



*“Matter 15.1*

Safeguarding children from harm and neglect.

*Matter 15.2*

Adoption and fostering.

*Matter 15.3*

Social care for children and the persons who care for them.

*Matter 15.4*

Social care for young persons.

*Matter 15.5*

Co-operation between persons who exercise functions or are engaged in activities relating to the well-being of children or young persons and arrangements to ensure that functions are discharged with regard to the need to safeguard and promote the well-being of children and young persons.

*Matter 15.6*

Strategic planning by local authorities for the discharge of functions relating to the well-being of children or young persons.

*Matter 15.7*

Continuance, dissolution or creation of, and conferral of functions on, an office or body concerned with safeguarding and promoting the well-being of children or young persons and, in particular—

- (a) reviewing the effect on children or young persons of the exercise by any person of functions related to their well-being,
- (b) reviewing and monitoring arrangements for dealing with complaints and representations made by, or on behalf of, children or young persons in respect of any services provided to them by persons with functions related to their well-being or by persons providing them with social care,
- (c) examining cases of particular children or young persons,
- (d) considering, and making representations about, any matter affecting the well-being of children or young persons.

*Matter 15.8*

Promotion of equality between children or young persons in relation to their well-being.

*Interpretation of this field*

In this field—

“children” means persons who have not attained the age of 18;

“local authorities” means the councils of counties or county boroughs in Wales;

“social care” includes the provision by any person of residential care, non-residential care, support, financial or any other assistance, advice or counselling in connection with the well-being of any person;

“well-being”, in relation to individuals, means well-being so far as relating to any of the following—

- (a) physical and mental health and emotional well-being;
- (b) safety from harm and neglect,
- (c) education, training and recreation,
- (d) the contribution made by them to society,

- (e) social and economic well-being;
- (f) securing their rights.

“young persons” means

- (a) persons who have attained the age of 18 but not the age of 24,
- (b) persons who have attained the age of 24 and who are continuing a programme of education or training they were undertaking at the age of 21.”

**3.—**(1) The table at the end of Part 1 of Schedule 5 to the 2006 Act (excepted matters) is amended in accordance with this article.

(2) After excepted matter 18 insert the following rows—

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<b>19.</b> Child support.	Matters 15.1, 15.2, 15.3, 15.4, 15.5, 15.7, 15.8
<b>20.</b> Child trust funds, apart from payments into such funds by— (a) the council of a county or county borough council in Wales, or (b) the Welsh Ministers.	Matters 15.1, 15.2, 15.3, 15.4, 15.5, 15.7, 15.8
<b>21.</b> Tax credits.	Matters 15.1, 15.2, 15.3, 15.4, 15.5, 15.7, 15.8
<b>22.</b> Child benefit and guardian’s allowance.	Matter 15.1, 15.2, 15.3, 15.4, 15.5, 15.7, 15.8
<b>23.</b> Social security.	Matters 15.1, 15.2, 15.3, 15.4, 15.5, 15.7, 15.8
<b>24.</b> Independent living funds.	Matters 15.1, 15.2, 15.3, 15.4, 15.5, 15.7, 15.8
<b>25.</b> Motability.	Matters 15.1, 15.2, 15.3, 15.4, 15.5, 15.7, 15.8
<b>26.</b> Intercountry adoption, apart from adoption agencies and their functions, and functions of the “Central Authority” under the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.	Matters 15.2, 15.7
<b>27.</b> The Children’s Commissioner established under the Children Act 2004.	Matters 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8
<b>28.</b> Family law and proceedings apart from— (a) welfare advice to courts, representation and provision of information, advice and other support to children ordinarily resident in Wales and their families, and (b) Welsh family proceedings officers.	Matters 15.1, 15.2, 15.3, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8

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Clerk to the Privy Council

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends Schedule 5 to the Government of Wales Act 2006 (“the 2006 Act”). The effect of the Order is to extend the legislative competence of the National Assembly of Wales to make new laws for Wales by Measure under section 93 of the 2006 Act.

The amendments relate to field 15 (social welfare) in Part 1 of Schedule 5. They are concerned with the well-being of children and their families and young persons.

Article 2 inserts new matters 15.1 to 15.8 and interpretation provisions for field 15. The new matters include the following—

- safeguarding children from harm and neglect (matter 15.1);
- adoption and fostering (matter 15.2);
- social care for children and the persons who care for them (matter 15.3);
- social care for young persons (matter 15.4 );
- co-operation between persons with functions or engaged in activities relating to the well-being of children and young persons and arrangements connected with promoting the well-being of children and young persons (matter 15.5);
- strategic planning by local authorities (matter 15.6);
- the continuance, dissolution, creation and functions of an office or body concerned with safeguarding and promoting the well-being of children and young persons (this matter includes the role and functions of the Children’s Commissioner for Wales) (matter 15.7);
- promotion of equality between children and young persons in relation to their well-being (matter 15.8).

Any provision of an Assembly Measure relating to the new matters 15.1 to 15.8 will be within the legislative competence of the Assembly by virtue of the terms of those matters and section 94(4) of the 2006 Act.

Article 3 adds further excepted matters into the table in Part 1 of Schedule 5 to the 2006 Act. The table has effect so that the matters specified in the first column (“excepted matters”) are not included in the matters in the fields identified in the second column. The Assembly will not be able to make provision in an Assembly Measure under section 94(4) of the 2006 Act about anything in the first column, even if it would otherwise relate to the matters in the fields specified in the second column. The excepted matters in the first column will be outside the scope of the matters specified in the corresponding entry in the second column.