



House of Commons
Welsh Affairs Committee

The Empowerment of Children and Young People in Wales

First Report of Session 2003–04

Volume I



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Report together with formal minutes

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The Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the National assembly for Wales.)

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Committee staff

The current staff of the Committee are James Davies (Clerk), Paul Derrett (Committee Assistant) and Sarah Colebrook (Secretary).

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Summary

This Report considers how children and young people in Wales are encouraged to participate in Welsh society, and the impediments to that participation; political engagement with young people and the debate surrounding desirability of lowering the voting age; the role that the UK Government and its agencies play with regard to Youth Justice and the role of the Children's Commissioner for Wales; the implementation of the UN Convention on the Rights of the Child; and the current working relationship between Westminster and the National Assembly for Wales on issues that directly affect children and young people in Wales.

The Committee commends the National Assembly for Wales for the work it has done to promote children and young people's participation at all levels of life in Wales (para 24). It further recommends that the Government reconsider the level of financial support that it offers young people, and in particular, those in care or living in poverty (para 44).

The Committee concludes that it is unimpressed with the current form of the UK Youth Parliament and its dual role as the UK Youth Parliament and the English Youth Parliament. The Committee recommends the establishment of a separate English Youth Parliament and that the UK Youth Parliament be reconstituted as a truly UK wide forum for young people (para 30). The Committee further recommends that funds be made available for Welsh young people to speak in Welsh when they attend the UK Youth Parliament (para 29).

The Committee concludes that, in principle, it supports a lowering of the voting age to 16. It recommends that the Government looks favourably on the argument to lower the voting age, so long as it satisfies itself that the current legal protections afforded to 16 to 18 year olds would not be undermined by any reduction in the voting age (para 68).

The Committee makes a number of recommendations regarding youth justice in Wales. In particular, it concludes that the interests of Welsh children and young people would be better served if powers over youth justice were conferred on the National Assembly (para 88); and that the powers of the Children's Commissioner for Wales be extended to those Welsh children residing in the secure estate outside of Wales (para 104).

The Committee concludes that a lack of formal regional monitoring could undermine the good work that is being done in respect of the UN Convention and recommends that the new Children, Young People and Families Directorate be tasked with monitoring formally, the adoption and implementation of the Convention across the four parts of the United Kingdom (para 117).

The Committee concludes that while the informal links between Wales and Westminster on policy that affects children and young people, may be working satisfactorily, improvements to the formal lines of communication could be made. The Committee recommends that a mechanism of monitoring the concordats between Westminster and Wales be introduced (para 124), and that the Minister for Children at Westminster be the formal point of Communication between Westminster and the National Assembly on the coordination of policy affecting children and young people in Wales (para 125).

Introduction

Background

1. The Welsh Assembly Government has used its devolved powers to develop a distinct strategy for Children and Young People in Wales. That strategy has been warmly welcomed across Wales. At the same time, the UK Government retains significant powers in some key areas. Our inquiry aimed not to scrutinise the Welsh Assembly Government's policy but to complement it, by examining the performance of the UK Government, and considering whether the responsibilities that remain at Westminster are efficiently discharged.

2. When we announced our inquiry into the Empowerment of Children and Young People in Wales in August 2002, we kept our terms of reference deliberately wide. Initially they included participation—including the debate surrounding the lowering of the voting age—citizenship and active communities; and the effects of disability, race, cultural diversity and sexual preference on participation. During the course of this inquiry we refined the areas covered to include youth justice and the implementation of the UN Convention on the Rights of the Child.

3. Between February and October 2003 we took oral evidence on eight occasions. Our witnesses included representatives from Barnardo's Cymru, the Council for Wales of Voluntary Youth Services (CWVYS), NSPCC Cymru/Wales; Children in Wales; Save the Children (Wales); the Wales Youth Agency, the Electoral Reform Society; the Electoral Commission; Voices from Care; Howard League for Penal Reform; the Youth Justice Board for England and Wales; Nacro Cymru; End Child Poverty Network Cymru; and several academics.

4. We also took evidence from six local authorities in Wales;¹ the Local Government Association; the Children's Commissioner for Wales; the Disability Rights Commissioner; the Children and Young People's Unit at the Department for Education and Skills,² Jane Hutt AM the Minister for Health and Social Services, Children and Youth Justice, Welsh Assembly Government, and Margaret Hodge MP, Minister for Children.

5. We were conscious that any inquiry into the Empowerment of Children and Young People in Wales would be undermined had we not canvassed the views of young people in Wales. Therefore, we heard evidence from Lowri Davies, Iona Evans, Aled Jones, Rhiannon Marks, Carys Morgan, Clare Nicholls, Hywel Richards and Joe Thurgate, from the sixth form at Pantycelyn School in Llandovery; Danny Jacobs from *The Streets* Youth Project in Ammanford; Charlotte Ali, Darren Richards, Jodie Grant, Carwyn James Humphreys, Dominic Edgell, Michael O'Callaghan, Ceinwen Howell and Sophie Palmer

1 The Authorities were City and County of Swansea Council, Isle of Anglesey County Council, Neath Port Talbot County Borough Council, Rhonda Cynon Taf County Borough Council, Torfaen County Borough Council and Wrexham County Borough Council.

2 The Children and Young People's Unit was disbanded on 30 November, and its functions were absorbed, from 1 December, in to the new Children, Young People and Families Directorate. Responsibility for policy on the UN Convention on the Rights of the Child has transferred to the International Team in the Children's Bill and Strategy Division of the Strategy Group within the new Directorate.

from Funky Dragon;³ and Matthew Taylor and Kerryn Emunds from Voices in Care Cymru.

6. In addition to our formal evidence sessions we held informal meetings in South,⁴ North⁵ and West Wales;⁶ and in Edinburgh.⁷ We thank all of those individuals and organisations for giving up their time either to meet us or to submit written evidence. We also thank our advisers, Catriona Williams and Anne Crowley, for their expert advice.

Scope of the Inquiry

7. The role of the Welsh Affairs Committee is to scrutinise UK Government policy in so far as it affects Wales. We have sought to restrict ourselves to this role. However, it is inevitable that this inquiry would touch on, and draw on the experience of, some of the policy developments of the Welsh Assembly Government. In producing this Report it has been necessary to summarise aspects of the Welsh Assembly Government policy, so that the role of the UK Government could be put in context.

8. This Report considers how young people in Wales are encouraged to participate in Welsh society; and the impediments to that participation – poverty, social exclusion and the restriction on access to benefits and income support. Political engagement is an important part of active participation and we consider how young people can be encouraged to re-engage with politics, including the desirability of lowering the voting age. We also consider the role that the UK Government, and its agencies, play with regard to Youth Justice; and the role of the Children’s Commissioner for Wales in that respect. Finally we look at the implementation of the UN Convention on the Rights of the Child, and the current working relationship between Westminster and the National Assembly for Wales on issues that directly affect Wales.

The Division Of Powers Between The National Assembly And Westminster

9. The Welsh Assembly Government has produced a series of structures and programmes to create a meaningful planning framework for children and young people’s policy. This is a significant development as the majority of issues affecting children and young people with notable exceptions of Youth Justice, the Benefits system and CAFCASS⁸ are devolved to the National Assembly for Wales. The main principles of these structures and programmes are:

- *Framework for Partnership*, the overarching Programme that aims to improve services for children and young people, with greater priority given to provisions to

3 Funky Dragon is the National Youth Assembly in Wales. See para 25.

4 Annex 1

5 Annex 2

6 Annex 3

7 Annex 4

8 See paragraphs 79 to 82.

meet their needs, and includes Framework Planning Guidance, Children's Plans and Young People's Plans;⁹

- *Cymorth*: the Children and Youth Support Fund;¹⁰
- *Extending Entitlement*: Support for 11–25year olds in Wales, the policy initiative to drive forward the national agenda for the provision of support and services for young people, which is delivered through the Young People's Partnerships;¹¹
- *The Children First Programme*: targeted at children in need and which is the key policy for protecting children and young people from abuse, victimisation and exploitation;¹²
- *Communities First*: an initiative that focuses on the most deprived communities in Wales and a flagship programme for alleviating poverty across Wales;¹³
- A range of specific action programmes which take into consideration other key policy initiatives such as the *Learning Country and Health*¹⁴ and *Well-being in Wales*;¹⁵ and
- *Iaith Pawb*: the National Action Plan for a bilingual Wales.¹⁶

10. The Welsh Assembly Government also supports *Funky Dragon* the Children and Young People's Assembly for Wales, and *School Councils* and *Local Authority Youth Forums* at the local level. It is also developing new policies and strategies in areas such as sport that will clearly affect children and young people.

11. Central to that approach was the encouragement of participation and partnership of young people. The Welsh Assembly Government has identified the need to engage with young people, and to ensure that any policy should:

- Focus on the needs of children rather than the viewpoint of service providers;
- Reduce the scope for overlap and duplication;
- Ensure that children receive their entitlement, based on the Assembly's overall aims for them; and
- Provide a logical context for other children's plans.¹⁷

9 www.wales.gov.uk/subichildren/content/partnership/index.htm

10 The equivalent of this in England is the Children's Fund.

11 www.wales.gov.uk/subichildren/content/partnership/item%20f%20english.pdf

12 www.wales.gov.uk/subichildren/content/circulars/5-2003/doc-e.htm

13 www.wales.gov.uk/themessocialdeprivation/content/comfirsthme_e.htm

14 www.wales.gov.uk/subieducationtraining/content/learningcountry/tlc-contents-e.htm

15 www.wales.gov.uk/subihealth/content/keypubs/pdf/prepare-strat-e.pdf

16 www.wales.gov.uk/servlet/PressReleaseByDateServlet?area_code=37E752F2

17 Extending Entitlement, ExecutiveSummary p2

Participation

Children and Young People's Forums in Wales

12. The Welsh Assembly Government has established an extensive framework in which children and young people can have the opportunity to participate fully in their society. An important aspect of that framework was the establishment of young people's forums at every level of life in Wales. In the following paragraphs we outline the different types of forums that have been established by the Welsh Assembly Government.

Schools' Councils

13. At the start of our inquiry we held an informal meeting with officials from the Welsh Assembly Government. It was explained to us that it was Welsh Assembly Government policy that all schools in Wales would be expected to have a school council established by September 2004. The councils would provide a vehicle for students to have a voice in the running of their schools. The councils will be monitored by the Welsh Assembly Government to ensure that they are truly participatory; and to ensure that those children involved on the council would go wider than the "usual suspects" such as school prefects. This view was also held by children and young people who made clear that they would like to involve the wider community including those children excluded from schools.

14. During the course of our inquiry we met with a number of schools' councils. We discussed the introduction of the councils with members of the Michaelston Community College school council. The children explained that each school year elected, by secret ballot, a representative to the school council, whose role was to represent the views and concerns of their classmates. The council met regularly—every Tuesday morning—and emergency meetings could be called should one be necessary. The children were confident that the council was listened to, and they felt that it had contributed to improving the facilities and the atmosphere in the school. A simple example of this was the introduction of pre-ordering of food so that the canteen did not run out of particular dishes.¹⁸

15. We heard of similar experiences when we visited Tongwynlais Junior School in North Cardiff. The representatives on the school council told us that the council met regularly on Thursday lunch-times, when they were able to raise issues that directly affected children at the school. Council Members cited their work on bullying, and in particular emotional bullying, as a particular success. As a result of the council's discussions, the school established assertiveness training and a series of sanctions on bullies that included reprimands, no play time and letters to parents. The council had also introduced half-term club mornings for activities such as chess, drama, writing and French, and was consulted on the creation of an IT suite in the school. It was enlightening to hear that both the children and the School head agreed that the council was a success.¹⁹

18 Informal meeting at Michaelston Community College 2 December 2002.

19 Informal meeting at Tongwynlais Primary School, 3 December 2002.

16. The Schools' Councils at both Michaelston Community College and Tongwynlais School raised the issue of the poor quality of school toilets. Peter Clarke, the Children's Commissioner also noted that this was a common concern for many school councils. In his Annual Report for 2002–03, he notes that many children had raised concerns about the state of school toilets.²⁰

Local Authority Youth Councils

17. Many children remain outside of school structures, either through choice or through exclusion. Officials at the Welsh Assembly Government told us that there was also a requirement for each Local Authority to set up a children and young people's forum to gain the views of young people in their area. The National Assembly is actively supporting these forums, and has committed funding to each Local Authority to establish and run them. The Welsh Assembly Government has also undertaken to assess the forums at a national level to ensure that best practice could be passed on between Local Authorities. Dewi Jones from Rhondda Cynon Taff County Borough Council told us that there were also well established networks for communicating best practice between instructors of education and directors of social services.²¹ At the time of our meeting with the Welsh Assembly officials, 16 of the 22 Local Authorities had set up such youth councils.²²

18. We took evidence from a number of Local Authorities to gain a better understanding of how these youth councils contributed to the participation of young people. Mr Dewi Jones, Group Director of Education and Children's Services, Rhondda Cynon Taff County Borough Council explained that “commonly now in Wales you will find that [Local Authority] youth services are establishing youth councils—in our case, several—with an overarching county-wide youth council that deliberately tries to ensure that the young people on those councils are not what I might call the most able, the most academic, who probably are always quick to present themselves to represent others”.²³

19. Ynys Môn Council told us that it had established a Service Level Agreement with the NSPCC who coordinated participation activities and supported the Young Peoples County Steering Group.²⁴ We were also pleased that in preparing its written evidence, Neath Port Talbot County Borough Council had consulted its youth council and had included their views in its submission.²⁵

20 Children's Commissioner for Wales, Annual Report and Accounts 2002-03 p15.

21 Q137

22 Informal meeting, 2 December 2002.

23 Q118

24 Ev49

25 Ev53

20. Ms Gravell, Leader of Carmarthenshire County Council, told us that her council had already established area youth councils within the county. Those councils would be drawn together to form a youth council that would run alongside the County Council.²⁶ Her council had also established INSIGHT Carmarthenshire, a role-play exercise developed specifically for secondary schools in the county.²⁷ Its intention was to:

- Improve students' understanding of the role of local government and, in particular the role of Carmarthenshire County Council;
- Promote awareness of the democratic process and to reinforce how young people can participate;
- Promote the role of the Council as the largest employer in the County, and the opportunities for young people to seek employment or election as a Councillor; and
- Provide an opportunity for students to develop their communication and numeracy skills
- this includes understanding and interpreting information, working as a team, negotiating and formulating arguments and presenting conclusions.

21. The experience of young people on these councils was predominately positive. Our witnesses from Funky Dragon, gave us three examples of this. Michael O'Callaghan told us that in Port Talbot, the youth council had met with the Council Cabinet on two occasions. He thought this an important step forward and argued that all Authority Cabinets should meet with their youth forums.²⁸ Dominic Edgell explained how the Swansea Youth Form were launching performance indicators to evaluate how the authority was working with young people.²⁹ Ceinwen Howell explained how the Caerphilly Youth Forum had been working with the police and local politicians to improve facilities and services for young people.³⁰

Youth Projects

22. In addition to members of schools' councils and Local Authority forums, we visited a number of voluntary youth projects across Wales.³¹ Many of these were established and run by young people. When we visited North Wales the range of the activities and projects we saw was impressive. These activities included a successful campaign for traffic calming measures around a local school, the renovation of a disused chapel as a local youth centre,³² and improvements to the local area such as murals.³³ We also heard of many team-building

26 Q22

27 Ev1

28 Q421

29 Q421

30 Q420

31 See Annexes 1 to 3.

32 Gwlachmai, Isle of Anglesea

33 Cofis C wl

exercises designed to build self confidence.³⁴ The Wales Youth Agency argued that “learning opportunities can and are created by the Youth Service, which involve many young people who have not been successful within the school system”.³⁵ Furthermore, the Agency explained that “Learning opportunities through Sport, Art, Music, Drama, Outdoor Activities, International Travel, Conservation and involvement in Community Activities are available to many young people through their contact with the maintained and voluntary sectors of the Youth Service”.³⁶

23. In West Wales, we visited *The Streets* Project in Ammanford. Danny Jacobs a member of the project gave evidence to us. He painted a vivid picture of the benefits of youth projects:

“If it was not for *Streets*, I would be working in a factory now most probably. I did not know of the opportunities available for me; but now they have opened my eyes, I am trying to go for it. Thanks to *Streets*, I am going to Norway on six months’ work experience. That is going to be brilliant for my CV. Then I have just got to train up, train up, get my qualifications, and I can go across the world. There is no stopping me from just enjoying my work”.³⁷

24. It was evident to us that Schools’ Councils, Local Authority Councils and Youth Projects are a positive development in Wales. Their introduction is giving children and young people across Wales a voice in their schools and communities. It is also clear that they are teaching young people many of the necessary life-skills that they would not otherwise have the opportunity to learn. Schools councils are not restricted to Wales. England has also established schools councils. However unlike Wales, schools councils in England are not compulsory. **We commend the work done by the Welsh Assembly Government, Local Authorities and young people in establishing young people’s forums at all levels of life in Wales. In particular we commend the WAG for putting Schools’ councils and Local Authority youth Councils on a statutory footing. In the spirit of sharing best practice, we recommend that the UK Government consider legislation to establish schools’ councils on a similar statutory basis throughout England.**

Funky Dragon

25. Funky Dragon is the name of the Children and Young People’s Assembly for Wales. It was established in 2001 by the Welsh Assembly Government to be the overarching forum for young people in Wales. It has a Grand Council of 60 members; of which 22 come from local authority-run forums and 22 from voluntary sector youth groups. Eight seats are available for co-opted members and a further eight are reserved for special interest groups.³⁸ The intention is that Children and Young People from all areas of life in Wales

34 Domestic Abuse Youth Group

35 Ev37

36 Ev37-38

37 Q38

38 These interest groups include young carers, disabled, looked-after young people and gay or lesbian young people, ethnic minorities, young offenders and the homeless.

are represented.³⁹ Our witnesses from Funky Dragon described it as “a mechanism for working with children and young people on issues which affect them”.⁴⁰ Jane Hutt, the Assembly Minister for Health and Social Services, Children and Youth Justice echoed this view. She argued that she saw the relationship between the National Assembly and Funky Dragon as a partnership: “We not only support Funky Dragon financially through resources and grant aid but we see them as our partners in the delivery of this entitlement to children and young people, and empowering children and young people in Wales”.⁴¹ Representatives from Funky Dragon have regular meetings with Ministers of the Welsh Assembly Government to air their views and debate issues of concern to young people in Wales.⁴² Funky Dragon also has its own website which provides news, information on young people’s events, training opportunities, and on-line forums to canvass young people on a wide range of issues.⁴³

The role of the UK Youth Parliament

26. In addition to Funky Dragon, both Northern Ireland and Scotland have youth parliaments or assemblies. There is also a UK Youth Parliament. Ms Efunshile from the Children and Young People’s Unit told us that the UK Youth Parliament primarily comprises young people from England, but that it also had delegates who represented the other three countries.⁴⁴ The Parliament meets once a year, when delegates from the four parts of the UK come together to discuss youth issues at a UK level. There is no separate English Youth Parliament. The experience of Funky Dragon delegates to the UK youth parliament was not a positive one. Ceinwen Howells, a member of Funky Dragon and a member of the Procedures group of the UK Youth Parliament, was unimpressed with the last meeting of the UK Youth Parliament. She told us that “it was a bit of a shambles [...] The UK Youth Parliament cannot work properly until England has a separate Youth Parliament”.⁴⁵ This also was the view of Carwyn Humpreys, another member of Funky Dragon. He questioned the commitment to a UK approach: “The feeling I had was that they [the English] do not really want to know much. They do not want to listen to us. The Welsh, Scottish and Northern Irish were put in one group and that is how we sorted things out”.⁴⁶ When we spoke to representatives of the Scottish Youth Parliament, they agreed that the fact that the English youth structures were the least developed did cause difficulties.⁴⁷ Both organisations retained an enthusiasm for a UK Youth Parliament, but Funky Dragon was not convinced that it was a useful forum in its current form. Their main concern was the dual use of the UK Youth Parliament as both the English Youth Parliament and the UK Youth Parliament.⁴⁸

39 Q382

40 Q382

41 Q274

42 Welsh Assembly Government, *Dragon’s Dialogue*, 2003.

43 www.funkydragon.org.

44 Q567, E 7

45 Q387

46 Q389

47 Informal meeting with Scottish Youth Parliament 9 April 2003.

48 Q389

27. The current problems with the UK Youth Parliament were understood by the Children and Young People's Unit (CYPU).⁴⁹ Ms Efunshile, the head of the CYPU, conceded that she was "very unsurprised that Funky Dragon had those sorts of comments to make about the UK Youth Parliament".⁵⁰ However she explained that as a result of the suspension of that sitting of the UK Youth Parliament, its trustees⁵¹ were getting a much firmer grip on the UK Youth Parliament. Furthermore, representatives of the devolved administrations now had seats on the formal board.⁵² Margaret Hodge agreed that further improvements were necessary: "I think that is where the dissatisfaction arose—from the Funky Dragon young people and the Scottish young people—that in order for it to work properly you need [a separate] English Youth Parliament so that it is different groups coming together".⁵³ We understand that the Department for Education and Skills has now tasked the Office for Public Management, an independent, not for profit, public interest company, to undertake a review of the UK Youth Parliament.⁵⁴

The use of Language at the UK Youth Parliament

28. Language was also raised as an issue. Carwyn Jones explained that when he met with Assembly Ministers he was able to speak Welsh, his first language. However, this was not possible when he attended the UK Youth Parliament, because the necessary translation equipment was not available. He argued that this represented a bit of a barrier: "I do not think I can speak English all the time and I am more confident speaking Welsh than English".⁵⁵

29. We believe that the lack of simultaneous translation facilities is unhelpful. Language is vital to communication, and facilities must be put in place to allow delegates to speak in their first language. **The ability to use your mother tongue is vital to effective communication. Welsh is an official language of the United Kingdom and therefore we recommend that funds be made available for equipment so that all delegates to the UK Youth Parliament are able to speak in their first language.**

49 Now the Children, Young People and Families Directorate.

50 Q518

51 The trustees are Vernon Coaker MP Co-Chair, Labour MP for Gedling; Brendan McGowan, Co-Chair, Student, former MYP for Manchester; Jennifer Bairner, Trainee Solicitor with Crown Office and Procurator Fiscal Service, Scotland, and a Director of Scottish Youth Parliament, (representing youth organisations in Scotland); Darren Bird, Funky Dragon, (representing youth organisations in Wales); Nikki Brooker, a Student; Matthew Green MP – Liberal Democrat MP for Ludlow and Liberal Democrat Spokesperson on Youth People; Charles Hendry MP – Conservative MP for Wealden; Steven Kidd, Student, Chair of Scottish Youth Parliament; Sally Mason, Youth Participation Co-ordinator, Kent County Council (representing Local Authorities and Youth Services); James Moody, Youth Democracy Worker, Wiltshire; Aled Parry, Student, Member of Funky Dragon; Lucy Read, Youth Participation Officer; Ashley Sweetland, Student, former MYP for Bournemouth and Chair of the South West Region; Beth Ward, Student, former MYP for Lancashire and Chair of the North West Region; Sally Whitaker, Director, Resources & Marketing, National Children's Bureau.

52 Q518

53 Q567

54 www.opm.co.uk

55 Qq394-396

30. We conclude that the current arrangements for the UK Youth Parliament—which seems to have a dual function as both the English Youth Parliament and the UK Youth Parliament—do not provide the appropriate forum in which young people from the four parts of the United Kingdom can meet to debate common issues, and to explore policy initiatives that affect children and young people in the United Kingdom. We recommend that a separate English Youth Parliament be established; that the UK Youth Parliament be reconstituted as a truly UK-wide Assembly; and that the review being undertaken by the Office for Public Management consider inviting the parliamentary authorities at Westminster, Cardiff, Edinburgh and Belfast to provide the necessary assistance and advice to make a success of the UK Youth Parliament.

Factors Working Against Participation

31. The Welsh Assembly Government has set out how it wishes to ensure that all children and young people in Wales are given the opportunity to participate in Welsh society. In the previous section we have outlined the work that they have done to promote that. Many impediments remain in place that may exclude young people from playing an active part in their society.

32. Issues surrounding *gender* and *sexual orientation*, and *race* and *ethnicity* can pose barriers to children and young people. Sadly this can be found across the UK. However, these potential barriers are being addressed by both the maintained and voluntary sectors. Sam Jones from Denbighshire Education Service noted that in his experience young people who are either gay or lesbian are likely to experience “a period of turmoil as a consequence of their sexual preference, and that turmoil would be experienced within a degree of isolation”.⁵⁶ Veronica Wilson from CWVYS stressed that people from black and minority ethnic communities were experts in their own lives and needs and that there are many organisations in Wales that are expert in their ability to support those groups.⁵⁷ The Commission for Racial Equality agreed that much good work had been done, but stressed the need for greater targeting and planning in this work.⁵⁸ It also recognised correctly the good work done by the Cardiff Black Youth Network,⁵⁹ who we met when we visited Cardiff.⁶⁰ The Welsh Assembly Government is also committed to addressing these barriers in its strategy for participation.

33. Problems with accessing facilities to use ones own *language* may also present a barrier to participation. In the majority of instances, the National Assembly for Wales has responsibility in this area. However, during the course of our inquiry we found two areas where the UK Government can help. These were in relation to language facilities at the UK youth parliament, and in youth justice.⁶¹

56 Ev 205

57 Q29

58 Ev 215

59 Ev 215

60 Visit to Wales, 3 December 2003

61 See paras 28,29 and 82.

34. *Disability* is another potential obstacle to participation. Dr Kevin Fitzpatrick, the Disability Rights Commissioner told us that he had an input into how it may affect young people: “I think we have a duty to pay some attention to the fact that where facilities for young non-disabled people are taken for granted, the same issue arises as arises for disabled adults, that those facilities are not routinely open to disabled young people and really ought to be”.⁶² The Royal National Institute for the Blind took a similar position. It argued that young people with visual impairments needed opportunities outside of schools to “engage with their ‘communities of interest’ as this reduced the feeling of isolation that they often feel in a sighted world”.⁶³

35. Dr Fitzpatrick also noted that there was a wide variation among schools that had a school council, particularly with regard to how they approach the issue of involving marginalised groups of young people. This was perhaps inevitable considering the recent establishment of councils. However, he expressed his support for the Welsh Assembly Government, which was issuing guidance to ensure, that a number of key sub-objectives of having school councils were in place. Dr Fitzpatrick was confident that the result would avoid tokenistic school councils, and ensure that those marginalised groups of young people were intrinsically involved from the outset.⁶⁴ Voices from Care was at pains to point out that children in Care were often the most marginalized. In particular, it noted that 75 per cent of young people who leave care have no academic qualifications.⁶⁵ The Chartered Institute of Physiotherapy in Wales argued that certain groups required special attention. In particular, those living in poverty who lack ‘control’ over their own education, health and self esteem: “Disempowered children and young people need every opportunity to become engaged in ‘change for the better’”.⁶⁶

Access to Benefits and the Minimum Wage

36. A running theme was that the major barrier to participation was that of access to money. Eleri Thomas, Assistant Programme Director from Save the Children (Wales) explained that her organisation had undertaken research that concluded that participation and poverty were linked directly: “Children and young people may not be able to afford to participate in the same ways as other children and young people, so that financial resources actually place barriers to participation”.⁶⁷

37. Ms Stacy from Barnardo’s Cymru told us that access to benefits played an important role in giving children the opportunity to participate fully in local life. At the family level she explained that not every family had adults working. Those families relied on benefits, and the benefit levels were “not in any way sufficient to allow barely survival, let alone living”.⁶⁸ This was directly applicable to young people who leave care at a young age. Their inability to gain access even to the same level of benefits that were available to adults was a

62 Q284

63 Ev198

64 Q287

65 Q187

66 Ev208

67 Q78

68 Q30

significant hindrance. Voices from Care (Cymru) agreed. “The current levels of benefits available are too low. Young people at the moment receive £45 a week and they are expected to budget on £45 a week and also be involved in activities. Without money, without food, without access to transport, it is a non-starter”.⁶⁹ Mr James from Barnardo’s Cymru argued strongly that benefits for 16 to 18 year olds should be reinstated so that young people “have some independence and choice”.⁷⁰ He further argued that without adequate benefits, young people were at risk of ending up on the streets: “Young people who leave home are then considered homeless, and they have very, very little to survive”.⁷¹ End Child Poverty Network Cymru agreed that the current provision of benefits to young people could make them homeless and financially excluded.⁷²

38. Ms Rolfe from the NSPCC also linked the age limits for benefits to age restrictions placed on the minimum wage. In her opinion, the 18 year old age limit that applied to the minimum wage needed to be removed.⁷³ Sian Thomas from Save the Children agreed. She questioned the fact that while young people paid taxes, they were not subject to the minimum wage and faced restrictions on receiving benefits: “We are trying to give them the message that we are listening to what they are saying and yet we are treating them in a different way from other people in society”.⁷⁴ End Child Poverty Network Cymru supported this argument:

“We are concerned about the lack of application of the minimum wage to under 18 year olds and that the new tax credit system does not apply to under 25 year olds. We have evidence that these systems continue to perpetuate inequality and social exclusion for many children and young people. We would also question why if a minimum income guarantee is available to older people it is not available to children and young people in families”.⁷⁵

39. The National Minimum Wage was introduced in 1999. However it does not extend to workers under the age of 18; and provides a lower rate for workers between 18 and 21.⁷⁶ UNISON has mounted a campaign to remove these restrictions. In a recent survey of the effects of this restriction UNISON canvassed the experience of around 1,700 youngsters between the ages of 13 and 21. The results of this research found that young people were working in a wide spectrum of jobs, in factories, call centres, playgroups, care homes, shops, supermarkets and restaurants. Almost two thirds of those surveyed were working at regular part-time jobs.⁷⁷ More interesting was the data on the number of hours being worked by those youngsters. The average working week for sixteen year olds in the study was 12 hours a week, while 18 year olds were working an average of 16 hours a week.⁷⁸

69 Q181

70 Q31

71 Q31

72 Ev132

73 Q31

74 Q376

75 Ev132

76 The minimum wage for 18-21 year olds is £3.60 an hour, against £4.20 for workers 22 and up (Ev 132).

77 Ev161

78 Ev 161

40. UNISON argued that employers were taking advantage of the lack of a wage floor for young workers. In some cases the Union found examples of employers paying 16 year olds rates as low as £1.00 an hour.⁷⁹ It had lobbied the Low Pay Commission on this issue, and was hopeful that the Commission would consider the coverage of 16 and 17 year olds in their next report.⁸⁰ The Commission has been asked to report its findings to the Prime Minister and the Secretary of State for Trade and Industry by the end of February 2004.⁸¹

41. For many children, a lack of funds placed severe restrictions on their ability to access basic services, in particular vulnerable and homeless children and young people. When we discussed with young people the main practical impediments to participation, the cost of living came out high on their list. Our representatives from Funky Dragon noted that high rates of travel for leisure and social activities excluded underprivileged children and young people from low income families. This, they argued, gave fewer opportunities and fewer chances than young people whose parents were in a better financial position:

“It is apparent how many activities now you do have to pay for; things like sport and music all the parents have to pay for whereas before it was not compulsory to pay for it. Transport fees; we pay adult fees at 15 and I think that is ridiculous. You cannot always afford to pay adult fees at 15. We do not get the respect and treatment of an adult, so why should we pay as if we were an adult?”⁸²

42. Leisure facilities were considered too expensive and youth clubs often were limited to one night a week. The poor provision of local public transport was also highlighted as hindrance.⁸³ One potential solution was “passports” for young people, where transport and leisure facilities for young people were half price or cheaper.⁸⁴ This was being tried in Swansea, where it was warmly welcomed.⁸⁵ Mr Killick, Social Inclusion Manager of Torfaen County Borough Council told us of a similar scheme in Torfaen “We instituted free use of swimming pools to young people [which was] on the basis of producing a library card. The result of that was that the use of libraries was hugely enhanced, specifically by young people in the most disadvantaged areas”.⁸⁶ The Welsh Assembly Government piloted free swimming lessons for children across Wales during the Easter and Summer holidays during 2003 and is now committed to consulting with children and young people in 2004 on extending reduced and free bus travel.⁸⁷

43. Young people also explained that there were few places for them to go that were free. This often resulted in congregations around bus shelters:

“Basically it is light, there is somewhere to sit and there is shadow as well. Adults can go to pubs, adults can go to clubs, adults can go to cinemas after a certain time of

79 Ev161

80 Ev161

81 www.lowpay.gov.uk/lowpay/tohmvjce.pdf.

82 Q412

83 Q415

84 Q414

85 Q414.

86 Q121

87 Welsh Assembly Government, *Wales a Better Country*, September 2003, pages 5 and 6.

night, do whatever they want, they can drive and go places. Because we are young people we cannot do that yet, so we need somewhere for us to go, or are we banned to our houses because we are under 18?”⁸⁸

44. We appreciate that young people’s access to benefits is a complex matter, and one that involves a number of Government Departments. However, that complexity should not dissuade the UK Government from reconsidering the level of financial support that it offers young people, in particular, those in care or living in poverty. This is vital to their ability to participate fully in society. **We recommend that the Government consider a review of the benefits system in relation to 16-18 year olds. We further recommend that the Low Pay Commission, elicits representations from organisations representing both adults and children and young people when it considers the effects of extending the minimum wage to young people aged between 16 and 18.**

Political Participation

Young People's Participation in Politics

45. A MORI poll estimated that only 39 per cent of 18-24 year olds voted in the General Election of 2001. More worrying was the fact that NOP opinion research revealed that voter turnout of under 25s for the 2003 National Assembly Elections was only 16 per cent; albeit with a lower overall turnout.⁸⁹ That statistic appeared to reinforce the general impression that young people have become increasingly disengaged from formal political processes. That disengagement was a theme that ran through our inquiry, and we were offered many reasons for this. Barnardo's Cymru addressed the issue at its 2002 *Progress Youth Conference: Is the Party Over*. It found that the perceived lack of interest was due to a number of factors:

- “the image of political parties;
- connectedness - young people may not feel that political issues are relevant to them;
- a lack of knowledge about political matters;
- lack of time;
- apathy;
- issues of trust;
- representation, for example, a lack of reference to specific groups such as disabled young people or young people from ethnic groups; and
- that adults may not take young people seriously”.⁹⁰

46. Many of our witnesses testified to one or more of these factors. The sixth formers from Pantycelyn School argued that there was a perception that young people were not taken seriously by politicians. Furthermore, they attested to a perception of tokenism:

“People talk about MPs and what they do, and people tell me they work hard. But I see little evidence of that. There is a need for things like public transport, but I do not see that [Members of Parliament] address those kinds of areas”.⁹¹

47. The Electoral Reform Society agreed that there was a level of disengagement from formal party politics. But it argued that young people were not disengaged from politics in general or from particular issues. Mr Folkes, responding for the Society, cited the debate that preceded the war in Iraq as an example of that. He further argued that it was well

89 The Electoral Commission, *The National Assembly for Wales elections 2003, Official Report and Results*, published November 2003, ISBN: 1-904363-30-X.

90 Ev8

91 Q6

established that “young people are particularly concerned on issues such as the environment and that they are concerned with single issue pressure groups”.⁹²

48. Dr Fitzpatrick, the Disability Rights Commissioner, agreed that it was encouraging to see that young people were willing to engage with big issues like the war in Iraq. He argued for mechanisms to be put in place to allow for more opportunities for young people “to engage with issues that you might perhaps describe as being a bit less important than the war”.⁹³ Professor Jones attested to young people’s interest in issue politics, green politics and global politics; but that perhaps less interest was shown in national politics.⁹⁴

49. Part of the problem may lie with the interaction between politicians and young people. Of those young people that we met, many were suspicious of politicians’ motives and did not believe that they either listened to young people or took their views seriously. Another description of politicians was that they were “pompous and boring”.⁹⁵ Janine Mahagan, a youth development worker declared that she did not vote because she didn’t have “a particular confidence in any of the parties”.⁹⁶ Michael O’Callaghan, speaking on behalf of Funky Dragon, explained that politicians needed to have more contact with young people:

“Politically I would want to know more about your jobs and what you do and what you are here for really. Young people think politicians are all liars, but it is not about that. They need more understanding of politicians and MPs”.⁹⁷

50. Dr Howard Williamson, from the School of Social Sciences, Cardiff University agreed that there was a problem with disengagement but questioned its origins. “There is a chicken and egg question: they are disinterested because it does not do anything for them but if it did something for them would they be more interested?”⁹⁸ He argued that for there to be trust between elected representatives there needed to be a sincere management of expectations:

“Young people have a legitimate place to air their voice and their views and their opinions and their wants, but that is not the only thing that will determine the outcome. The difficulty is that when you offer them a blank sheet of paper and you only partially deliver then immediately cries of tokenism echo around the room”.⁹⁹

51. Danny Jacobs believed that the best way forward was to be honest with youngsters. “If they ask you for something and you are not quite sure whether you are going to be able to do it for them, tell them, and then you will not get their hopes up. Then they know that they are being listened to. Do not tell them every time, “it can’t be done” and just put them

92 Q142

93 Q295

94 Q455

95 Q446

96 Ev192

97 Q446

98 Q340

99 Q329

down every time; but those things that can be done - tell them that they have been done, show them that they have been done".¹⁰⁰

52. Several options for improvement were offered to us. The students from Pantycelyn School argued for more regular visits to schools by MPs arranged within the school day.¹⁰¹ Craig Morton from Gorseinon College agreed with the need for MPs to go to schools and hold informal discussions at a level which would relate to students.¹⁰² Ms Davies, a student at Pantycelyn school, was one of many witnesses who suggested the use of multimedia to interact with young people. She highlighted the fact that young people were highly adept at using e-mail and the internet and that politicians should consider greater use of those mediums.¹⁰³ Within their own forums the electronic media was exploited and Funky Dragon also used electronic media for on-line polls.¹⁰⁴ Both believed that these were far better ways to attract young people than the traditional "surgery" held by politicians.¹⁰⁵ One example of reaching out to young people was given by Dynamix, a worker's cooperative with a long history in training and consulting children and young people.¹⁰⁶ In its written evidence Dynamix explained that it had been involved in a Welsh Assembly Government consultation with young disabled people. That consultation led to a "young people's question time" at the National Assembly.¹⁰⁷

53. When we met with the Cardiff Black Youth Network, Nathan Evans and Robert Harvey told us that they wanted a form of apprenticeship or courses for young people to shadow—and become—Local Councillors, AMs and MPs. They argued that Local Councillors, AMs and MPs needed to get out into their communities and talk to the young people in the poorest areas. Furthermore they thought that "surgery" was an inappropriate term for politicians' constituency meetings and the term should be replaced by something along the lines of "talk shops".¹⁰⁸

54. It is clear to us that as politicians we need to do more to engage with young people. We can no longer rely on traditional forms of communication such as leaflets or constituency "surgeries". To re-engage with young people, politicians need to embrace with greater enthusiasm new forms of communication including email, the internet and possibly text messaging. However, that should not be at the expense of face to face meetings at schools, youth clubs and youth forums across Members' constituencies.

The Voting Age

55. The voting age in local and national elections in the United Kingdom currently stands at eighteen. There has been a long running debate on the age of majority and this debate

100 Q72

101 Q9

102 Ev192

103 Q19

104 Q439

105 Q447

106 We visited Dynamix Ltd as part of our visit to West Wales on 11 February 2003.

107 Ev 193

108 Informal meeting, 3 December 2003.

was a particular theme of our inquiry. Throughout our visits to Wales, and during our formal and informal meetings, we questioned our witnesses on their views of lowering the voting age. The responses that we received were enlightening. In the following paragraphs we set out the arguments presented to us both for and against lowering the voting age.

56. It should also be noted that this debate is being carried out at the same time as a review of voting arrangements by the Electoral Commission. When we took evidence from the Commission, they explained that they were carrying out a consultation over the summer and autumn of 2003.¹⁰⁹ The Commission expects to report its findings in the Spring of 2004.

57. Central to this argument are the differing levels of ages for different activities. During our evidence session we were given a tour of those different ages by a wide range of witnesses. Mr Folkes from the Electoral Reform Society acknowledged that there was no one age of adulthood in this country. In his opinion it ranged from the age of 10 to the age of 25. In its Report on the UN Convention on the Rights of the Child, The Joint Committee on Human Rights Issues produced an impressive list:

“children are held responsible for criminal acts at 10 in England, Wales and Northern Ireland but at 8 in Scotland. There are different ages at which they can: purchase a pet animal (12); view films of a violent or sexually explicit nature, depending on their parents' or carers' presence or consent (12, 15 or 18); work part time (13), work full time (16), become entitled to the minimum wage (18) but not the full rate (until 22); become entitled to full social security benefits (18 in most cases); purchase an air weapon (14) or be licensed to own a firearm (17); get married with parental consent (16) or without that consent (16 in Scotland, 18 elsewhere) or to a stepparent (21); join the armed forces (16) and be deployed to a combat zone (18); consent to sexual intercourse with a female if male (any age) or with a male if female or male (16 in Great Britain and 17 in Northern Ireland); purchase tobacco products, knives and national lottery tickets (16); drive a motorbike or moped (16) or a car (17) or an HGV under 7.5 tonnes (18) or an HGV over 7.5 tonnes or a PSV (21); go to an adult prison (17 on remand or 18 on conviction if a boy, much more confused if a girl); purchase alcohol products, place bets and vote (18); and stand for election to local authorities or the House of Commons (21)”¹¹⁰

Dr Scully from the University of Aberystwyth also provided us with helpful tables that set out the ages of economic dependence and independence with regard to the law, post-16 education and training, welfare and housing.¹¹¹

The case in favour of lowering the voting age

58. The Electoral Reform Society is the main umbrella organisation promoting a lowering of the voting age in the United Kingdom. The Votes at 16 Campaign Coalition, run by Society, was publicly launched in January 2003. It represents a coalition of organisations,

109 “How old is old enough? The minimum age of voting and candidacy in UK elections Consultation paper, July 2003”.

110 Tenth Report from the Joint Committee on Human Rights Issues, the UN Convention on the Rights of the Child, of Session 2002-03, HC81, Para 5.

111 Ev151-153

all of whom are committed to lowering the voting age to sixteen.¹¹² Its aim is to influence the Electoral Commission's review and to assist those members of the House of Commons and House of Lords who are in favour of a lowering of the voting age.¹¹³ Mr Folkes quoted a MORI survey to advance his case. The survey asked young people at what age they thought UK citizens should be able to vote. Around 71 per cent thought it should be 16. Mr Folkes believed that this was, in part, the effect of "a coalescence of young people around the age of 16 as being the age they consider to be adulthood".¹¹⁴ Dr Fitzpatrick saw no difficulty with lowering the voting age to 16.¹¹⁵ Similarly, Peter Clarke, the Children's Commissioner for Wales, supported lowering the voting age, and from his experience of dealing with young people he believed that they would be in favour of lowering the voting age.¹¹⁶

59. Lower voting ages are already apparent on mainland Europe for municipal elections. The Electoral Reform Society informed us of the example of Hanover where the vote was extended to 16 and 17 year olds. The result was that 16 and 17 year olds turned out at a greater rate than 18–35 year olds.¹¹⁷ Dr Howard Williamson from Cardiff University gave qualified support for a 16 year old threshold for the voting age. He was in favour of that threshold for local elections as young people had a greater level of knowledge of their locality. He was less certain about extending that franchise to national elections.¹¹⁸ However, while not wishing to predict the outcome of its inquiry, the Electoral Commission did note that "our view would be that if it is right to have votes at 16 in one election it is right in all and that there is not really much logic in an inconsistency of approach".¹¹⁹

60. Barnardo's Cymru argued that lowering the voting age would be "consistent with other legal rights afforded to young people at this age, and that by giving them the right to choose their elected representatives, the Government would be giving an unequivocal message that it is serious in wanting young people to contribute to the political process".¹²⁰

61. The Electoral Reform Society thought the most persuasive argument for lowering the voting age was that it would encourage participation at a young age. It feared that if young people were lost from the voting process it could not be assumed that they would automatically drift back into it. "We have got to encourage them and we have got to educate them and we have got to tell them that their views are valid at an early stage and I believe they will carry on voting as time goes on".¹²¹ This point was echoed by young people we met in Wales. Robert Harvey, from the Cardiff Black Youth Network argued that the voting age should be reduced to 16 on the basis that most young people were more

112 Q141

113 Q141

114 Q146

115 Q297

116 Q298-300

117 Q148

118 Q339

119 Q166

120 Ev9

121 Q148

politically aware at school—due to the formal learning process—and that unless they were involved in the political process at that point, they may never get reconnected.¹²²

The case against lowering the voting age

62. Our first evidence session of this inquiry was with sixth formers from Pantycelyn School. During that evidence session, we questioned the students on the voting age. As young people who were approaching the age of majority, a lowering of the age would have directly affected them.¹²³ While we may have expected them to give a resounding “yes” to lowering the voting age they offered us their considered view:

“...we all agreed as a group that it is not about lowering the age to 16 but getting the people aged 18–25—young people—interested now, because they are not at the moment. People from that age group are not voting.”¹²⁴

63. Michael O’Callaghan, one of the representatives from Funky Dragon was forthright in his views against lowering the voting age. “At 16 I do not think you have enough knowledge to vote”. In particular he was concerned about the effect of peer pressure on individuals. He argued that it could result in young people voting for a party merely because their friends have voted for that party.¹²⁵ While he may have been in the minority on that day, the discussion that continued between the representatives of the Funky Dragon proved that this was an issue that young people considered, and took seriously.¹²⁶

64. Dr Scully, from the University of Wales, Aberystwyth, offered us a contrasting survey to the one presented by the Electoral Reform Society. That survey indicated that amongst 18 to 24 year-olds, only 31 per cent agreed that 16 to 18 year-olds should have the vote. Furthermore, 88 per cent of 55 and overs did not think that young people should have the vote. He noted that “Even amongst the 18 to 24 year-olds, the youngest voters, still two thirds, 66 per cent, were saying no, the people just a bit younger than we are should not have the vote”.¹²⁷ As we mention above, Howard Williamson, who, while positive about lowering the voting age, was not certain about extending the franchise to 16 year olds for National Elections.¹²⁸

65. During our debate, we were concerned that a reduction of the age threshold for voting could lead to a weakening of other protections for 16 year olds. If a corresponding reduction from 18 to 16 for the commonly seen age of adulthood was introduced, it could have serious implications for the protection from exploitation of children of that age.

66. Professor Jones, from Keele University addressed this issue. She told us that the age of legal capacity in Scotland was 18 and was confident that it would remain at that figure.

122 Meeting with Cardiff Black Youth Network, 3 December 2003.

123 Had the voting age been 16 the students would have been eligible to vote in the National Assembly for Wales Elections in 2003.

124 Q3

125 Q444

126 Qq440-444

127 Q459

128 Q339

“That would presumably remain 18 in Scotland, even if the age of voting came down to 16”.¹²⁹ Mr Folkes agreed that society should continue to give unqualified legal protection to young people entirely up until the age of 18. But he saw a difference between that legal protection and the right to vote: “It should be judged differently from the age at which the majority of young people can cast the vote which validly reflects their views, and I believe that that age is 16. I see no problem with having those two different ages.”¹³⁰

The way forward

67. It is obvious that the decision to lower the voting age will be made by adults. However, it is equally clear that young people’s views in favour of such a change should not be taken for granted. Knowledge and access to the political arena are as important as the ability to vote. Mr Folkes from the Electoral Reform Society agreed that lowering the voting age was not a panacea for political disengagement: “It is important to say that I do not think lowering the voting age is a magic bullet. It is not going to solve all problems of disengagement amongst young people”.¹³¹

68. Lowering the voting age would involve young people whose voices should be heard in our democracy and could be a positive step towards reengaging young people in democratic politics. To that end we support the Electoral Commission’s inquiry into the voting ages. In principle we support a lowering of the voting age to 16 and recommend that the Government looks favourably on the argument to lower the voting age. We would further recommend that the Government satisfies itself that the current legal protections afforded to 16 to 18 year olds would not be undermined by any reduction in the voting age before coming to any decision.

129 Q464

130 Q155

131 Q142

Youth Justice

Welsh Assembly Government Policy

69. While many of the powers relating to children and young People in Wales are devolved, significant parts of Youth Justice remain a reserved matter. Therefore, in developing a youth justice strategy for Wales, the Welsh Assembly Government needs the agreement and cooperation of the Home Office and the Youth Justice Board.

70. In evidence to us, Jane Hutt, the National Assembly Minister for Health, Social Services, Children and Youth Justice, told us that the Welsh Assembly Government was developing such a strategy: the All Wales Youth Offending Strategy. In the plenary of the National Assembly Jane Hutt set out its aims:

“The strategy aims to provide a framework for preventing offending by children and young people that is directly related to the wider Welsh policy context. It identifies risk factors across the key policy areas of education, health, housing, communities, social welfare and employment. It sets out the existing provision and gaps in provision, and makes recommendations for action”.¹³²

71. The Welsh Assembly Government published a consultation document in the summer of 2002 which set out the main principles of that Strategy. These principles were that:

- Prevention is better than cure;
- Young people should be treated as children first and offenders second; and
- Universal entitlement is extended to all children and young people.¹³³

The consultation paper stressed a holistic approach to the strategy that included education, training, health, children and young people’s services, social welfare, employment, community regeneration and support for children and young people who are offenders or the victims of crime.¹³⁴

72. The consultation paper also set out the need to involve all relevant agencies, initiatives and partnerships at the local and national level. This included the role of the Youth Justice Board for England and Wales with regard to reserved matters.¹³⁵

73. As Youth Justice straddles the work of both Westminster and the National Assembly the All Wales Youth Offending Strategy was being developed in conjunction with the Youth Justice Board.¹³⁶ Jane Hutt AM explained to us that an All Wales Youth Offending Strategy Group¹³⁷ had been created to bring together all the statutory agencies in Wales, the

¹³² 2 April 2002.

¹³³ All Wales Youth Offending Strategy : Consultation paper , Chapter one.

¹³⁴ All Wales Youth Offending Strategy : Consultation paper , Chapter one.

¹³⁵ All Wales Youth Offending Strategy : Consultation paper , Chapter one.

¹³⁶ Q263, Ev 91

¹³⁷ Chaired by the Minister for Health, Social Services, Children and Youth Justice and the Chair of the Youth Justice Board for England and Wales.

voluntary sector and the Youth Justice Board to focus on Welsh issues as well as the broad remit of the Youth Justice Board's principles, purpose and services.¹³⁸

The Youth Justice Board for England and Wales

74. The Youth Justice Board for England and Wales was established under the Crime and Disorder Act 1998. The Board has 12 Members, appointed by the Home Secretary, and employs approximately 140 staff. It is an executive non-departmental body and is tasked with:

- Advising the Home Secretary on the operation of the youth justice system; how to prevent offending by children and young people; and the content of national standards for youth justice services;
- Monitoring the operation and performance of the youth justice system;
- Identifying and disseminating good practice in youth justice and in preventing offending by children and young people; and
- Commissioning and purchasing places for children and young people remanded or sentenced to secure facilities.¹³⁹

75. While the collaboration between the Youth Justice Board and the Welsh Assembly Government was welcomed by our witnesses, several of them suggested that the current division of powers between Westminster and the National Assembly continued to restrict the success of the Welsh Assembly Government's policy. In particular, they questioned the lack of National Assembly powers over youth justice. Many of those concerns were rooted in the belief that while the Youth Justice Board had a responsibility with the Welsh Assembly Government to ensure that there was no "justice by geography," the particular circumstances of Wales could result in such an outcome.¹⁴⁰ Ms Walby from Children in Wales did not doubt the wish of the Youth Justice Board to work more closely with the National Assembly, but it was her view that the current arrangements were not effective.¹⁴¹

76. Mr Towler from NACRO Cymru was encouraged by the fact that the All Wales Youth Offending Strategy was placing participation issues at the center of the strategy and that a key principle was that children should be treated as children first and as young offenders second.¹⁴² However, in order to implement that strategy successfully he believed that the Welsh Assembly Government needed to take responsibility for community-based youth offending services from the Youth Justice Board: "What the All Wales Youth Offending Strategy attempts to do, as you have heard earlier on, is to try to marry the [National] Assembly's responsibilities in relation to education, social services, health, etcetera, with the issues that the Youth Justice Board are concerned with". He believed that the strategy would take Wales some way forward, but that it would be served better if the National

138 Q263

139 Ev 90

140 Q265

141 Q111-2

142 Q248

Assembly had a devolved responsibility for youth offending services in the community. His solution was for the National Assembly to enter into a commissioning relationship with the Youth Justice Board in relation to the provision of the secure estate.¹⁴³

77. Devolving youth justice to the National Assembly was also supported by Children in Wales¹⁴⁴ Peter Clarke, the Children’s Commissioner for Wales was unequivocal on the issue: “Personally I am very firmly of that view”.¹⁴⁵ He explained that in conversations with police and magistrates he had found a general support for youth justice to be devolved to Wales.¹⁴⁶

78. We believe that the present division of youth justice powers between Westminster and the National Assembly for Wales does not assist the Welsh Assembly Government in the pursuit of its All Wales Youth Offending Strategy. We recommend that powers over youth justice, outside of the secure estate, are conferred on the National Assembly for Wales.

Responsibility for Children and Family Court Advisory and Support Service

79. Children and Family Court Advisory and Support Service (CAFCASS) looks after the interests of children involved in family proceedings. It works with children and their families, and then advises the courts on what it considers to be in the children’s best interests. CAFCASS only works in the family courts. Examples of matters that may be taken to family courts include: when parents who are separating or divorcing can’t agree on arrangements for their children; an adoption application; or when children are subject to an application for care or supervision proceedings by Social Services¹⁴⁷

80. Mike Lewis, Policy Director of Children in Wales submitted further evidence to us in which he expressed his organisation’s concerns with regard to children and young people who were involved in the courts system and in particular, care proceedings. It was his view that there were “appalling delays relating to the system for appointing Guardians *Ad Litem* for children”.¹⁴⁸ While Children in Wales did not criticise CAFCASS directly, it was concerned that the UK Government’s responsibility for CAFCASS did not assist in the delivery of its service in Wales. It argued that children and young people in Wales would be better served if the responsibility for CAFCASS in Wales was transferred to the National Assembly. Children in Wales also noted that it had received representations from the Association for Lawyers for Children on this issue.¹⁴⁹

81. We discussed CAFCASS with Margaret Hodge MP, the Minister for Children, who held responsibility for that body.¹⁵⁰ She explained that although CAFCASS was recently

143 Q249

144 Ev 32

145 Q261-262

146 Q308-309

147 www.cafcass.gov.uk

148 Ev218

149 Ev 218

150 Q547

transferred to her Department as a unified body, that did not “prevent consideration as to whether or not we then want to devolve—through primary legislation—further functions to the Welsh Assembly”.¹⁵¹ She acknowledged that discussions and representations had been made on devolving powers of CAFCASS to the National Assembly, and that her Department was beginning consideration of that issue. While that process had only just begun, the Minister assured us that CAFCASS was one of her early priorities because she was “really concerned at the quality of service which is being offered in terms of children being looked after”.¹⁵² The Minister further explained that a new protocol had been put in place that would ensure that all cases would have to be dealt with within forty weeks. While she saw that as a good first step, she was aware that further work was necessary to ensure that social workers, the CAFCASS and the court system needed closer cooperation to drive forward a swifter and appropriate response in the interests of the child.¹⁵³

82. We welcome both the Minister’s commitment to make CAFCASS a priority and the current discussions within Government on the possibility of devolving responsibility for CAFCASS in Wales, to the National Assembly. However, we are concerned that a fully integrated service in Wales would remain unachievable should any review conclude that control of CAFCASS should remain with the UK Government. We have already recommended that powers over youth justice be conferred on the National Assembly for Wales. Conferring powers of responsibility over CAFCASS in Wales to the National Assembly would have the benefit of providing a greater level of integration for policy areas, and services, that affect children and young people in Wales. **We believe that the interests of children and young people in Wales would be best served by a transfer of powers and resources over CAFCASS in Wales to the National Assembly for Wales, and we recommend that the Government make a commitment to that effect at the earliest opportunity.**

The Secure Estate

83. The secure estate is a key factor in youth justice for Wales. Jane Hutt explained that while there were 182¹⁵⁴ young offenders from Wales in the secure estate, there are only 42 places in Wales to house them.¹⁵⁵ Fourteen are at the Hillside Local Authority Secure Unit in Neath, and 28 are at the juvenile facility at HMP Parc in Bridgend.¹⁵⁶ With this limited provision in Wales, the majority of children and young people were housed in England. Furthermore, with no secure facilities in North Wales all or most young people from that area are detained in England. The majority are housed at Stoke Heath YOI in Shropshire.¹⁵⁷

84. The Youth Justice Board recognised the need to place young offenders close to their families and it announced a commitment to place 90 per cent of juvenile offenders within

151 Q556

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154 The Youth Justice Board’s figure at February 2003 was 196.

155 Q263

156 Q276

157 Ev 92

50 miles of their home by 2004.¹⁵⁸ However, when we questioned the Youth Justice Board on how it would achieve that commitment in Wales, Mr Perfect, Chief Executive, conceded it would be hard pressed to do so.¹⁵⁹ However he argued that “if there is a demand to remand and sentence children in custody in Wales, we jolly well ought to be looking for places where we can provide places in Wales”.¹⁶⁰ We were given several examples of where this was not happening. Andy James, Assistant Director of Barnardo’s Cymru, commented that young people in Pembrokeshire and Carmarthenshire were being sent to Bristol”.¹⁶¹ Peter Clarke, the Children’s Commissioner for Wales noted that young people from Wales were placed in Newcastle and were “completely distant from their families who cannot hope to visit them”.¹⁶² Howard Williamson made the point that this target would be even more difficult to reach following the Youth Justice Board’s phased withdrawal from the secure centre at Ashfield. He believed that this would result in more young people from Wales being subjected to “the churn around the English juvenile security estate”.¹⁶³

85. Few, if any, of our witnesses had any confidence that the Youth Justice Board’s target could be reached. Jane Hutt thought that it would be very unlikely,¹⁶⁴ while Mr Towler from NACRO Cymru averred that the target in Wales was unachievable unless there was provision for new accommodation in Wales.¹⁶⁵ Howard Williamson, a member of the Youth Justice Board thought it probably to be an impossible target.¹⁶⁶

86. The housing of Welsh young offenders in England was a serious concern to many of our witnesses. Mr Towler from NACRO cited anecdotal evidence of children and young people, particularly from North Wales and West Wales, who were in the secure estate in England and were not able to access any kind of service in their mother tongue,¹⁶⁷ a point that was reinforced by Dr Williamson.¹⁶⁸ Mr Towler also argued that “Any idea that [the] curriculum is taken forward in the secure estate in England for Welsh children is a myth”, and that there was not appropriate careers guidance within Welsh frameworks available to Welsh young offenders.¹⁶⁹ More disturbing was the perception of young offenders from Wales. Howard Williamson cited anecdotal evidence of a senior professional in the prison service who had described them as “foreigners from Wales”.¹⁷⁰

87. Jane Hutt acknowledged the difficulty of providing such services. However, she did inform us that video links had been set up between the Youth Offending Team workers

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and young people in secure accommodation in England.¹⁷¹ We agree with her that this represents a welcome step forward.

88. We conclude that the Youth Justice Board’s aspiration of locating 90 per cent of young offenders within 50 miles of their families cannot be achieved in Wales. Therefore, the National Assembly for Wales should be given the appropriate powers and resources to devise a youth justice system that would reflect the policy aspirations of the Welsh Assembly Government’s strategy for children and young people from Wales, and in Wales.

A new site at Glynneath

89. The Youth Justice Board has considered building a new facility in Wales, and Glynneath was a possible contender.¹⁷² A consultation on that location was now being undertaken.¹⁷³ However, as Mr Towler pointed out, even if that facility was established, it would have no impact on the Board’s target in relation to North, West or Mid Wales.¹⁷⁴ Mr James from Barnardo’s gave qualified support for such a facility but added the caveat that it should not be seen as an opportunity to fill it up with greater numbers of detainees. Given the choice, he said that Barnardo’s Cymru would always support alternatives to custody, where possible.¹⁷⁵

90. Several of our witnesses took a stronger line against such a facility. Ms Crook from the Howard League for Penal Reform argued that building a new facility would be a retrograde step. She believed that the Welsh Assembly and Welsh local authorities had an opportunity to make a strong statement by declaring that “there is no appropriate prison facility for Welsh children, therefore, they will not go to prison”.¹⁷⁶ The Howard League for Penal Reform further argued that prison custody should be used as a last resort and for the shortest possible time. However, it believed that the experience of Wales, Scotland and England was that custody was used “excessively, too early on and for long periods of time”.¹⁷⁷

91. Both the Howard League and NACRO were of the opinion that custodial sentencing was not a success. Such sentences had had little effect upon re-offending rates and Ms Crook cited the figures that the re-offending rate for children and young people coming out of prison custody was between 80 and 90 per cent.¹⁷⁸

92. Howard Williamson thought that it could be better to have a slightly greater custodial potential within Wales,¹⁷⁹ but he argued that a secure unit in Glynneath would do little, if

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173 Q239

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anything to alleviate the problem of placing children and young people within fifty miles of their families.¹⁸⁰

93. A secure facility at Glynneath may alleviate some of the pressure to send Welsh young offenders to secure facilities in England. However, we believe that such a facility would do little to achieve the Youth Justice Board's target of placing juvenile offenders within 50 miles of their home. Peter Clarke, the Children's Commissioner, argued that he would like to see a strategy that kept young people out of the secure estate wherever possible.¹⁸¹ He was particularly concerned that young people from Wales were not well served by that secure estate. "Certainly I have had evidence directly from our casework of young people and their families feeling that their likely rehabilitation is completely undermined by where they are placed within the secure estate".¹⁸²

Youth Offending Teams

94. Youth Offending Teams (YOTs) were created under the Crime and Disorder Act 1998 and implemented nationally from 1 April 2000. Youth Offending Teams (YOT) have been established in every local authority in England and Wales. They are made up of representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. Each YOT is managed by a YOT Manager who is responsible for co-ordinating the work of the youth justice services. The YOT identifies the needs of each young offender by assessing him or her under a national assessment Programme. It identifies the specific problems that make the young person offend as well as measuring the risk they pose to others. This assessment is made to identify suitable programmes to address the needs of the young person with the intention of preventing further offending.¹⁸³

Intensive Supervision and Surveillance Programmes

95. One option open to Youth Offending Teams is the Intensive Supervision and Surveillance Programme (ISSP). ISSP is a 6 month programme combining high levels of community based surveillance using tracking by YOT staff, intelligence led policing, electronic monitoring and voice verification technology with a sustained focus on tackling risk factors associated with offending. This involves at least 25 hours personal contact with a young offender each week for the first three months of the programme. The Youth Justice Board explained that ISSP was now available in 80 per cent of Youth Offending Team areas (with three schemes in Wales - North East Wales, South Wales and Gwent) Full rollout in England and Wales was planned for January 2004.¹⁸⁴

96. Mr Perfect told us that those young people who had been through the ISSP spoke highly of it, even those in secure facilities who were on it and breached it. He argued that "The children in the community like the tagging, they like the monitoring, they like the

180 Q350

181 Q303

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183 www.yjb.gov.uk

184 Ev 93

clear structure being provided of the sort that most of us provide for our children which they for whatever reason have not had provided, and they like the adult attention” Furthermore, Mr Perfect averred that completion rates were very positive.¹⁸⁵

97. Mr Towler was in favour of more funding for Intensive Supervision and Surveillance programmes.¹⁸⁶ However, he noted that in Wales, the geography of the country meant that the per capita cost of using ISSPs in rural areas were much greater for an individual than they would be for a similar child in Cardiff. He argued that there was nothing in the funding formula that suggested that that level of funding in rural areas was appropriate. “If you look at how much those community sentences cost in relation to rural practice, they are quite high, but it does not mean that they should not be happening”.¹⁸⁷

98. It is evident that a new facility at Glynneath would not solve the current lack of secure accommodation across Wales. It may improve the situation locally but it would not improve the situation in Mid Wales or North Wales. If the funds set aside for Glynneath were used to build smaller facilities in Mid and North Wales, the lack of provision of secure accommodation in those regions could be addressed. **We recommend that consideration be given to using the funding earmarked for a new secure centre in Wales, to provide for a mix of smaller facilities that are better placed geographically alongside other non-custodial programmes so that juvenile offenders in Wales can be rehabilitated closer to home and possibly outside of the secure estate. In particular, we recommend that the Youth Justice Board conduct a cost-benefit analysis of using a significant part of that funding for increased use of Intensive Supervision and Surveillance Programmes in Wales.**

The Children’s Commissioner For Wales

99. The post of the Children’s Commissioner for Wales was established under the Care Standards Act 2000, and extended under the Children’s Commissioner for Wales Act, which received Royal Assent on 11 May 2001. Under the legislation, the Children’s Commissioner’s principal aim is to safeguard and promote children’s rights and welfare in Wales.¹⁸⁸ On 26 June 2001 Jane Hutt, Minister for Health and Social Services, Children and Youth Justice at the National Assembly for Wales, extended those powers to include the monitoring role of the implementation in Wales, of the United Nations Convention on the Rights of the Child.

100. The Children’s Commissioner can consider and make representations to the Assembly about any matter affecting the rights or welfare of children when they are in Wales but only on devolved matters. While this is a limitation, Mr Peter Clarke, the Children’s Commissioner for Wales, told us in practice he tried to extend this to deal with issues such as Home Office-run Juvenile Offenders institutions, the Family Court and

185 Q244

186 Q259

187 Q259

188 Children’s Commissioner for Wales.

social security benefits—matters not within the remit of the National Assembly for Wales.¹⁸⁹

101. Although he can champion the causes of children, and take up individual cases, the Commissioner’s remit does not extend to youth justice. As he told us: “I am painfully aware that it is not a devolved matter and that the Acts that set my office up reflect that fact”.¹⁹⁰ He explained that this caused him some problems. “I do think it is an issue that the same young people who I can represent and advocate for both at an individual and general level in almost all areas of their lives, the minute they hit the criminal justice system then my powers are very much less than they would have been up until then”.¹⁹¹ For example, he explained that he did not have the legal powers to take on the issues of Welsh young people at Ashfield.¹⁹²

102. The anomaly of the Children’s Commissioner for Wales powers not extending to reserved matters was not lost on Ms Efunshile. She agreed that the issue of children and young people in Wales affected by reserved matters had to be solved by legislation. She offered two possible remedies; either extending the responsibilities and remit of the Children’s Commissioner for Wales, or ensuring that any Children’s Commissioner for England was given that responsibility. As Ms Efunshile rightly pointed out “One way or another we need to make sure that there are not a group of young people who are not covered by a Commissioner”.¹⁹³

103. The Children’s Commissioner for Wales supports Welsh children for the majority of their needs. It would make little sense for him to relinquish that role to another Commissioner once a child’s needs crossed over into to a reserved matter. Such a circumstance could run the risk of undermining any continuity and trust that had been built up between that child and the Commissioner for Wales.

104. We conclude that the current limits on the remit of the Children’s Commissioner for Wales do not serve best Welsh Children and Young People in the Youth Justice System. We recommend that the powers of the Children’s Commissioner for Wales be extended to those Welsh children residing in the secure estate outside of Wales. A suitable vehicle for enacting that change would be the proposed legislation to establish a Children’s Commissioner for England.

105. We further believe that the current representation of young people in Wales with regard to reserved matters is inadequate. However, we do not believe that the interests of children and young people in Wales would be best served by conferring powers over them, with regard to reserved matters, to a Children’s Commissioner for England. We recommend that the Government include in any Bill to establish a Children’s Commissioner for England, Clauses to extend the powers of the Children’s Commissioner for Wales to cover all non-devolved areas of policy for children and young people in Wales.

189 Q305 and the Children’s Commissioner for Wales website.

190 Q305

191 Q305

192 Q306

193 Q590

United Nations Convention on The Rights of the Child

Background

106. The UN Convention of the Rights of the Child (UNCRC) is the most widely ratified in the world. It is an unambiguous international benchmark of minimum standards relating to children's civil, political, economic, cultural and social rights. It provides a comprehensive framework by which to examine the impact of all legislation, policy and practice on the realisation of rights for all children. At the heart of the Convention is the principle that:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.¹⁹⁴

The Review Process

107. The review process requires States Parties to conduct a comprehensive review of the measures that have been adopted to give effect to the rights under the Convention. The Committee on the Rights of the Child considers State Party reports at a public hearing in Geneva attended by government representatives. The Committee then publishes its concluding observations and make recommendations for follow up by the State Party. Periodic reports thereafter provide information on areas of concern raised by the Committee, how recommendations have been followed up and progressed and any difficulties encountered in the realisation of children rights.

108. The UK Government ratified the Convention on the Rights of the Child in December 1991.¹⁹⁵ In October 2002 the UN Committee on the Rights of the Child published its Concluding Observations on the UK Government's compliance with the Convention on the Rights of the Child based on the report made by the UK in 1999. These stated that it remained:

“Concerned that the absence of a central mechanism to co-ordinate the implementation of the Convention across the State party makes it difficult to achieve a comprehensive and coherent child rights policy. The process of devolution of powers to the devolved administrations intensifies the need for effective coordination of implementation of the Convention across the State party as among the various levels of governments in Northern Ireland, Scotland, England and Wales, as well as between Governments and local authorities”.¹⁹⁶

194 Article 3.1 of the Convention.

195 The Convention was opened for signature in 1989, signed by the UK in April 1990 and ratified by the UK in December 1991. The only two UN member-states which have not ratified the Convention are Somalia and the USA.

196 Concluding Observations Of The UN Committee On The Rights Of The Child: United Kingdom, October 2002, Para 12.

109. The UN Committee further recommended that the UK Government: “assign coordination of the implementation of the Convention to a highly visible and easily identifiable permanent body with an adequate mandate and adequate resources. Coordination should be across the State party as among the various levels of governments in Northern Ireland, Scotland, England and Wales, as well as between Governments and local authorities”.¹⁹⁷

Implementation of the Convention in the United Kingdom

110. Children in Wales¹⁹⁸ argued that mechanisms had not been established by the UK Government to monitor the UNCRC, nor to measure the impact of policies on children consistently across the United Kingdom. In particular, it was concerned that there was no systematic and ongoing review of law, policy and practice to ensure compatibility with UNCRC. The UK Government recently tasked the Children and Young People’s Unit to be the lead agency with regard to this. However, the Children and Young People’s Unit has since been reformed into the Children, Young People and Families Directorate. Responsibility for policy on the UN Convention on the Rights of the Child has transferred to the International Team in the Children’s Bill and Strategy Division of the Strategy Group within the new Directorate.

111. The Children and Young People’s Unit had a responsibility to consult with and represent the views of the devolved jurisdictions, and we can only assume that the new Directorate has been assigned that responsibility. However, Children in Wales argued that in practice, consultation with the devolved jurisdictions had been extremely limited. It believed that there was a need for appropriate mechanisms to be established for monitoring the UNCRC across the devolved administrations.¹⁹⁹

112. The UN Committee on the Rights of the Child, in its report on the United Kingdom, also concluded that there remained a lack of knowledge about the Convention amongst the UK population. It also commented on the UK Government’s poor commitment to developing a children’s rights approach.²⁰⁰ By contrast, it commended the Welsh Assembly Government for developing a policy for children and young people based on that approach.²⁰¹ However, the issue of the banning of physical chastisement of children is one where the Welsh Assembly Government is unable to interpret the Convention in its own way without primary legislation being passed at Westminster by a sympathetic government.

113. Certainly, there was a level of agreement among our witnesses that the UN Committee’s criticisms at the UK level were valid. Ms Stacy from Barnardo’s Cymru believed that the UK Government’s record on responding to the UN Committee’s criticism was poor. She asserted that the UK Government’s response “was very much last-minute”

197 Concluding Observations Of The UN Committee On The Rights Of The Child: United Kingdom, October 2002, para 13

198 Children in Wales is the national umbrella membership organisation for organisations and individuals who work with and for children and young people in Wales.

199 Ev30

200 Ev33

201 Concluding Observations Of The UN Committee On The Rights Of The Child: United Kingdom, October 2002, Para 14.

and argued for the establishment of a UK-wide framework to monitor how the UN Convention was being implemented across the four parts for the UK.²⁰² This point was echoed by the Children’s Commissioner for Wales. He stated that the implementation of the UNCRC had not been as positive as it might have been: “There are detailed areas where I am probably not aware of what their response has fully been but I do not get an overwhelming sense of this being dealt with now in a very vigorous and high profile way”.²⁰³

114. Mr Richard Powell, Programme Director of Save the Children (Wales), understood that there were quarterly meetings between England and Wales on the implementation of the Convention, but information on those meetings was minimal. As a result, he was unaware that those meetings were taking place. Ms Rolfe was also concerned that the approach was “very England-based, in terms of their understanding and implementation”.²⁰⁴

115. Ms Efunshile explained that her Unit had a specific role with regard to Wales in relation to the coordination of the implementation of the United Nations Convention on the Rights of the Child. Her unit had taken over that role from the Department of Health in March 2001 and now had an overview of implementation of UN Convention matters as they pertain to England; and for reserved matters an overview of how the Convention on the Rights of the Child is coordinated across all of the UK. However, in terms of the specific responsibility for implementing day to day policy, it resided with the appropriate Government Department in England for English matters and for reserved matters, and with one of the other devolved administrations for devolved matters. She further explained that: “An inevitable consequence of devolution was that the different institutions could interpret differently many of the articles in the United Nations Convention on the Rights of the Child. This would be logical and would reflect the need for flexibility to reflect local communities appropriately”.²⁰⁵

116. When asked what reporting was required from departments or devolved administrations Ms Efunshile told us that formal reporting was not required. She assured us that this was one issue that her unit was addressing. “It is not systematic in that sort of way and I think we need to take a stock of that and look at how we want to improve the way we co-ordinate that implementation”.²⁰⁶

117. The devolution settlements have given the four parts of the UK the opportunity to develop policy that best addresses the needs of that country. However, we are concerned that, in respect of the UN Convention on the rights of the Child, a lack of formal regional monitoring could undermine the good work that is being done in this area. Therefore we recommend that the new Children, Young People and Families Directorate be tasked with monitoring formally, the implementation of the Convention to ensure that all parts of the UK are adopting and implementing the Convention.

202 Q66

203 Q312

204 Q70

205 Q572

206 Q571

Communication between Westminster and Wales

The Division of Powers between Westminster and Wales

118. The responsibility for Government policy for children and young people is divided between Westminster and the National Assembly for Wales. Unlike other areas of policy, children and young people policy at Westminster is divided between a number of Departments. The UK Government recognised a similar divide in relation to policy in England. To manage this effectively, in June 2003 the Prime Minister appointed Margaret Hodge to the new role of Minister for Children. The Minister's responsibilities include working closely with colleagues across Government to ensure that all those issues are taken forward in a co-ordinated and joined up way.²⁰⁷ We appreciate that the Minister's role is predominately concerned with England, but nonetheless we were interested to hear what role, if any, that post would have in relation to Wales.

Lines of communication

119. We questioned the Minister on how communication worked at a ministerial level between the two institutions. Margaret Hodge MP told us that in spite of the short time that she had been in post, she had already met with Jane Hutt AM, her counterpart in the Welsh Assembly Government and that they had agreed to meet regularly. However, these meetings would be on *an ad hoc* basis.²⁰⁸ She also gave the example of the Government's Green Paper on Children.²⁰⁹ She told us that was constant official contact on the draft Green Paper and much information was shared. It was also brought to our attention that the Secretary of State for Wales, as a member of the Cabinet, represented Wales at meetings on the Green Paper. The Minister assured us that a copy was sent to Jane Hutt AM, the Wales Assembly Government Minister in draft form so that she could comment on it. In conclusion Mrs Hodge said that "there are informal links all the time and of course we will be working together; equally we are going to recognise that they work in a different way to us where appropriate".²¹⁰

120. Ms Efunshile explained contacts at an official level: "We have fairly frequent contact with colleagues in Wales [and] we meet as a senior officials group four times a year [at the] Devolved Liaison Group. We make sure we are sharing information and maintaining an overview of what is going on across the United Kingdom. There were also bilateral meetings between each of the devolved administrations".²¹¹

207 www.dfes.gov.uk/insidedfes/ministers.shtml.

208 Q552

209 Every Child Matters, September 2003, Cm5860.

210 Q551

211 Q555

Concordats

121. In addition to these informal links, the devolution settlement for Wales included concordats for consultation and communication between Government Departments and the National Assembly for Wales: “As this concordat indicates, ODPM and the Assembly Government will exchange information and inform or consult each other about a wide range of issues in a wide range of situations. The concordat is not, however, intended to be an exhaustive description of every aspect of the relationship between the organisations, or to preclude communication between them about other issues or in other situations”.²¹²

122. The Children’s Commissioner for Wales gave his professional opinion of communication between Wales and the UK Government. He was pleased to report that he did find “sympathetic ears and voices within various government departments” but that he had yet to be convinced that there was a huge reflection of any learning being passed through at the UK Government level of what was being achieved in Wales”²¹³

123. When asked about consultation on non-devolved matters, Ms Efunshile explained that the CYP²¹⁴ tried to ensure that Departments were taking very seriously the whole issue of consulting with young people: “Where a government department in Whitehall is responsible for a reserved matter, we are also expecting them to make sure that they are taking on board the views of children and young people in Wales.”²¹⁵

124. We are pleased to hear that there are a number of informal links between the two institutions. The commitment to those links was evident from the evidence we received from both the Minister and the Children and Young People’s Unit. However, we believe that there remains room for improvement. The apparent absence of any formal monitoring of the Concordats, and of consultation by Whitehall Departments with children and young people in Wales, leaves the process open to oversights. **For that reason we recommend that a formal mechanism be established to monitor those concordats, and to monitor consultation with children and young people in Wales on issues that affect them.**

125. The Minister pointed out correctly that the Secretary of State for Wales is a member of the Cabinet, and can represent Wales at that forum. However, we believe that a more direct link into Whitehall could be established for issues relating to children and young people. A single point of communication would assist with that aim. As we mention above, the Minister for Children has the responsibility to work closely with colleagues across Government to ensure that all those issues are taken forward in a co-ordinated and joined up way. That cross-cutting role makes the Minister for Children the ideal position for such a post. **Therefore we recommend that the Minister for Children in the UK Government be the formal point of Communication between Westminster and the National Assembly for Wales on the coordination of policy affecting children and young people in Wales.**

212 Concordat between the ODPM and the Welsh Assembly Government, paragraph 6.

213 Q293

214 Now the Children, Young People and Families Directorate.

215 Q652

Conclusions and recommendations

Youth Projects

1. We commend the work done by the Welsh Assembly Government, Local Authorities and young people in establishing young people’s forums at all levels of life in Wales. In particular we commend the WAG for putting Schools’ councils and Local Authority youth Councils on a statutory footing. In the spirit of sharing best practice, we recommend that the UK Government consider legislation to establish schools’ councils on a similar statutory basis throughout England. (Paragraph 24)

The UK Youth Parliament

2. The ability to use your mother tongue is vital to effective communication. Welsh is an official language of the United Kingdom and therefore we recommend that funds be made available for equipment so that all delegates to the UK Youth Parliament are able to speak in their first language. (Paragraph 29)
3. We conclude that the current arrangements for the UK Youth Parliament—which seems to have a dual function as both the English Youth Parliament and the UK Youth Parliament—do not provide the appropriate forum in which young people from the four parts of the United Kingdom can meet to debate common issues, and to explore policy initiatives that affect children and young people in the United Kingdom. We recommend that a separate English Youth Parliament be established; that the UK Youth Parliament be reconstituted as a truly UK-wide Assembly; and that the review being undertaken by the Office for Public Management consider inviting the parliamentary authorities at Westminster, Cardiff, Edinburgh and Belfast to provide the necessary assistance and advice to make a success of the UK Youth Parliament. (Paragraph 30)

Access to Benefits and the Minimum Wage

4. We recommend that the Government consider a review of the benefits system in relation to 16-18 year olds. We further recommend that the Low Pay Commission, elicits representations from organisations representing both adults and children and young people when it considers the effects of extending the minimum wage to young people aged between 16 and 18. (Paragraph 44)

Young People’s Participation in Politics

5. It is clear to us that as politicians we need to do more to engage with young people. We can no longer rely on traditional forms of communication such as leaflets or constituency “surgeries”. To re-engage with young people, politicians need to embrace with greater enthusiasm new forms of communication including email, the internet and possibly text messaging. However, that should not be at the expense of face to face meetings at schools, youth clubs and youth forums across Members’ constituencies. (Paragraph 54)

6. Lowering the voting age would involve young people whose voices should be heard in our democracy and could be a positive step towards reengaging young people in democratic politics. To that end we support the Electoral Commission's inquiry into the voting ages. In principle we support a lowering of the voting age to 16 and recommend that the Government looks favourably on the argument to lower the voting age. We would further recommend that the Government satisfies itself that the current legal protections afforded to 16 to 18 year olds would not be undermined by any reduction in the voting age before coming to any decision. (Paragraph 68)

Youth Justice

7. We believe that the present division of youth justice powers between Westminster and the National Assembly for Wales does not assist the Welsh Assembly Government in the pursuit of its All Wales Youth Offending Strategy. We recommend that powers over youth justice, outside of the secure estate, are conferred on the National Assembly for Wales. (Paragraph 78)
8. We believe that the interests of children and young people in Wales would be best served by a transfer of powers and resources over CAFCASS in Wales to the National Assembly for Wales, and we recommend that the Government make a commitment to that effect at the earliest opportunity. (Paragraph 82)

The Secure Estate

9. We conclude that the Youth Justice Board's aspiration of locating 90 per cent of young offenders within 50 miles of their families cannot be achieved in Wales. Therefore, the National Assembly for Wales should be given the appropriate powers and resources to devise a youth justice system that would reflect the policy aspirations of the Welsh Assembly Government's strategy for children and young people from Wales, and in Wales. (Paragraph 88)

Intensive Supervision and Surveillance Programmes

10. We recommend that consideration be given to using the funding earmarked for a new secure centre in Wales, to provide for a mix of smaller facilities that are better placed geographically alongside other non-custodial programmes so that juvenile offenders in Wales can be rehabilitated closer to home and possibly outside of the secure estate. In particular, we recommend that the Youth Justice Board conduct a cost-benefit analysis of using a significant part of that funding for increased use of Intensive Supervision and Surveillance Programmes in Wales. (Paragraph 98)

The Children's Commissioner for Wales

11. We conclude that the current limits on the remit of the Children's Commissioner for Wales do not serve best Welsh Children and Young People in the Youth Justice System. We recommend that the powers of the Children's Commissioner for Wales be extended to those Welsh children residing in the secure estate outside of Wales. A suitable vehicle for enacting that change would be the proposed legislation to establish a Children's Commissioner for England. (Paragraph 104)
12. We further believe that the current representation of young people in Wales with regard to reserved matters is inadequate. However, we do not believe that the interests of children and young people in Wales would be best served by conferring powers over them, with regard to reserved matters, to a Children's Commissioner for England. We recommend that the Government include in any Bill to establish a Children's Commissioner for England, Clauses to extend the powers of the Children's Commissioner for Wales to cover all non-devolved areas of policy for children and young people in Wales. (Paragraph 105)

Implementation of the Convention in the United Kingdom

13. The devolution settlements have given the four parts of the UK the opportunity to develop policy that best addresses the needs of that country. However, we are concerned that, in respect of the UN Convention on the rights of the Child, a lack of formal regional monitoring could undermine the good work that is being done in this area. Therefore we recommend that the new Children, Young People and Families Directorate be tasked with monitoring formally, the implementation of the Convention to ensure that all parts of the UK are adopting and implementing the Convention. (Paragraph 117)

Communication between Westminster and Wales

14. For that reason we recommend that a formal mechanism be established to monitor those concordats, and to monitor consultation with children and young people in Wales on issues that affect them. (Paragraph 124)
15. Therefore we recommend that the Minister for Children in the UK Government be the formal point of Communication between Westminster and the National Assembly for Wales on the coordination of policy affecting children and young people in Wales. (Paragraph 125)

Annexes

Annex 1

Visit to Cardiff, Monday 2 and Tuesday 3 December 2002

Monday 2 December 2002

Informal meeting, Michaelston Community College, Michaelston Road, Cardiff

Informal briefing from Welsh Government Officials

Informal meeting with young people and teachers from Michaelston Community College

Informal meeting with detached youth workers and a group of young people from the local area

Informal meeting at Dusty Forge with key adult workers, local young people, local representatives, disabled representatives and young careers from the Ely area.

Informal meeting with Peter Clarke, Children's Commissioner for Wales

Tuesday 3 December 2002

Informal meeting with School Council and Teachers from Tongwynlais primary school

Informal meeting with Save the Children, the Fernhill Youth Project and the Cardiff Black Youth Network

Annex 2

Visit to Bangor and Rhyl, Monday 13 and Tuesday 14 January 2003

Monday 13 January 2003

Informal Meeting with Barnardo's Cymru

Informal meeting with NCH Cymru Conwy, children's rights project, local foster careers and independent visitors of young people in care

Informal meeting with representatives from Save the Children North Wales Advisory Group, NSPCC, Barnardo's and young people's groups.

Tuesday 14 January 2003

Seminar at Bangor University with Barnardo's Youth offending team, Campaign for Racial Equality, Academics and representatives of Local Authority youth services

Informal meeting with key workers and young people from West Rhyl Young People's Project.

Annex 3

Visit to Llandovery, Llanelli, Swansea and Cardiff, on Monday 10 and Tuesday 11 February 2003

Monday 10 February

Informal meeting with Hywel Pugh, Headmaster, Pantycelyn School, Meryl Gravell, Leader of the Carmarthenshire County Council and Cllr Denley Owen.

Informal meeting with Students from Pantycelyn School.

Open forum meeting with Parents, School Governors, Teachers, Local Councilors Cllr and local residents

Tuesday 11 February

Visit and informal meeting at Streets Youth Project, Ammanford

Informal meeting at Llanelli Town Hall with representatives from Carmarthen, Swansea, Ceredigion, Pembrokeshire and Cardiff County Councils

Informal meeting at XL Wales, Swansea

Informal meeting at Dynamix Ltd, Swansea

Informal meeting with the Minister and Members of the Education and Lifelong Learning Committee, National Assembly for Wales.

Annex 4

Visit to Edinburgh on Tuesday 20 May 2003

Informal meeting with Scottish Executive Officials

Informal meeting with Article 12

Informal meeting with Members of the Scottish Parliament

Informal meeting with the Youth Participation Officer, Edinburgh Council

Informal meeting with representatives from the Scottish Youth Parliament

Visit and informal meetings at St Thomas of Aquin's High School

Visit and informal meetings at the Veniche project in the Craigmillar

Formal minutes

Tuesday 6 January 2004

Members present:

Mr Martyn Jones, in the Chair

Mr Martin Caton
Mr Nigel Evans
Mr Hywel Francis

Ms Julie Morgan
Mrs Betty Williams

The Committee deliberated.

Draft Report (The Empowerment of Children and Young People in Wales), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 125 read and agreed to.

Summary agreed to.

Annexes agreed to.

Resolved, That the Report be the First Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No.134 (Select committees (reports)) be applied to the Report.

Several Papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till Wednesday 14 January at 3.00pm.]

Witnesses

Monday 10 February 2003

Page

Meryl Gravel, Leader, Carmarthenshire County Council and **Lowri Davies**, **Iona Evans**, **Aled Jones**, **Rhiannon Marks**, **Carys Morgan**, **Clare Nicholls**, **Hywel Richards**, **Joe Thurgate**, Students from Pantycelyn School Ev 2

Jane Stacey, **Andy James**, Barnardo's Cymru, **Veronica Wilson**, Council for Wales of Voluntary Youth Services (CWVYS), **James Phillips**, **Danny Jacob**, Ammanford Streets Youth Project, **Chrissy Rolfe**, NSPCC Cymru/Wales Ev 16

Monday 3 March 2003

Christine Walby, **Mike Lewis**, Children in Wales, **Richard Powell**, **Eleri Thomas**, Save the Children (Wales), **John Rose**, **Courtney Taylor**, Wales Youth Agency Ev 39

Richard Parry, City and County of Swansea Council, **Elfyn Wyn Jones**, Isle of Anglesey County Council, **Maggie Dawson**, Neath Port Talbot County Borough Council, **Dewi Jones**, Rhonda Cynon Taf County Borough Council, **John Killick**, Torfaen County Borough Council, **Wendy Nicholson**, Wrexham County Borough Council, **Lynda Bransbury**, Welsh Local Government Association Ev 56

Wednesday 19 March 2003

Alex Folkes, Electoral Reform Society Ev 70

Sam Younger, **Glyn Mathias**, and **Kay Jenkins**, The Electoral Commission Ev 75

Wednesday 26 March 2003

Deborah Jones, **Carol Floris**, **Eugene Rourke**, **Matthew Taylor**, **Kerryn Edmunds**, Voices from Care Ev 80

Frances Crook, **Lorraine Atkinson**, The Howard League for Penal Reform Ev 86

Mark Perfect and **Susan Williams**, Youth Justice Board for England and Wales Ev 94

Keith Towler, Nacro Cymru Ev 100

Monday 31 March 2003

Jane Hutt AM, Minister for Health and Social Services, Children and Youth Justice, **David Middleton**, **David A'Herne**, **Richard Parry**, Welsh Assembly Government Officials Ev 105

Peter Clarke, Children's Commissioner For Wales, **Dr Kevin Fitzpatrick**, Disability Rights Commissioner Ev 114

Dr Howard Williamson, School of Social Sciences, Cardiff University Ev 125

Mike Lewis, (Children in Wales), **Gwyndaf Hughes**, (NACAB Cymru), **Sara Reid**, (Children's Commissioner for Wales office), **Jayne Isaac**, (NCH Cymru), **Sian Thomas**, (Save the Children) Ev 133

Wednesday 9 April 2003

Charlotte Ali, **Darren Richards**, **Jodie Grant**, **Carwyn James Humphreys**, **Dominic Edgell**, **Michael O'Callaghan**, **Ceinwen Howell** and **Sophie Palmer**, Funky Dragon Ev 139

Professor Gill Jones, Professor of Sociology, Keele University, **Dr Roger Scully**, Department of International Politics, University Of Wales, Aberystwyth Ev 155

Deborah Littman, UNISON Ev 162

Wednesday 7 May 2003

Althea Efunshile, Director, Children and Young People's Unit, **Anne Weinstock**, Chief Executive and **Jo Grant**, Connexions Ev 169

Wednesday 17 September 2003

Margaret Hodge MP, Minister of State for Children, and **Althea Efunshile**, Director, Children and Young People's Unit Ev 182

List of written evidence

Carmarthenshire County Council	Ev 1
Barnardo's Cymru	Ev 7
Council for Wales of Voluntary Youth Services (CWWYS)	Ev 11
Children in Wales	Ev 30
Save the Children Wales	Ev 33
Wales Youth Agency	Ev 37
Ynys Môn Isle of Anglesey County Council	Ev 48
Rhondda Cynon Taf County Borough Council	Ev 49
Neath Port Talbot County Borough Council	Ev 51
Neath Port Talbot Youth Council	Ev 53
Welsh Local Government Association	Ev 55
Youth Justice Board for England Wales	Ev 89
NACRO Cymru	Ev 98
Disability Rights Commission	Ev 109
Dr Howard Williamson, School of Social Sciences, Cardiff University	Ev 123
End Child Poverty Network Cymru	Ev 131
Dr Roger Scully, Department of International Politics, University of Wales, Aberystwyth	Ev 148
Professor Gill Jones, Professor of Sociology, Keele University	Ev 150

UNISON	Ev 160
Children and Young People's Unit	Ev 166
Connexions	Ev 167
Janine Mahagan, Youth Development Worker	Ev 192
Craig Morton, Gorseinon College	Ev 192
Dynamix Ltd, Swansea	Ev 193
Snap Cymru	Ev 194
Cardiff University School of Social Sciences	Ev 195
RNIB Cymru	Ev 197
NCH Cymru	Ev 198
John Sam Jones	Ev 204
The Chartered Society of Physiotherapy (CSP) in Wales	Ev 205
Rhyl Community College	Ev 209
Commission for Racial Equality	Ev 210
UNISON	Ev 217
Children in Wales	Ev 218

List of unprinted written evidence

Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons library where they may be inspected by members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1. (Tel 020 7219 3074) hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

XL Wales

Alison Jones, Royal Alexandra Hospital, Rhyl

Voices from Care, Cymru

Neath Port Talbot Youth Council

Reports from the Welsh Affairs Committee since 2001

The following reports have been produced by the Welsh Affairs Committee in the 2001 Parliament.

Session 2003–04

First Special Report Government Response to the Fifth Report of Session 2002–03, The Draft Public Audit (Wales) Bill HC 87

Session 2002–03

First Special Report Government Response to the First Report of Session 2002–03, Broadband in Wales HC 413

Second Special Report Government Response to the Second Report of Session 2002–03, Transport in Wales HC 580

Third Special Report Government Response to the Fourth Report of Session 2002–03, The Primary Legislative Process as it affects Wales HC 989

First Report Broadband in Wales HC 95

Second Report Transport in Wales HC 205

Third Report Work of the Committee in 2002 HC 263

Fourth Report The Primary Legislative Process as it affects Wales HC 79

Fifth Report Draft Public Audit (Wales) Bill HC 763

Minutes of Evidence The Wales Office Departmental Report 2003 HC 883

Oral and Written Evidence Changes in Customs and Excise Operations in Wales HC 916

Session 2001–02

First Special Report Government Response to the First Report of Session 2000–01, Wales in the World HC 270

Second Special Report Response of the National Assembly for Wales to the First Report of Session 2000–01, Wales in the World HC 311

Third Special Report Response of the National Assembly for Wales to the Third Report of Session 1999–2000, Social Exclusion in Wales HC 604

Fourth Special Report Response of the Government and the Welsh Assembly Government to the Second Report of the Committee of Session 2001–02, objective 1: European Funding for Wales HC 1169

Fifth Special Report The draft National Health Service (Wales) Bill: Response of the Government to the Third Report of the Committee of Session 2001–02 HC 1215

First Report The Children's Society in Wales HC 525

Second Report Objective 1 European Funding for Wales HC 520

Third Report	The Draft National Health Service (Wales) Bill	HC 959
Fourth Report	The Children's Society in Wales: Responses from the Government and The Charity Commission to the First Report of the Committee of Session 2001–02	HC 989
Minutes of Evidence	The Wales Office Departmental Report 2002:	HC 1216