We will provide an update on those developments through revision of the Explanatory Memorandum at the end of Stage 2.

The new curriculum is designed to be broad, balanced, inclusive and challenging with the four purposes outlined at its heart. One of the four purposes is that learners develop as healthy confident individuals who form positive relationships based upon trust and mutual respect and know how to find the information and support to keep safe and well. These purposes need to be at the heart of everything children and young people learn. They have been the starting point for all decisions on the design and development of the new curriculum and assessment arrangements.

One of the six Areas of Learning and Experience (AoLE) is Health and Well-being. This is an innovative part of the new curriculum and aims to ensure that learning and support around issues such as physical, mental and emotional health are provided to all young people in Wales. One of the five key statements defining ‘What matters’ within Health and Well-being focuses on the importance of healthy relationships. It is intended to support learners to form and maintain a range of positive relationships; recognising that respect and equity are essential elements of these relationships. Learning within the draft guidance for Health and Well-being includes supporting learners to: identify harmful elements of relationships and social influences, seek help and support where needed, recognise their own rights and the rights of others within relationships. The AoLE intends to support learners to build and maintain relationships based on compassion, positive communication, respect and equity, regardless of the type of relationship.

The new curriculum is not designed to specify a detailed list telling teachers every specific topic they should teach. We are moving away from a prescriptive list of what children should know at key stages in their education, because this does not guarantee that learners develop the essential knowledge, skills and experiences. However, this does not mean that children will lose out on developing important life skills or knowledge. The AoLE seeks to develop the essential learning to support learners to recognise their legal rights as well as develop the skills and dispositions essential for becoming parents and carers.

Parenting and caring are important contexts for relationships in the AoLE. The practitioners developing the AoLE guidance are currently considering feedback and as part of this, they will be considering how the guidance can be refined to further support professionals to consider a range of different types of relationships in their curriculum design, including parenting and caring relationships.

**Recommendation 11. That the Welsh Government include planning for increasing awareness of the Bill’s impact on visitors to Wales in the work of the Bill Implementation Group**

**I accept this recommendation.** We will give due consideration to how we can raise awareness with visitors to Wales with the Strategic Implementation Group.

**Recommendation 12. That the Welsh Government provide, before the start of Stage 3, a written update on the Healthy Child Wales Programme:**

**I accept this recommendation** and have provided an update on each part of this recommendation below:

**a) how the Healthy Child Wales Programme will incorporate messages about the removal of the defence of reasonable punishment;**

The Healthy Child Wales Programme sets out the strategic direction for health boards in Wales to deliver a universal health programme for children and their families from maternity service handover to the first years of schooling.

The programme aims to work in partnership with families to achieve the best possible outcomes for children and sets out a common set of contacts between families and Health Visitors. The programme underpins the concept of progressive universalism and aims to identify a minimum set of key interventions to all families with pre-school children, irrespective of need.

At every contact, opportunities are taken to ensure that key public health priorities are identified and evidence-based messages delivered in order to improve the health and well-being of children and their families. Officials will ensure that any key messages about the removal of the defence of reasonable punishment and positive parenting techniques are cascaded through the Health Visitor and Specialist Community Public Health Nurse Forum to inform the workforce as necessary.

The safety and wellbeing of the child is the paramount consideration. Where there are professional concerns regarding a child’s welfare or when a child is thought to be experiencing significant harm, as now, Health professionals will refer to their Local Authority Social Services department in line with their duties to report under the Social Services and Well-being (Wales) Act 2014.

**b) what steps it will take to improve the uptake of the Healthy Child Wales programme across Wales in order to ensure that all children and families receive the full number of scheduled contacts;**

The Healthy Child Wales Programme(HCWP) is supported by the Child Health System, delivered by the NHS Wales Informatics Service (NWIS), ensuring that health boards are able to schedule contacts effectively under the programme and that there is accurate and comparable data collected to support improvements to child health across Wales.

Since November 2018, statistics have been published which include data from the first quarter the programme was introduced (Oct-Dec, 2016) to the latest available quarter (Oct-Dec, 2018). Quarterly data updates are published on *StatsWales* and an annual statistical report is published on the Welsh Government website.

The first annual statistical report on the Healthy Child Wales Programme for the full calendar year 2018 was published in June 2019. The statistics demonstrate the value of having a consistent set of contacts for all children across Wales as they indicate a general steady increase in the percentage of children receiving contacts at most contact points since the start of the programme in 2016. The statistics show that 74% of HCWP contacts which should have been offered to eligible children, were received.

93% of eligible children received their contact at 10-14 days (the highest rate of all contact points), whilst just 50% of eligible children received their contact at 3.5 years (the lowest rate of all contact points). Contact rates vary across the various health board areas.

We expect health boards to review operations and delivery mechanisms including workforce requirements in light of the recent published statistical data to ensure coverage continues to improve at every contact point. Assurances have been received from Health Boards following the recent statistical publication confirming that every effort is being made to improve any deficiencies in particular contacts identified by these data.

As the HCWP is an offer, there is no compulsion for parents to ensure their children attend every contact planned. However, where there are concerns regarding a child's welfare, the health professional will refer to the Local Authority Social Services department in line with their duties to report under the Social Services and Well-being (Wales) Act 2014.

A Project Board has been established which includes key stakeholders to oversee the next phase of monitoring and evaluating the programme going forward.

**c) how universal ante-natal support will also incorporate and deliver messages about the Bill and positive parenting.**

The implementation of the Healthy Child Wales Programme ensures a commitment to deliver key public health messages from conception to 7 years, so that families are supported to make long term health enhancing choices in order to provide a safe, nurturing environment.

The Health and Well-being Information for Parents Programme is a new programme of work which is currently in development by Public Health Wales. It aims to ensure parents, and the services they engage with, have access to the information they need, when they need it, to support them as a parent, to give their child the best start in life. The programme considers ways to reduce inequalities in access to the important information all parents need and is intended to provide a suite of information sources, both in hard copy and digital, to eventually replace the advice

currently provided via the Bump, Baby and Beyond book issued to all expectant mothers.

The aim is that key information, which will include information about the Bill, will be presented in a format that is accessible to parents and professionals and appropriate to their child's needs and stage of development.

A Stakeholder Board, Chaired by the Deputy Chief Medical Officer for Wales, Professor Chris Jones, has been set up to provide oversight, governance, and leadership for the establishment and implementation of a revised approach to the provision of health information for pregnant women and parents of children aged 0 to 7 years of age.

**Recommendation 13. That the Welsh Government amend the Bill to include a duty on the Welsh Ministers to:**

- **undertake post-implementation evaluation of the Bill, within three years of the Bill's substantive provision (to remove the defence of reasonable punishment) coming into force;**
- **report the findings of such an evaluation to the National Assembly**

**I accept this recommendation** and will bring forward an amendment with a duty to undertake post implementation evaluation of the Bill over 5 years. I have provided assurances a post-implementation review will be undertaken. Chapter 10 of the Explanatory Memorandum sets out the intended approach for monitoring and reviewing the effect of the legislation. In line with the recommendation of the Finance Committee we will provide further details and costing of the post implementation review in a revised RIA at Stage 3.

The effect of the Bill will be measured in a number of ways, including through research and evaluation as well as developing routine data collection with stakeholders.

We will procure contractors to periodically conduct attitudinal studies, which will allow us to track the changes in people's attitudes to the use of physical punishment, and in their levels of awareness of the law. As now, these reports will be published in accordance with our Welsh Government Social Research requirements.

We will work with the police, social services and the courts to agree the collection of relevant data for a period prior to implementation in order to establish baselines. Data collection will continue following commencement in order to monitor the impact of the Bill. Data collection will, wherever possible, be aligned with existing activity or other relevant work. This detailed work is being taken forward through the dedicated Data Collection and Monitoring task and finish group.

We would expect to be undertaking post implementation review of the legislation, assuming it receives Royal Assent, starting after the commencement date and continuing for up to 5 years, rather than the three recommended. A five year period provides for a similar timeframe to New Zealand enabling more effective trend analysis.

I note that there is also a recommendation from the Finance Committee and Constitutional and Legislative Affairs Committee relating to this duty.

**Recommendation 14. That the Welsh Government ensure the Bill Implementation Group identifies — in cooperation with all relevant services — robust methods for capturing meaningful data relating to the Bill. The purpose of this data will be to enable meaningful assessment and evaluation of the Bill’s impact, which will be crucial in identifying any unintended consequences and/or areas that may need additional support or resource during the early years of its implementation.**

**I accept this recommendation.** I strongly agree with the Committee’s view that we need to establish robust methods for capturing meaningful data relating to the Bill. We are committed to working with organisations to put in place arrangements to collect data about the possible impact on their services, both to establish a baseline pre-implementation, and to monitor the impact post implementation. As set out above we are taking this work forward through the Strategic Implementation Group and dedicated Data Collection and Monitoring task and finish group. This group will help us develop monitoring and reporting processes which will support future evaluation of the impacts of the change in the law (if passed).

**Recommendation 15. That the Welsh Government ensure that, as part of the public awareness campaign accompanying the Bill, clear advice is provided on what people can do — and who people can speak to — if they believe they have seen or learned of a child being physically punished/assaulted.**

**I accept this recommendation.** Safeguarding is everybody’s business. As now, the public have a role in highlighting to relevant services if they are concerned about a child.

If a member of the public has reason to believe that a child is at risk of abuse, neglect or other forms of harm they should contact their Local Authority children’s services department. If the child is in imminent danger, or a criminal offence has been committed, they should contact the Police.

Statutory guidance, “Social Services and Well-being Wales Act 2014 Working Together to Safeguard People Volume 5 – Handling Individual Cases to Protect Children at Risk” sets out that it is the responsibility of all agencies and organisations to ensure that there is a good level of public awareness of abuse, neglect and harm and how concerns can and should be reported. All relevant partners should have a range of information and clear arrangements in place to ensure people, including the public, know:

- how to contact them; and
- what they might expect by way of a response.

Safeguarding children and young people is part of the wider public health agenda, which we will consider as part of the public awareness campaign.

## **Recommendation 16.**

**I recognise and accept the principle of the Committee's recommendation,** however practically it may be difficult to achieve, as I outline under each part of this recommendation:

**(a) That the Welsh Government ensure that activity to monitor the Bill's impact pays particular attention to the number of reports of physical punishment/assault of children that are found to be malicious.**

As outlined in my letter to you on 4 June the court has in place arrangements to deal with malicious allegations. This includes 'finding of fact' hearings which are intended to provide a factual basis for the assessment of risk in determining the implications on applications for safe contact between a child and the non-resident parent. We have acknowledged in the Explanatory Memorandum and in my letter that the change in the law could lead to an increase in allegations of parental physical punishment in the context of litigation between separated couples.

Whilst we acknowledge it would be useful to understand the number of reports of physical punishment of a child found to be malicious, in practice this would provide a substantial challenge. Allegations of this kind are unlikely to feature in isolation from other safeguarding concerns raised during private law litigation. To tease out cases where malicious reporting relates specifically to physical punishment, in isolation to other issues and how this should be quantified, is extremely complex. This is, however, an issue that Cafcass Cymru is actively considering in relation to allegations of domestic abuse.

Currently Cafcass Cymru does not systematically keep a record of whether the allegation considered by the 'finding of fact' hearing in court was found to be malicious. It has started, however, piloting the use of a 'case closure form' which will be used to record the outcomes of court hearings and whether malicious allegations featured. The case closure form will attempt to capture the issue of domestic abuse allegations and subsequent 'next steps' in the court process – i.e. did the court hold a Finding of Fact hearing to consider those allegations. The form will not be addressing allegations in relation to physical harm directed from the parent to the child – although it will identify if 'physical harm related issues' featured in the case. The pilot will be completed before the end of March 2020. Cafcass Cymru will need to make an assessment of whether this approach has been successful in pinpointing cases of malicious reporting in relation to domestic abuse and whether it is feasible and practical to roll this process out on a larger scale. Following this assessment I will update the committee.

**(b) Evaluation activity on the Bill should include consideration of the impact allegations of physical punishment of a child have on the family courts and CAF/CASS Cymru's workloads and timescales.**

As outlined in my letter to you on 4 June I have undertaken to monitor the impact of the Bill (if passed). Bearing in mind the complexity of this issue as outlined above, Cafcass Cymru and the Bill team will continue to work closely to consider how we can best monitor impact. Representatives from both Cafcass Cymru and Her

Majesty's Courts & Tribunals Service are members of the Strategic Implementation Group; and the Data Collection, and monitoring task and finish group. These groups will help us develop a suitable approach to monitoring and reporting processes for future evaluation of the impacts of the change in the law on the family courts and Cafcass Cymru's workloads and timescales.

**Recommendation 17. That the Welsh Government ensure that the Bill Implementation Group, before the start of Stage 3:**

- **considers the results of the independent review on the effectiveness of Multi-Agency Safeguarding Hubs;**
- **uses the findings of this review, and other relevant research on multi-agency working, to inform its approach to planning, resourcing and delivering the joint working necessary for the effective implementation of this Bill.**

**I recognise the intention behind the Committee's recommendation, however, I reject this recommendation** as the review of Multi-agency safeguarding hubs (MASHs) is much broader than the context of this Bill. I therefore do not consider it appropriate that MASHs should be part of the remit of the Implementation Group. I recognise that the ability to share information in a timely and effective manner is key to facilitating early identification of need or risk; joint decision making; and the most appropriate coordinated response. However the imperative of this important activity is much broader than this Bill or the offence of common assault, to which this Bill removes a defence.

MASHs are structures intended to facilitate information-sharing and decision-making on a multi-agency basis. However there is no single model for the establishment of a multi-agency safeguarding hub and these are not the only structures that can enable this activity. It is important to remember that these safeguarding arrangements are intended to facilitate multi-agency working in respect of adult safeguarding, as well as for children.

The proposed evaluation will consider the multi-agency safeguarding models that are in place across Wales; their key features and the benefits of different approaches. It will explore relevant academic evidence sources to build an understanding of the key principles of effective multi-agency safeguarding work. The intended outcome is to develop a best practice model for collaborative safeguarding arrangements that can respond to new and emerging concerns and integrate into the prevention and early intervention agenda of the Social Services and Wellbeing (Wales) Act 2014.

While the Implementation Group will take a keen interest in this review, there is no inter-dependency between the review's activities and the implementation of the Bill. As I said when I gave evidence to the Committee on 12 June, bodies such as social services already work closely with the police and have indicated their willingness to continue to do so. As my official stated in your Committee session of 12 June, the Operations, Processes, and Procedures task and finish group (governed by the Strategic Implementation Group) will be looking at how services work together in an appropriate and consistent way. This activity is much broader than a narrow focus on the MASH model.

There are already well established mechanisms in place which enable joint working to take place and the successful implementation of the Bill is not dependent on every area having a MASH.

**Recommendation 18. That the Welsh Government deliver a step-change in the provision of universal positive parenting support — both in the ante- and post-natal periods — and make the strategic investment that is needed to ensure all families in Wales have access to parenting support**

**I accept the principle of this recommendation.** I share the Committee's ambition that families in Wales should have access to parenting support, but I do not fully accept this recommendation. As I have set out in my response to recommendation 7 I do not want to pre-empt the outcome of the parenting support mapping exercise. I expect the initial phase will be completed by the end of September 2019. It will take time to conduct a comprehensive analysis of the findings and for the Parenting Expert Advisory Group to make recommendations. At this point I will consider, how much additional investment may need to be made.

Parenting support is a priority for this Government. There are many ways that we, working with and through service providers and professionals, already provide this. Through public health messaging, Flying Start, Families First, Family Information Service, HCWP, raising awareness and the curriculum we see this as part of a whole life course approach where positive parenting is accepted as the way we parent in Wales.

**Recommendation 19. That the Welsh Government provide a more detailed explanation of why the potential annual financial allocation for this Bill's awareness campaign is only approximately half the spend on the campaign relating to smoking in cars, and two-thirds of the spend on the campaign relating to organ donation (both of which are cited in the Bill's Explanatory Memorandum as examples of campaigns which have accompanied legislation)**

**I accept this recommendation.** I am happy to provide an explanation of how we have allocated funding for the Bill's awareness campaign.

As set out in the response to Committee Recommendation 9, the Welsh Government fully supports the need for a highly impactful and far-reaching awareness raising campaign as a vital part of the implementation of the legislation.

The high intensity awareness raising campaign option set out in the RIA is the basis for our current planning. Considering the current economic climate; continued austerity by the UK Government and the considerable uncertainty surrounding the future deal with the EU we believe we have allocated a proportionate budget to the campaign, which would be cost effective and achieve our objectives for the campaign.

The proposed investment over six years and three months would be significantly front weighted to deliver a high intensity awareness campaign in the first two years - with an average spend of £700,000 per annum - followed by tapering annual budgets. The budgets proposed for years five and six still represent a significant

communications spend in Wales. The Welsh Government has sought assurance from the communications agency contracted to deliver the campaign on its behalf that stretching awareness targets can be met with the proposed investment levels.

We expect the campaign to use channels such as national television and outdoor advertising (such as billboards, bus shelters and train stations) to achieve both reach and high impact, as well as highly targeted channels to reach key groups identified through our research. Awareness of the change in the law and awareness of the campaign itself will be tracked regularly throughout the campaign. Tracking data will enable us to make robust, evidence-based decisions about whether further investment in awareness raising is required.

In addition the Welsh Government is also investing in the Parenting. Give it Time campaign which promotes the importance of positive parenting techniques and drives parents and guardians to the Parenting. Give it Time website for practical guidance and information. Based on current proposals and subject to the budget setting process, approximately £500,000 is allocated to the Parenting. Give it Time campaign during the first two years of an implementation period for the legislation. This builds on an already significant investment in the campaign.

**Recommendation 20. That the Welsh Government, before the start of Stage 3, publish a revised Regulatory Impact Assessment providing more detailed estimates of the “unknown” costs to public services arising from the Bill.**

**I accept the principle of this recommendation.** I recognise the intention behind the Committee's recommendation and serious consideration is being given on how to provide more detailed estimates of the “unknown” costs to public services arising from the Bill. An update will be provided in the revised RIA before the start of Stage 3. It must be noted, however, that it may not be possible to provide more detailed estimates of all of the unknown costs listed in the published RIA. This is because, in some cases, there are practical and logistical difficulties with obtaining reliable data, which would help us establish potential costs.

One example is the potential cost around the possible increase in allegations of common assault against a child of parents involved in a family court case. As I have set out in my response to recommendation 16 there are many practical issues associated with estimating the potential impact of this on Cafcass Cymru and the courts. While we are giving this very careful consideration we are unlikely to be able to provide an update by Stage 3.