



House of Commons
Welsh Affairs Committee

**The Government
Response to the First
Report of the
Committee Session
2003–04: The
Empowerment of
Children and Young
People in Wales**

**Second Special Report of Session
2003–04**

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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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The following were also members of the committee during the parliament.

Mr Adam Price MP (*Plaid Cymru, Carmarthen East and Dinefwr*)
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Committee staff

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Second Special Report

The Committee published its First Report of Session 2003–2004 on 15 January 2004. The response from the Department for Education and Skills was received on 11 March 2004 and is published as the Appendix to this Report..

Appendix

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 in England. (Paragraph 24)

The Government supports the view that young people should be consulted on matters which are important to them. This is evident from the guidance document entitled ‘Working together: Giving children and young people a say’. This document sets out the Department’s proposals for helping Local Education Authorities (LEAs), Governing Bodies and schools to consider the views of children and young people and involve them when making decisions that affect them, as provided in Section 176 of the Education Act 2002. Our aim is to help to open up opportunities for children and young people to become more active participants in their education, including involvement in planning and the evaluation of their own learning.

Through the national curriculum itself, the involvement of young people is actively promoted and supported through citizenship education, a statutory part of the secondary school curriculum from September 2002. The Citizenship programme of study encourages active participation of young people in the democratic life of their school and the wider community.

The Department for Education and Skills is working closely with School Councils UK to support school councils as a way of giving pupils a voice and encouraging their active participation and responsible action in the school. This has included the Department funding the development of toolkits to help both primary and secondary schools to develop effective school councils and a student’s handbook, to further help students make the most of their experience as council members.

A recent report by OFSTED and monitoring work carried out by Qualifications and Curriculum Authority on how schools are delivering the Citizenship programme show that the number of schools which have introduced school councils is increasing. The Government believes however that involvement of pupils can happen in many ways, not just through school councils. We do not plan to make schools councils statutory in England, but to enable schools to choose from a range of different opportunities for their pupils to participate in the school.

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)

Members of the Youth Parliament are best placed to decide how their finances are managed and in order to maintain the organisation's independence from Government we feel it should continue to control its own budget.

The UK Youth Parliament is striving to enable young people to use their first language at their events; at the last annual sitting signers were available throughout to enable two deaf members to participate in debates and discussion. The Government believes that there should be no barriers to youth participation and will continue to encourage the UK Youth Parliament to overcome obstacles to participation wherever they may arise.

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)

We have commissioned the Office for Public Management to conduct an independent review of the UK Youth Parliament. The aim of the review is to ensure the organisation has the structures and support necessary to sustain its continued growth and enable it to meet its objectives. This includes looking at how the UK Youth Parliament represents young people in Wales, Scotland and Northern Ireland. The review team are already gathering the views of young people and the UK Youth Parliament's stake-holders from all parts of the UK. The review is on going and we hope to publish a full report of the review and its findings in the Spring of 2004.

Access to Benefits and the Minimum Wage

4. 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.

a) We recommend that the Government consider a review of the benefits system in relation to 16–18 year olds. (Paragraph 44)

A cross-Government Review was established by the Department for Work and Pensions and the Department for Education and Skills in August 2002 to look at financial support for young people. The Group also included officials from HM Treasury, the Social Exclusion Unit, Children and Young People's Unit, Department of Health and Local Government. Bilaterals have been held with a significant number of organisations who represent the interests of young people.

The Review was set up to look at the recommendations contained in the Social Exclusion Unit report, "Bridging the Gap" which identified financial support as a critical area to be addressed in order to ensure that young people stay in education, training or work with a strong education/training element.

The Review also recognised that there were a significant minority of young people who are not in education, training or employment – the Labour Force Survey suggests about 220,000 people at any one time – though they may move in and out of activity. Some of these will have multiple disadvantages and can find it difficult to use a system which seems to them to be inflexible and to bear little connection to their needs.

- In the 2003 Budget, HM Treasury announced their interest in the Review and undertook to report in spring 2004 on: the financial incentives for young people to participate in education and training and the interaction between this support and any new minimum wage for 16 and 17 year olds;
- the financial support for young people and their parents or carers, including those who are living independently and those in very low paid employment; and
- how the system of financial incentives and support could be rationalised, given the variety of channels through which it is currently delivered.

The Review has identified several areas for action:

Severe Hardship Rules for payment of Job Seekers Allowance – we are involving appropriate voluntary bodies and social services and Jobcentre Plus staff in looking at the guidance and training given to the Jobcentre Plus staff who administer the benefit

Improving Service to young people – we are involving appropriate voluntary bodies and Jobcentre Plus staff in identifying good practice.

Improve the presentation and availability of information about benefits and services - we are involving groups of young people in deciding how to do this.

Joint-working – we are looking at the feasibility of increased joint-working between Connexions and Job Centre Plus.

Longer term reform

The current system has developed over time as the product of decisions taken about separate parts of the financial support environment. The Review is looking at the possibility of a fundamental reappraisal of financial support for young people to reduce the

complexity and perverse effects of the system and to encourage young people to undertake education, training, or work with training.

- b) 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).**

If a minimum wage were to be introduced for this age group it is important that it should be structured and set at a level so as not to harm opportunities and incentives to remain in education or take up training. The level of any rate should also have regard to the potential impact on employment prospects.

In February 2004 the Low Pay Commission submitted its report to Government on the advantages and disadvantages of introducing a minimum wage rate for 16 and 17 year olds. The Commission consulted widely and received views from a range of parties including employer organisations, unions, youth organisations and careers advisors. In addition the Commission heard oral evidence from organisations representing employers, unions and young people. Research was also commissioned to examine the impact of a minimum wage for 16 and 17 year olds on both employers and young people, with focus groups and a questionnaire used to obtain the views of 14–17 year olds across the UK.

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)

Responsibility for taking forward this recommendation lies principally with politicians and political parties. The Government agrees with the recommendations and hopes that the WAC ensures wide dissemination of this recommendation throughout the Houses of Parliament.

The Government for its part has been working in partnership with the independent Electoral Commission and Hansard Society to increase awareness of young people's views about the democratic process.

In 2001, the Department for Education and Skills initiated the Yvote? /Ynot? Initiative, a project as a response to the low turn out of young voters aged 18–24 at the 2001 General Election, with the aim of giving feedback from young people and their reasons for voter apathy. The report made several recommendations to political parties and politicians about talking to them in;

- 'A language that they can understand ie simple, clear, basic, understandable, and keeping us informed'.

- ‘Talking to us directly, regularly, and in our environments, not just at election times, not just when we’re old enough to vote, and face to face, not through a leaflet’.
- ‘Listen and respond to our concerns, don’t lecture us and don’t assume we have no opinions or you know what we think’.
- ‘Respect our diversity and recognise that you need to find new ways of reaching out to different groups of young people’.

The Electoral Commission has now taken on the work to develop and implement these recommendations.

In addition, the Electoral Commission has the general remit to increase public confidence in the democratic process and to encourage people including young people to take part. It has been working in partnership with other organisations to heighten young people’s awareness and participation in the electoral system. For example in partnership with MTV it has launched a nationwide competition challenging young people to express what ‘democracy’ means to them, whilst the ‘Votes are Power Competition’ 2004 asks 14–24 year olds to come up with a creative response to the phrase ‘Turn Opinion into Action’ using any medium from film, theatre or song to website or poster.

Whilst the Electoral Commission is taking forward the recommendations of Yvote/Ynote? as they relate to political parties, the Government has been addressing issue raised by young people regarding contact with Ministers. The Str8Up Listening Tour saw sixteen ministers from across Government engaged in direct dialogue with around five hundred young people across all of the English regions during the summer of 2003. Young people were able to voice their concerns, giving both regional officials and ministers valuable insight into local and national issues. A full report of the tour and evaluation of events was published in December 2003, and will help to inform the ongoing dialogue between Government and children and young people.

To increase the awareness of young people about the electoral process, the Department for Education and Skills has been involved in the funding of the Headsup Website Project. It enables young people from across the UK to share their views on the age of electoral majority and learn about voting and electoral systems. Following the publication of its consultation paper on the age of electoral majority, the Electoral Commission invited Headsup to submit the findings from the forum for use in its review process, the results of which will be fed in to Parliament.

The Voting Age

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)

The Government has an open mind on the question of reducing voting age to 16, and welcomes wide debate on this subject. Serious consideration will be given to any recommendations which may be received from the independent Electoral Commission as a result of its review of the minimum age for voting and candidacy. In the event of any proposal to amend the existing legislation on minimum voting age, careful consultation with all interested Parties would take place. This would expose any issues of concern about changes to the legal protection provided for 16 to 18 year olds.

Youth Justice Board for England and Wales

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)

One system of criminal law and criminal justice covers England and Wales. Government responsibility for criminal justice which includes youth justice, rests with the Home Secretary, the Department for Constitutional Affairs and the Attorney General. Youth Justice needs to remain within the criminal justice system to maintain policy and operational coherence. And in practical terms separation would make economies of scale difficult and create perceptions of institutionalised justice by geography.

These arguments remain strong even if the secure estate were treated differently. Westminster would then have responsibility but no power to influence the demands on it.

Every effort is made to ensure the present arrangements work well. The Government and the Youth Justice Board maintain close links with the Welsh Assembly in developing youth justice policy, and intend to continue to do so. We recognise the need for collaboration between youth justice and other services for children, which in Wales come under the responsibility of the Welsh Assembly. The Youth Justice Board will take care to ensure proper collaboration within Wales, to bring about the best outcomes for children and young people and reduce their offending.

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 CAF/CASS 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 Government accepts this recommendation and will implement the transfer when the necessary arrangements are in place to ensure a smooth transition that is in the best interests of children and families in Wales.

An agreement has been reached with the Welsh Assembly Government on the funding and organisational arrangements. The Children Bill contains clauses that will give powers to transfer the work and powers of CAF/CASS in Wales to the National Assembly for Wales. CAF/CASS, their staff in Wales, the President of the Family Division, and other stakeholders are being consulted on these details.

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 policy aspirations of the Welsh Assembly Government's strategy for children and young people from Wales, and in Wales. (Paragraph 88)

Closeness to home is an important aim, though it needs to be balanced with the Youth Justice Board's other objectives, notably suitable provision for young offenders who are identified as being vulnerable. Because in Wales a much higher proportion of the population than in England lives in rural areas or small towns, it will be more difficult for the Youth Justice Board to achieve its 90 per cent target. That does not invalidate the target, which is for England and Wales as a whole. It will always be difficult to place offenders from remote rural areas, whether in England or Wales, within fifty miles of home.

On 31 January 2004, 64 per cent of the 174 Welsh juvenile offenders in custody were placed within 50 miles of their homes. That would very significantly improve if funding became available to build a secure training centre on the proposed site at Glynneath. Roughly 75 per cent of Welsh juvenile offenders are from South Wales and live within 50 miles of Glynneath, which was chosen as a possible site specifically because of its central location. Of that 75 per cent, more than half are classed as "vulnerable" and would have priority for a secure training centre place. If it does prove possible to build the new centre, the Youth Justice Board would expect to place all young offenders from South Wales within 50 miles of home.

Intensive Supervision and Surveillance Programmes

10. a) 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 possible outside of the secure estate. (Paragraph 98)

As explained above, the building of a new centre at Glynneath would be a major step towards achieving the Youth Justice Board's target.

Following publication and consultation on our Green Paper document Youth Justice - the Next Steps, we are exploring a range of new options for juvenile custody, including smaller units and more use of open and semi-secure conditions. Given the sparse distribution of Welsh young offenders in North Wales and, especially, in mid-Wales, however, it will continue to be difficult to provide facilities that ensure offenders are within 50 miles of home. There are no easy solutions: very small units would not be able to provide adequate regimes or the necessary opportunities for association. As to the preferred size of units: although secure training centres are comparatively large (holding anything up to 80 young people), the regime (which is fuller and more varied than could be managed in a small establishment) is delivered within self-contained house units of between 6 and 8 young people.

10. b) 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 Programme in Wales. (Paragraph 98)

A cost benefit analysis of using STC funding for ISSP schemes would compare well in financial terms. A 6-month DTO in an STC costs approximately £33k while the cost of a 6-month ISSP is £8.5k. However, there are benefits of having a centrally located STC at Glynneath, as discussed under recommendation 9.

There are 5 ISSP schemes covering the whole of Wales. The Board is currently providing £1.9m to these 5 schemes in 2003/04. This equates to nearly 8% of the overall ISSP budget. The Barnett formula states that Wales should receive 5.6% of the overall budget for England and Wales.

Since the introduction of ISSP, the 5 Welsh schemes have met 90% of their targets for starts. However the current utilisation of potential capacity is at 59%. Therefore there is still capacity to increase the total numbers on ISSP in Wales with the current level of funding. It is worth noting that 2 of the schemes started in October 2003 are yet to become fully established.

The Children's Commissioner for Wales

11. We conclude that the 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 Wales. A suitable vehicle for enacting that change would be the proposed legislation to establish a Children's Commissioner for England.

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.

The issue of Commissioners' remits is one that affects all 4 administrations of the UK, not only Wales. The Government's priority has been to establish arrangements that work fairly and equally for children on a UK-wide basis, and that is why we have introduced legislation to establish a Commissioner that will deal with all non-devolved matters affecting children, irrespective of their geographic location.

The Children's Commissioner that will be established through the Children Bill has been designed to ensure a consistent approach to all non-devolved policies and we are clear that children affected by non-devolved services must have recourse to the same Commissioner services irrespective of their geographic point of access.

This approach also ensures that those making the policies at the centre receive consistent messages about what they need to improve, and that any advice or support given by the Commissioner is focused on achieving the key outcomes for children as outlined in the Green Paper Every Child Matters and its follow-up Every Child Matters: Next Steps.

Although only one Commissioner will have responsibility for non-devolved matters affecting children, we are clear that the Children's Commissioner must work with the Devolved Commissioners when considering matters that impact on children in the Devolved Administrations. The Children Bill proposes a duty on the Children's Commissioner to take the views and work of her UK counterparts into account when looking at non-devolved issues. The intention is that the Commissioner will be proactive in seeking the views of the other UK Children's Commissioners in such circumstances. The other UK Children's Commissioners will also be able to raise issues and offer their views to the Commissioner on these matters, which the Commissioner must then consider. Once appointed, we would expect the Children's Commissioner to collaborate with the other Commissioners to draw up detailed arrangements for effective working on behalf of all UK children, for example through the development of Memorandums of Understanding.

Implementation of United Nations Convention for the Rights of the Child in the United Kingdom

13. The devolution settlements have given the four parts of the UK opportunity to develop policy that best addresses the needs of that country. However, we are concerned that, in respect of the UN Convention for 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)

Co-ordination of approaches across the four countries of the UK to international instruments is governed by a Concordat on International Relations, and the Government is satisfied that the requirements of that Concordat are being met in respect of the UNCRC.

The co-ordination processes, both formal and informal, that the Children and Young People's Unit oversaw were developed in partnership with the four administrations of the UK and the Government considers that these provided a sufficient level of co-ordination in the context of the Devolution Settlements.

As noted by the Committee, the four parts of the UK have developed their own strategies for children and young people. The Government considers it natural and appropriate that approaches to the UNCRC vary to reflect the different priorities, strategies and circumstances of the four administrations.

As the Committee notes, the Children and Young People's Unit was disbanded on 30 November 2002 and its functions have been subsumed into the larger Children, Young People and Families Directorate. Structures and programmes for this new Directorate are still to be finalised and co-ordination processes with the Devolved Administrations are being considered as part of this wider work. The Department for Education and Skills has a

Concordat with the Welsh Assembly Government. Under this Concordat, both administrations have made a commitment to raise issues, share information, proactively consult and encourage joint-working. The DfES will ensure that, as the new Directorate takes shape, it will respect the Concordat with Wales and the Welsh Assembly Government is of course free, from its side, to seek closer collaboration.

Communication between Westminster and Wales

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.

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)

The Memorandum of Understanding (MoU) (presented to Parliament by the Deputy Prime Minister December 2001) sets out the understanding of the UK Government and the devolved administrations of the principles that will underlie relations between them. Individual UK Government Departments have concordats with the Welsh Assembly Government, which are voluntary, non-binding agreements. The concordats are intended to promote constructive co-operation and communication, and sets out a framework within which Ministers and officials inform or consult each other on a wide range of issues.

The Government does not believe that a formal mechanism to monitor those concordats would add anything to the current arrangements. The principle channel of communications between the administrations is through bilateral contact at official level or between UK Government and Welsh Assembly Government Ministers. There are various statutory requirements on the UK Government to consult the Assembly in addition to the department responsible for changes to proposed policies and programmes which might have an impact in the competency of the Assembly. In addition, it is open to the Welsh Assembly Government, or the relevant UK Government Department to propose amendments to the concordat as necessary.

Regarding the proposal to identify the Minister for Children, Young People and Families as a formal point of communication, the Government considers that this would simply duplicate the existing arrangements, and would indeed impose an unnecessary layer between the governments of the devolved administrations and those responsible for non-devolved policies. The Government would not wish to see the current arrangement altered whereby the Welsh Assembly Government can raise issues directly with the Ministry responsible. For example, we would not wish to prevent the Welsh Assembly Government from raising youth justice issues direct with the Home Office.

Regarding overarching issues and DfES-led policy, the existing bilateral Concordat between the DfES and the Welsh Assembly Government provides a direct link into the Minister for Children Young People and Families for the Welsh Assembly Government and we are satisfied that this two-way arrangement provides for effective co-ordination and consultation.