



Constitutional and Legislative Affairs Committee

Report: CLA(4)-18-12 : 16 July 2012

The Committee reports to the Assembly as follows:

Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA167 – The Food Hygiene (Wales) (Amendment) (No. 2) Regulations 2012

Procedure: Negative.

Date made: 4 July 2012.

Date laid: 6 July 2012.

Coming in to force date: 30 July 2012

CLA168 – The Education (Middle Schools) (Wales) Regulations 2012

Procedure: Negative.

Date made: 6 July 2012.

Date laid: 10 July 2012.

Coming in to force date: 1 September 2012

Affirmative Resolution Instruments

None

Instruments that raise reporting issues under Standing Order 21.2 or 21.3

Negative Resolution Instruments

CLA166 – The Local Safeguarding Children Boards (Wales) (Amendment) Regulations 2012

Procedure: Negative.

Date made: 30 June 2012.

Date laid: 3 July 2012.

Coming in to force date: 1 January 2012

The Committee agreed the report under Standing Order 21.3 on this statutory instrument, which is attached as Annexe 1.

Affirmative Resolution Instruments

None

Other Business

Committee Correspondence

None

Committee Inquiries: Inquiry into the establishment of a separate Welsh jurisdiction

The Committee took oral evidence from Theodore Huckle QC, Counsel General, Welsh Government.

Resolution to Meet in Private

In accordance with Standing Order 17.42(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss the evidence submitted thus far on the Inquiry into the establishment of a separate Welsh jurisdiction, and to consider the Committee's draft report on the School Standards and Organisation (Wales) Bill.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

16 July 2012

Annexe 1

Constitutional and Legislative Affairs Committee Report – CLA166

The Local Safeguarding Children Boards (Wales) (Amendment) Regulations 2012

These Regulations amend the Local Safeguarding Children Board (Wales) Regulations 2006 which provide for functions of Welsh Local Safeguarding Children Boards in relation to the objective set for them by section 32 of the Children Act 2004. These Regulations introduce child practice reviews which replace serious case reviews in Wales which were provided for in regulation 4 of the Local Safeguarding Children Board (Wales) Regulations 2006.

Procedure: Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument at this stage.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument:

- These regulations revoke the requirement that Local Safeguarding Children Boards undertake a Serious Case Review, where abuse or neglect is known or suspected in the death or serious harm of a child, in order to identify steps to prevent similar harm occurring.
- The regulations replace the Serious Case Review procedure with a new Child Practice Review framework (which is described in the Explanatory Memorandum accompanying the Regulations).
- The policy intention behind the Regulations does not appear to have been considered in any recent depth by Assembly Members either in Committee or in Plenary.

The Committee agreed:

- that the decision to revoke the requirement for Serious Case Reviews is a significant matter of public policy; and

- to report to the Assembly under Standing Order 21.3(iii) that the regulations gives rise to a matter of public policy likely to be of interest to the Assembly.”

Constitutional and Legislative Affairs Committee
July 2012

Response to the Merits Report from the Welsh Government

Explanation

1. The Explanatory Memorandum accompanying the Regulations sets out the context of the public consultation on the Child Practice Review framework – *Protecting Children in Wales, Arrangements for Multi-Agency Child Practice Reviews* – the workshops to engage key stakeholders and the considerable practitioner based involvement in both developing the framework and in testing it in pilot projects. The results of this public engagement will feed into the preparation of the final guidance.
2. Work on the operational detail of the new Child Practice Review framework started following the publication in October 2009 of the Care and Social Services Inspectorate Wales (CSSIW) report *Improving Practice to Protect Children in Wales: An Examination of the Role of Serious Case Reviews*. On **20 October 2009**, in her oral statement to the Assembly, the Deputy Minister for Children and Social Services welcomed the report and its recommendations, and two others published by CSSIW and the Healthcare Inspectorate Wales on safeguarding children. The Deputy Minister announced that she had asked for specific proposals to be developed to implement the ideas in the report and that she would give Assembly Members a further opportunity to debate the reports on 17 November 2009.
3. A number of Assembly Members contributed to the debate on **17 November** – *Safeguarding and Protecting Children in Wales* – and the Deputy Minister reaffirmed that she had commissioned further work, which would determine how the future framework could be delivered in practice, and set out a timetable for the completion of that work.
4. On **1 February 2011**, the Deputy Minister made an oral statement to the Assembly – *Future Framework for Learning from Serious Case Reviews* - in which she set out progress in the work and the Welsh Government’s plans to implement a new national programme for reviewing and learning to help improve child protection arrangements. The Deputy Minister set out the main planks of operational detail on which the framework was to be built and said

that, supported by practitioners, the Welsh Government was preparing detailed practice guidelines to support the new framework. This work would help determine the quality of future reviews, and would be subject to public consultation later. The approach being proposed by the Deputy Minister was welcomed by all parties in the discussion that followed this statement.

5. The Deputy Minister also set out her intention to ensure that the new arrangements were evaluated fully a year or so after implementation. While some matters of operational practice, and terminology, have changed, the policy and detail of the arrangements which were consulted upon in early 2012 were set out by the Deputy Minister during the debate.

6. On **17 February 2011**, the Welsh Government published *Sustainable Social Services for Wales: A Framework for Action* which set out the programme of change for social care services in Wales. The development of the new Child Practice Review framework was one of the key actions outlined in the document and an oral statement was made by the Deputy Minister on **1 March 2011**.

7. On **18 October 2011**, the Deputy Minister made a written statement to the Assembly setting out her broader arrangements for safeguarding and protection – *Safeguarding and Protection of People at Risk* – to be taken forward in the Social Services (Wales) Bill. The development and implementation of the new Child Practice Review framework is fundamental to those arrangements.