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Karen Sinclair AM  
Chair of the Vulnerable Children LCO scrutiny committee  
c/o National Assembly for Wales  
Pierhead Street  
Cardiff Bay  
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6<sup>th</sup> November 2007

Dear Karen

**Consultation – The Proposed Vulnerable Children LCO Committee**

I am writing to you in your capacity as the Chair of the Proposed Vulnerable Children LCO Committee, to provide evidence on behalf of the Association of Directors of Social Services, Cymru.

Firstly, I would like to thank you for inviting the Association of Directors of Social Services, Cymru to give evidence to the Committee. The Association welcomes the opportunity to set out our views on the proposed Legislative Competency Order at this early stage, and the open and inclusive process undertaken in scrutinising the proposed LCO. Should Legislative Competence be granted, the ADSS would be keen to see that this thorough, wide ranging consultation approach is continued as Measures are developed, and to be involved in discussions where appropriate.

As one of the lead Directors for children, within ADSS Cymru, I will be attending the Committee on the 20<sup>th</sup> of November 2007 and will provide more detailed evidence to the committee. The initial comments on behalf of the ADSS are outlined below in response to the questions posed in the consultation letter.

**1. Would the terms of the proposed Order allow for the implementation of the policy agenda on vulnerable children and child poverty by means of Measures? If not, how would the proposed Order need to be re-drafted and why?**

The ADSS welcomes the broad outlook of the Legislative Competence Order, as this will ensure that powers can be used to best effect in terms of developing and delivering improved services for all children and their families who may require support. However, there is no explicit mention of 'poverty' other than implicitly; a definition around well being to include 'freedom from poverty' would be welcomed.

**2. Are the terms of the proposed Order drafted appropriately, too narrowly or too broadly. If necessary how should the proposed Order be re-drafted and why?**

The proposed Order could allow for policies and services to be tailored to meet the needs of children, young people and families in Wales which are distinct and local.

However, whilst, we recognise the need for the Assembly to be enabled to implement this vision and strengthen the improvement agenda, we would strongly recommend that the proposed Order should consolidate and strengthen existing policy rather than create new, for example the further development of the Children and Young Peoples National Service Framework, which has proved an invaluable resource and the implementation of the Common Assessment Framework.

ADSS Cymru, would also want to seek assurances that any new powers and resulting measures, reflect the existing policy agenda and have attached to them adequate funding to allow children's services to provide excellent services.

In general the ADSS is broadly in favour of the scope of the proposed Order but would advocate thorough scrutiny at the Measure making stage of the process. .

In terms of the detail of the LCO, we would require clarity over the age classification within the proposed LCO. There are definitions of children and young people within the proposed LCO but it is unclear as to which matters relate to children and which matters relate to young people or to both, for example Matter 15.2 does not state to whom it applies.

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

The ADSS would advocate that any definitions used in the LCO are in line with current statutory interpretation. It is not advisable that any new definitions be created which may not be in line with current practice or accepted UK wide definitions.

The term social care and the definition applied, is often broadly interpreted as a way to capture every possible level of help provided to children and families, and this is often not the case. We would welcome more emphasis on the important role of other key partners and services in delivering a collaborative approach to meeting the needs of vulnerable children, young people and their families.

The ADSS have some concern about the wide interpretation of some of the proposed definitions and the groups of people to which this LCO refers. We welcome definitions which explicitly refer to the often complex needs of the most vulnerable children and young people, for example, travellers, asylum seekers, minority ethnic children and those with disabilities.

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

The excepted matters are in accordance with the current devolution arrangements, and the ADSS would not wish to comment any further on this issue, other than to once again highlight some problems around the 'poverty' agenda, as referred to in Q1. With a number of excepted matters identified as key tools in fighting poverty, there could be some obvious difficulties in taking forward a holistic child and families approach to reducing levels of poverty.

Best Wishes

A handwritten signature in blue ink that reads "Philip T Hodgson". The signature is written in a cursive style with a horizontal line above the name.

**PHILIP T HODGSON**  
**Lead Director for ADSS**

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