

# NSPCC Cymru/Wales

## Response to:

### National Assembly for Wales Children and Young People Committee's Inquiry into Arrangements for the Placement of Children into Care in Wales

September 2009

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**About us:**

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. The NSPCC's purpose is to end cruelty to children. We seek to achieve cultural, social and political change - influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

The NSPCC exists to end cruelty to children through a range of activities designed:

- to help children who have suffered abuse overcome the effects of such harm;
- to prevent children from suffering abuse;
- to prevent children from suffering significant harm as a result of ill-treatment;
- to help children who are at risk of such harm; and
- to work to protect children from further harm.

The NSPCC has more than 180 teams and projects throughout Wales, England and Northern Ireland. Their work includes:

- family support, assessment, counselling and therapy to children and families experiencing abuse;
- investigations into allegations of child abuse; and
- work within schools and other youth organisations to provide a voice for children and advocate their rights.

Since February 2006 NSPCC has also delivered the ChildLine service, the UK's free, 24-hour, confidential helpline for children and young people.

## **1.0 Introduction**

NSPCC Cymru/Wales welcomes the opportunity to respond to the Committee's call for evidence in relation to the effectiveness of systems for placing children and young people into care in Wales.

We believe that for those children and young people who are placed in care, it will always be a distant second best to growing up happily and safely in their own family. Time in care is generally seen by professionals and the wider public as something to avoid at all costs. Despite the dedication and perseverance of social workers and carers, the outcomes and experiences of young people who have been 'looked after' remain poor. Far from compensating for their often extremely difficult pre-care experiences, certain features of the looked after system itself in fact make it harder for young people to succeed: they are moved frequently and often suddenly, miss too much schooling, and are left to fend for themselves at too early an age.

NSPCC Cymru/Wales has answered all of the Committees questions, where it is we feel we have relevant experience or have come to know of particular issues which have needed to be highlighted. All recommendations we felt necessary to make are in bold text thereafter. We have also consulted with members of our Young People Advisory Groups who expressed an interest in participating in this work to share their own thoughts and experiences with the Committee. These views have been placed within our answers below.

However, prior to this, we would like to identify some key areas to the Committee.

## **2.0 NSPCC Cymru/Wales Services and the Care System**

NSPCC Cymru/Wales would like to take this opportunity to highlight the services we provide for children and young people who are in care.

### **Children's Advocacy and Representation Service**

These services are located in Swansea, Carmarthen and Pontypridd and cover six local authority areas as well as the Secure Centre in Neath Port Talbot. The services provide independent advocacy to children and young people who are looked after by local authorities, including children and young people with disabilities and those in receipt of respite care. The service ensures that children and young people have a voice in decisions which affect their lives and access to independent advice and information to promote their welfare. This service is also provided to children and young people who are first language Welsh speakers. Referrals are made by professionals, parents/carers and children themselves.

We also offer an Independent Visitor Service to looked after children in Carmarthenshire, Pembrokeshire, Ceredigion and Rhondda Cynon Taff. Referrals are made via local authority social services. An extended advocacy service to children in need, including in health and educational settings is also available to children and young people in Ceredigion.

### **Swansea Therapeutic Service**

A therapeutic service based in Swansea but delivering services across South and West Wales. The service is specifically designed for children, young people and their families, where the child or young person has experienced abuse. The service assists children and young people in the recovery process and helps them to overcome the damaging effects of abuse. Referrals are accepted from professionals, parents/carers and children.

### **ChildLine Cymru/Wales**

**ChildLine** is the UK's free, confidential 24-hour helpline for children and young people. Trained volunteer counsellors comfort, advise and protect children and young people. The ChildLine service, now one of the NSPCC's listening services, still has the same well known telephone number - **0800 1111** - and children and young people can still call 24 hours a day and receive the same crucial service. ChildLine has two bases, one in North Wales - Prestatyn and one in West Wales - Swansea.

### **NSPCC Cymru/Wales Helpline**

The NSPCC Cymru/Wales Helpline (0808 800 5000) is a free bilingual service offering advice and support to anyone with concerns about the welfare of a child. Lines are open between 10am and 6pm Monday to Friday. Calls outside of these hours are transferred to the 24 hour

NSPCC Helpline service. The helpline also provides advice by email at [helplinecymru@nspcc.org.uk](mailto:helplinecymru@nspcc.org.uk) and a textphone service for people who are deaf or hard of hearing on 0808 100 1033.

### **3.0 The Care System and the United Nations Convention on the Rights of the Child**

We believe that the Welsh Assembly Government has made positive steps forward in placing most of its policy context within the requirements of the United Nations Convention on the Rights of the Child (UNCRC). In line with this, we have made great inroads in Wales to make the rights of children and young people a reality although there is still a significant way to go.

We would like to highlight the concluding observations made by the UN Committee on the Rights of the Child in October 2008 to the UK State Party<sup>1</sup>. The specific observation detailed within Annex A has been taken from the Committee's report and is especially related to children and young people in care. We would like to remind the Committee of the Welsh Assembly Government's duty, as a member of the UK State Party to uphold the UNCRC, ratified in 1991.

Recommendations 45 (e) and (i) which refer to the monitoring of status and previous recommendations made by the Committee, are particularly pertinent here and we would like to draw the Committees attention to these.

We would also like to highlight the two reports facilitated by the UNCRC Monitoring Group in Wales between 2006 and 2007<sup>2</sup> that made a range of key recommendations for the Welsh Assembly Government, alongside other key statutory agencies. From the Monitoring Group's analysis of how far children's rights had been realised in Wales since 2002, many gaps and weaknesses (as well as strengths) were identified. In respect of issues for children and young people in the care system, the Monitoring Group made several recommendations to help ensure progress. These included a call to increase the emphasis on offering a range of quality placements to meet children and young people's needs; and ensuring basic improvements are made to frontline services in health (especially mental health), education and social services.

**NSPCC Cymru/Wales would urge the Committee to advocate a children's rights approach to its Inquiry and ensure that they identify the UNCRC within their final report.**

**We urge the Committee as part of this to ensure that the Welsh Assembly Government address the concluding observations and make the necessary changes to implement its recommendations, particularly 45(e) and (i).**

**We would also urge the Committee to investigate how far the Welsh Assembly Government has made progress in its plan to develop a Five Year Action Plan to promote and implement the UNCRC in Wales.**

**We urge the Committee to refer to both reports facilitated by the UNCRC Monitoring Group and to investigate how far the Welsh Assembly Government have progressed in meeting the clear recommendations made.**

**Finally, we urge the Committee to investigate the level of training provided to all frontline staff, including Independent Reviewing Officers and others working with children and young people, especially those in care to make their rights a reality.**

### **4.0 Involvement of children & young people**

<sup>1</sup> Committee on the Rights of the Child (2008) Consideration of reports submitted by states parties under Article 44 of the Convention, Geneva:

<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf>

<sup>2</sup> Save the Children et al. (2006) Righting the Wrongs: The reality of children's rights in Wales, Cardiff:

[http://www.savethechildren.org.uk/en/docs/righting\\_wrongs\\_eng.pdf](http://www.savethechildren.org.uk/en/docs/righting_wrongs_eng.pdf)

Save the Children et al. (2007) Stop, Look, Listen: the road to realising children's rights in Wales,

Cardiff: [http://www.savethechildren.org.uk/en/docs/wales\\_stop\\_look\\_listen20071119.pdf](http://www.savethechildren.org.uk/en/docs/wales_stop_look_listen20071119.pdf)

Article 12 of the UNCRC details the right for children and young people to express their views freely in all matters affecting their lives. We have consulted directly with children and young people from our Young People Advisory Groups (YPAGs) on the questions posed by the Committee and included their responses within our answers below, as previously mentioned.

We understand that Members of the Committee are very open to the potential for children and young people to contribute to all inquiries undertaken but we were disappointed not to see the relevant child and young person-friendly material needed to enable such consultation. Despite this, we were pleased to see organisations such as Funky Dragon, amongst others included on the distribution list which will go some way to allow children and young people in care to contribute. In order to facilitate the involvement of children and young people in our written evidence, we translated both the Committee's Terms of Reference and Consultation Questions for the young people to understand. We felt it may be helpful if we attached these documents to our response as an example of how National Assembly Committees may look to produce similar child and young person-friendly documents in all relevant and appropriate future work programmes. These can be found in Annex B.

We are also pleased to see all twenty-two Local Authorities on the distribution list and hope that the Committee gains the views of all groups of professionals working on the frontline of service delivery to provide the Inquiry with a real sense of current practice. We also hope that the twenty-two Local Authorities have themselves consulted appropriately and adequately with all the children and young people whom they care for. This involvement work must be continual and not tokenistic. It can be directly facilitated or take place via third party organisations, such as ourselves, providing an independent approach whilst working with partners as part of the solution. We understand and are fully aware of the sensitivities with seeking the views of children and young people in the care of Local Authorities, but would urge the Committee to consider how far this has transpired in reality and if not, what the barriers were to allowing children and young people to express their views.

**In light of this, we urge the Committee to facilitate the input of children and young people to any further developments but to also report back on the number of children and young people consulted as part of their Inquiry, facilitated by the Welsh Assembly Government, Local Authorities and other key statutory and non-statutory partners.**

## **5.0 Committee Questions**

### **Gathering information about a child:**

1. In determining whether and where to place a child into care, a social worker will need an accurate picture of a child's needs and circumstances, which may require them to have information from a range of local services- health services, social services, etc. who may also have to consider their responsibilities towards confidentiality. To what extent is information about a child's needs effectively shared with decision makers, and do you have any examples of good practice in such inter-agency communications? Is there a clear understanding of who is ultimately accountable for decisions about a child's care?

NSPCC Cymru/Wales understands the essential requirement to gain the appropriate information about a child or young person's needs to adequately assess and provide the most appropriate alternative care for them.

We believe that when assessing a child or young person's needs, each responsible Local Authority must seek the appropriate information available from all necessary sources, including professionals within health, education as well as youth justice. Social workers must ensure that all elements of the child/young person's care plan are addressed as fully as possible before seeking and choosing a placement. We welcome the specialist looked-after-children roles now established within many sectors to fulfil the requirement of ascertaining and communicating (as appropriate) all the necessary information to ensure placement decisions are accurately informed.

Another important factor in the process of gathering information about a child to inform a suitable and appropriate care plan is the inclusion of the views of the child or young person themselves. In order for the rights of the child or young person set out within Article 12 of the UNCRC (previously mentioned) to be fully realised and for all appropriate information to be gathered, the "ascertainable wishes and feelings of the child concerned (considered in the

light of his age and understanding)” must be sought, as required within the welfare principle of Section 1 of the Children’s Act 1989. We believe this information is fundamental to the child or young person’s future and any views expressed, including any dissenting views must be recorded within the child or young person’s care plan.

We are also aware that Article 3 of the UNCRC details the need for the best interests of the child to be the “primary consideration”. We are in no doubt of this and believe that if a children’s-right approach is taken to all matters concerning their lives, children and young people will be fully supported in expressing their views but with an understanding that their best interests will always come first. We believe that feedback processes are essential here so that the child or young person is fully aware of the practical reasons behind decisions made, which may not fully reflect their wishes. Professionals need to be provided with the necessary support to enable the views of children and young people to be sought and then to appropriately balance this with the child or young person’s best interests.

This again highlights the specific need for our recommendations regarding the UNCRC made in Section 3.0, particularly in relation to the Welsh Assembly Government’s efforts in developing their Five Year Action Plan.

NSPCC Cymru/Wales acknowledges the sensitivities around confidentiality here, amongst both professionals and children and young people themselves. We felt this was an opportunity to highlight the work of one of our Young People Advisory Groups (YPAG) in Wales around this specific issue and to enable their work to help inform the Committee’s understanding of current practice.

In 2008, our Pontypridd YPAG contributed to an NSPCC UK-wide consultation on confidentiality and highlighted the essential requirements they felt adults should adhere to in order for children and young people to feel able to access help and support.

The young people in question believed that adults, professionals and services should:

- Be open and honest
- Listen to their views and respect them
- Act on their wishes and sort out their problems
- Believe in them
- Support them not work against them
- Believe in their potential.

The young people told us that when adults, professionals and services do not do these things, or are perceived not to, children and young people do not feel able to talk and get help from them. This consultation work is consistent with and reinforces much of what we already know about the importance of confidentiality for children and young people. Trust, choice and control are also important factors for them. However, it was made very clear as part of this work that children and young people do not feel that confidentiality is the single key criterion they look for when choosing the person to talk to about a problem – there are a range of other factors of equal importance. These include: active listening, working at the child or young persons pace, information, accessible communication, respect, honesty and feeling safe.

**NSPCC Cymru/Wales would encourage the Committee to acknowledge the views of children and young people about confidentiality and to ensure that through a child-centred approach, all frontline professionals communicate their position on confidentiality to the children and young people they are directly working with so that they are well informed and are enabled to access help and support they may need.**

NSPCC Cymru/Wales believes that all the necessary information about the needs and circumstances of a child or young person should be ascertained and communicated in a planned way, prior to any decisions being made to place the child or young person within the care system.

However, we accept that in exceptional circumstances, e.g. emergency placements, a planned approach is not always possible and that the Core Assessment process, which informs the child or young person’s care plan, should dictate the need for timely multi-agency communication. However, it is our experience that in some cases where emergency placements are made, the appropriate Core Assessment process often doesn’t take place and can then be subject to telephone contact between the relevant agencies. We are aware that this is often due to high workload and the timescales involved.

Our experience of working with and alongside children and young people placed into the care system through emergency placements is that this can be a very stressful time for both the child or young person and the social worker involved, who will ultimately decide on the placement choice. Despite the limited planning in emergency situations, we believe that each Local Authority Social Services department, as the responsible authority, should access all necessary information as a matter of course as soon as possible once the child or young person has been placed. The child or young person's care plan must then be well informed, whether it is expected that the placement continues in the short or long-term.

It is our experience that from emergency placements having taken place, a lengthy delay can then be experienced by the child or young person before decisions are made to formalise their care plan and provide an appropriate placement. We understand that this is often when the responsible social worker is balancing risk whilst working alongside another who is managing the scarce resource of placements available. We are acutely aware that in the meantime, it is often the case that the child or young person, has settled well with their emergency foster carer and a bond is beginning to establish. It can then be the case that the Local Authority Social Services department informs the child or young person and their carer that he or she must move into another placement. We believe that this lengthy delay brings into question the priority given to the best interests of the child or young person (Article 3 of the UNCRC) during the decision-making processes.

This situation can be intensified by the need to place particularly vulnerable children or young people, e.g. those with challenging behaviour, or sibling groups of varying genders and/or ages.

NSPCC Cymru/Wales firmly agrees that the safety of the child or young person should take precedence at all times. However, we believe that it is due to the lack of resource, support for frontline workers, limited placement choice and availability that places social workers in this difficult situation. In these incidences when the relevant matching criteria is not always accessed and appropriately addressed, this ultimately impacts on the child or young person.

**We urge the Committee to investigate the current level of resource allocated to frontline statutory services and the adequacy of the support networks available to staff. In light of this, we also urge the Committee to recommend that the Welsh Assembly Government and Local Government adequately address these issues and to ensure that a continued commitment to investing in the future of particularly vulnerable children and young people in Wales is made and is realised in practice.**

Standard Eight of the National Minimum Standards for Fostering Services (2000) – 'Matching', clearly identifies the duty on Local Authorities to ensure that appropriate matches based on the needs of the child or young person "are achieved by means of information sharing and consideration involving all relevant professionals, the child and her/his family and potential carers, their families and other children in placement". We would like to highlight here the opportunity for the Committee to investigate how far the Welsh Assembly Government are ensuring that all requirements promoted within the National Minimum Standards are adhered to and achieved in practice.

**We urge the Committee to ensure that the Welsh Assembly Government is adequately co-ordinating their key statutory partners' response to the National Minimum Standards and can demonstrate that all Standards are being met adequately and monitored effectively.**

In terms of more direct accountability, NSPCC Cymru/Wales is aware that decisions made about a child or young person's care will remain the responsibility of the Local Authority Social Services department, as set out within the Children Act 1989. In practice, it is our experience that social workers often feel that they are ultimately accountable for decisions relating to a child or young person's care which can cause them to feel further pressure.

We are concerned that this pressure will increase further if we look at the current data regarding the number of children and young people now being referred to Local Authority Social Services departments across Wales. We will address our concerns about this in more detail under Question 4.

**However, we urge the Committee to highlight this concern and ensure that the Welsh Assembly Government and Local Government provides the necessary long-term investment and key statutory partners are given the tools to make the necessary changes needed to plan for this.**

#### **Using that information:**

2. To what extent does the Children's Commissioning Support Resource Database provide sufficient information about child placements, and to what extent is the database currently utilised? How could the database be better utilised?

NSPCC Cymru/Wales does not have access to this Database but is aware that information of available placements is recorded here.

**However, based on our experience, we urge the Committee to ensure that this information is updated regularly and that it clearly identifies the appropriate information to assist Local Authorities in their efforts in placing a child or young person to the most suitable provider.**

3. Information about a child's needs and circumstances will be needed by fostering agencies and foster carers in order to appropriately conduct risk assessments, provide for a child's needs, etc. To what extent is appropriate information normally provided to fostering agencies and foster carers, and how could such communication be improved? Does the commissioning system enable or inhibit the provision of information to prospective fostering agencies and carers, and do you have any examples of good practice in the provision of information to fostering agencies and/or foster carers?

NSPCC Cymru/Wales believes that some of the issues raised in our response to Question 1 also apply here. We believe that fostering agencies and foster carers play a significant role in understanding, practicing and advocating a children's-rights approach to their care; to acknowledging and addressing issues of confidentiality; and to be part of the information-sharing process for both planned and emergency placements. All of which can only occur if the Welsh Assembly Government, alongside key statutory partners lead in their own approach and provide the appropriate resource and support needed to enable fostering agencies and foster carers to comply.

We are aware of the lack of information provided to foster carers regarding the rights of children and young people laid out within the UNCRC. We believe that fostering agencies and foster carers would benefit hugely from continued training and support around children's rights in order to fully support the children and young people being placed in their care.

**We urge the Committee to review the current information provided and to appropriately highlight this gap. We also encourage the Committee to ensure that fostering agencies and foster carers are included as recipients of the outcomes anticipated as part of the Welsh Assembly Governments development of a Five-Year Action Plan to promote and implement the UNCRC in Wales.**

We believe that by providing information on the UNCRC to fostering agencies and foster carers, children and young people in care will become more aware of their right to Independent Advocacy Services. Most children and young people will have access to formal and informal advice and support, either through their parents, who will strive to represent their best wishes, or through relationships with trusted others in whom they can confide, confidentially. Children and young people placed in the care system may not have access to similar formal or informal networks. All children and young people in care must, therefore be made aware of their right to independent advocacy and these services must be available to all children in care *without* recourse to their corporate parent or other statutory service. They must not be expected to justify or explain their reasons for seeking such a service as this is likely to discourage them from accessing such. The fostering agencies and foster carers could prove invaluable in obtaining such services for the child or young person.

In our experience, independent visitors can play an important role in obtaining such services for a child or young person in care. The Independent Visiting Service, provided by the NSPCC and other agencies offer independent advice and support, helping children in care address any problems in their lives and concerns they may have. Under the Children Act



1989, every looked after child has the right to an independent visitor. However, not all local authorities have been able to fulfil this obligation and some children who are entitled to this service are not receiving it. We believe that fostering agencies and carers could play a significant role here too, with the appropriate rights-based training and support, to identify when a child or young person could benefit from an independent visitor and to request this service on behalf of the child or young person.

**We would urge the Committee to recommend that the Welsh Assembly Government and Local Government adequately resource the provision of both independent advocacy services and independent visitors across Wales and ensure that volunteers, fostering agencies, foster carers and all other professionals who work with the child or young person are appropriately trained and supported to enable the rights of children and young people in care to be realised in practice.**

However, in the absence of a universally available independent visitor resource, a dedicated listening service with linked 'sign-posting' channels should be available and drawn to the attention of children and young people when they enter care. ChildLine, a service provided by the NSPCC, is the UK's free, 24-hour helpline for children and young people. As we mentioned within Section 2.0, trained volunteer counsellors comfort, listen and advise children and young people who call us. The ChildLine service is often the only route to which children and young people access the help and support they need. ChildLine in Scotland provide an additional route to support for children and young people living away from home. This takes the form of a dedicated phone line with a distinct number – 0800 884444 – that is treated as a priority service in ChildLine's Scottish bases.

In 2008-2009 ChildLine counselled over 3,500 children and young people about their experiences of the care system across the UK. The issues of concern to these children and young people in addition to being 'in care' included: family relationship problems, self harm, physical abuse, loneliness and running away whilst in care. We do not know how many other children in care may have sought help from ChildLine but were unable to get through or did not reveal their domestic circumstances. NSPCC Cymru/Wales believes this service provides an invaluable source of support for all children and young people across Wales, particularly those in more vulnerable situations.

**We urge the Committee to ensure that ChildLine and all other relevant agencies that can provide help and support are actively brought to the attention of children and young people when they enter care so they may seek this particular support if they need to.**

As for the commissioning process referenced within the question, we are unaware of any particular issues between this and the provision of information to prospective fostering agencies and carers. However, we are aware of the sometimes negative influences that finance implications and the current commissioning system have on the choice of placements for children and young people. Whilst we acknowledge that cost is an issue, we strongly believe that it cannot be placed before the needs and welfare of children and young people being placed into the care system. We believe there should be a continual link between the analysis of all care plans and the commissioning process. Care plans should record not only what is currently being provided to children and young people in care but also what is not. All of this information may prove vital for commissioners to identify the correct and appropriate allocation of investment to the current and future needs of children and young people in care. This further exemplifies the need for a child-centred approach in practice and the recommendations we made under Section 3.0.

As an aside to this specific question and in acknowledgment that information about potential foster carers and those currently being enlisted forms an extremely important part in the recruitment process, we would like the Committee to look closely at this in practice to ensure all safeguards are in place. One important new element is the changes that will emerge from the Safeguarding Vulnerable Groups Act 2006. The Act and regulations are complex. We believe it is therefore important that a consistent approach is adopted across Wales regarding the decisions about the level of check, beyond the Independent Safeguarding Authority registration, required amongst different types of carers enhanced disclosure checks for foster carers. It is also important to bear in mind that such checks can only be one element of good recruitment practice and it is important that other elements are also attended to.

**We would therefore urge the Committee to ensure that the Welsh Assembly Government, alongside all other key statutory and non-statutory services are**

**sufficiently prepared to meet the requirements of the Act and that there is clarity and commonality in application.**

We also believe that there ought to be information about potential foster carers with the children and young people themselves, not just vice versa. Children and young people need to feel that they are well informed of who will be caring for them and the surroundings within which they will be placed. It is often these issues that cause them anxiety and can make them feel even more vulnerable. It is our opinion that this could be easily minimised and urge the Committee to investigate how far this procedure takes place in practice.

**4. To what extent are placements planned out? Is there clarity over whether placements will be for a short period of time, whether it may eventually lead to adoption, etc.? Can you provide any examples of good practice in the planning of foster placements?**

NSPCC Cymru/Wales works closely with children and young people placed in care, as detailed previously. Our experience here has highlighted the clear need for care plans to fully ensure, as far as it is possible, that children and young people do not languish in an unplanned way into the care system.

NSPCC Cymru/Wales believes that a successful placement is the most important factor in enabling a child or young person being looked after to flourish. Loving care, continuity and stability are essential factors to any child's well-being, and more so to a child who has felt their want and may in addition, have suffered further abuse.

We also believe that the issues raised as answer to Question 1 can also, once again, apply here. If the Welsh Assembly Government and Local Government were to meet the recommendations we have made in relation to the level of resource allocated to frontline statutory services; the support provided; and the choice and availability of foster placements, we believe this would greatly benefit the experience of children and young people in care from the outset. Placements would be more likely to reflect a more planned approach and the needs and circumstances of the child or young person could be fully considered and adequately met.

Unfortunately, we believe that there will always be a need for emergency foster placements but still these foster carers can be extremely caring towards the child or young person and can provide the support they need prior to being placed in a longer term placement. As we've mentioned previously however, we are increasingly aware that short term and emergency placements often last longer than planned and that children and young people have often settled well in the meantime. It is often the case that when these young people are moved, this can cause a barrier to forming an attachment with the new carer. In our experience, this is often the first stage of multiple placements and the cycle of placement breakdown begins. Children and young people are left feeling unstable. As an independent advocacy service provider, we have worked with children and young people in this situation who have been told without an adequate explanation that they were due to move having settled well in their current (and often emergency or short-term) placement. This is not good planning and reflects a system and resource led process rather than one led by the needs of the child or young person involved. This exemplifies the need for the relevant investment to be made and links to our recommendation for the provision of the relevant level of resource and support to facilitate a child-centred approach in practice.

Based on the latest National Statistics on children in the care system, produced by Statistics for Wales and the Welsh Assembly Government, 4,941 children were looked after at 31 March 2009, 134 more than at 31 March 2008, an increase of 3 per cent. 237 children were looked after under an agreed series of short-term placements. Excluding these children, the total increased by 1.5 per cent from 4,633 in 2008 to 4,704 in 2009. From the additional information provided as to the number of children looked after (again, excluding those in short-term placements), it is clear that an increase (with exception of 2008) has taken place each year (figures from the First Release document published refer back to 2006 as the earliest).

Over the same period (April 2008 – March 2009), our NSPCC Cymru/Wales Helpline received almost 4,700 calls from adults in Wales worried about a child. We are also aware that the number of referrals made to local statutory agencies, each year, has increased, with almost 600 referrals made between April 2008 and March 2009.

From such data, we are encouraged by the number of people now looking to speak out about any concern they may have for a child or young person. However, we are becoming increasingly concerned that the upward trend in the number of children and young people placed in care may place even more pressure upon an already struggling system. As we have previously mentioned with recommendations relating to investment and support, in answer to Question 1, we believe that a continued lack of parallel investment and support for frontline workers will place further pressure on the capacity of frontline staff to deal effectively with their workload. This is a major concern of ours and we believe that in order to meet any recommendations made by the Committee, the infrastructure of the current care system must be strong and stable enough to do so. Without investment, we do not believe the current infrastructure will cope with the increasing number of referrals in a planned and needs-led approach.

Again in relation to how far placements are currently planned out, the findings recently published (2009) as part of the Care Standards and Inspectorate for Wales' (CSSIW) 'Reviewing Social Services in Wales 1998-2008' Report detailed the fact that all but one (of the 10) reviewed councils "was struggling to meet the standards set for assessment. While the quality and timeliness of assessments has improved in recent years, there remains significant shortfalls. England also has been challenged by the same standards, although appears to be improving at a faster rate" (pg30). We acknowledge the improvement made to the vital assessment process but remain concerned that the pressure to complete assessments in time may lead to issues of quality and an endless cycle of workload pressure for social workers.

CSSIW concluded that "at its best, assessment and care management should demonstrate ambition for the child concerned. It should support a detailed understanding of the child's needs and environment and the risks posed; it should mobilise resources in order to maximise the child's potential with the minimum of disruption...Nevertheless, practice on the ground, although improving, is still some way from the ideal." (pg31). We are concerned that this cycle of endless referrals with limited time and support to assess and effectively place a child or young person in care before a new referral is allocated, will never allow social workers to maintain a consistent needs-led approach.

These issues, in our experience go some way to explain the reasons behind the high turnover of staff, lack of consistency in approach to assessments and the fact that many children and young people experience multiple placements and social worker contact. We strongly believe that this approach should not be allowed to continue.

**We urge the Committee to recommend that the Welsh Assembly Government commit the necessary and appropriate long-term investment and additional support to frontline services that adequately reflects the current increase in the proportion of children and young people placed under the care of Local Authorities. The Committee must also ensure that Local Authorities across Wales comply with their duty to safeguard and promote the welfare of children in their care and to ensure that they adequately meet the particular needs of those children and young people, as they would their own.**

#### **5. To what extent are the risks of foster placements explained to foster carers?**

NSPCC Cymru/Wales is fully aware of the importance of sharing all relevant and appropriate information with foster carers. We were deeply saddened by the recent case in the Vale of Glamorgan. Although we are aware that the case involved an adult placed into foster care, this tragic incident demonstrates the vital importance of good communication and information-sharing not only between professionals themselves but between professionals and foster carers. Social workers when deciding on the appropriate placements for children and young people must be adequately supported to ensure that all necessary and appropriate information is passed on to the foster carers and that a full assessment of risk is undertaken. It is our experience that the more unplanned a placement is, the less likely it is that all necessary information is collated and communicated with the relevant people.

**We would urge the Committee to ensure that the relevant information gathering and sharing processes are in place and that all key partners are aware of and comply to their duty to input adequately and in a timely manner.**

The recent report published by CSSIW regarding the National Review of Independent Reviewing Officers (IROs) identified that "clear plans to safeguard children who display risky

behaviour whilst in placement were not always in place” (2009:28). These plans are vital if all children and young people are to be adequately safeguarded.

**We would urge the Committee to refer to the recommendations made within this Report and ensure that the Welsh Assembly Government have acknowledged and are addressing the key findings and recommendations made.**

**We would also encourage the Committee to recommend that a clear strategy for increasing specialist foster care placements is developed. This must include the need for foster carers to be given the appropriate training and support to enable them to care for those children and young people displaying behaviours that are difficult, including sexually harmful behaviour.**

We also believe that an increase in specialist foster placements will help ensure that the needs of the more vulnerable groups of children and young people placed in care will be adequately met. These groups included children and young people who have been trafficked, seeking asylum, and those from black and minority ethnic backgrounds. All these children and young people are entitled to the same level of protection as others, laid out in a number of key legislative frameworks and guidance documents, including the Children Act 2004 and Safeguarding Children: Working Together under the Children Act 2004.

We are particularly interested in highlighting the needs of disabled children and young in Wales. Research indicates that disabled children and young people are over three times more vulnerable to abuse or neglect than non-disabled children. From our work, we are extremely concerned with the apparent lack of a safeguarding priority given to this group of children and young people and the increasing evidence that the barriers in practice remain unchallenged. From our involvement in the report produced by the National Working Group on Child Protection and Disability in 2003<sup>3</sup>, we understand that these barriers operate at all different stages of the child protection process. In conclusion to the evidence presented within the report, the following conclusion (in relation to the child protection system) was drawn:

*In order to protect disabled children, all those involved in child protection and in services for disabled children, should recognise:*

- *the specific contexts in which abuse of disabled children takes place*
- *The need to use existing child protection procedures and systems when there are concerns about a disabled child, and,*
- *At the same time the alterations which need to be made to existing procedures and systems in order to properly respond to the needs and experiences of disabled children<sup>4</sup>.*

**We urge the Committee investigate the priority given to the safeguarding needs of the more vulnerable children and young people in Wales, from policy to practice. We urge the Committee to ensure that the Welsh Assembly Government, alongside all relevant key partners acknowledge any gaps and adequately meet these as a matter of urgency so that all children and young people have their right to equal protection realised.**

## **6. To what extent do children and young people participate in their own placements' process?**

Children and young people as holders of rights should be duly involved in the decision making process for all matters affecting their lives, as set out within Article 12 of the UNCRC. We are aware of the varied and inconsistent practice of this in relation to the placement process. We believe that every effort should be made to effectively consult with children and young people alongside their family when planning any placement, and that frontline staff are fully supported in achieving this. As previously mentioned in Section 4.0, the involvement of children and young people in their own placement decisions must be a consistent commitment and avoid tokenism.

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<sup>3</sup> National Working Group on Child Protection and Disability (2003) It doesn't happen to disabled children: child protection and disabled children, NSPCC: London.

<sup>4</sup> Ibid:43

We are conscious that when placing a child or young person in an emergency placement, involvement in this process is far more limited than if the placement is planned. Whilst in our experience the majority of social workers work hard to place the child or young person in the best possible placement having ascertained their wishes and feelings, we are also aware of the financial strains on these decisions and question how far this impacts on the ultimate decision made. The provision and involvement of independent advocacy here is vitally important and should be made available and communicated to every child or young person being looked after.

**Despite the efforts made by the Welsh Assembly Government to develop the new service model for advocacy across Wales, we urge the Committee to raise this issue and recommend that independent advocacy services across Wales are adequately resourced and that every child or young person placed in care is made aware of their right to such a service and that these are available at any stage for all young people and remain fully independent.**

The recent Report published by CSSIW regarding the National review of Independent Reviewing Officers (IROs), identified that “the engagement of children and young people in processes to safeguard and promote their welfare needs to improve” (2009:28). Despite this reference to engagement in looked-after-children reviews, we would suspect the same would apply for the involvement of children and young people throughout the placement processes. The review also details that in order for arrangements to be made to protect vulnerable people: “Where IROs and advocates are involved, children and young people tend to be better engaged in the processes to safeguard their welfare” (2009:7). CSSIW consulted with 82 young people, local authority staff (all 22 local authorities were surveyed with 6 involved in the follow-up fieldwork), parents, carers, managers and partners to examine the current service provision.

**We would urge the Committee to this Report and ensure that the Welsh Assembly Government have acknowledged and are addressing the key findings and recommendations made.**

### **Following a placement**

7. To what extent do you consider that a child's social worker remains engaged in their care, once they have gone into a foster placement? For example, who is responsible for initially liaising with schools? Are foster carers given sufficient flexibility and autonomy to care for their children, without bureaucratic impediment?

From the work completed by one of our Young People Advisory Groups, we have learnt that young people being looked after believe that a good social worker is “*the best ally you can have*” and that a bad social worker “*is like an enemy – you have to go it alone*”. This experience is varied across Wales, however, they would encourage social workers to demonstrate “*equal opportunities – try not to treat young people in care differently*”. Young people have also expressed the need for children's services to aim to ensure that the same social worker is involved with a child or young person. Young people also articulated that they would really appreciate advice and support to “*get my (their) life sorted*” and to let them know “*what support I (they) am (are) entitled to*”. We are keenly aware that children and young people benefit greatly when social workers remain engaged in their lives and are able to work with them to ensure they remain happy by identifying their particular needs. This will also ensure that social workers listen to young people and are there when they need them. This further exemplifies the need to enable children and young people to express their views and for professionals to actively listen to them. This provides further weight to our previous recommendations made within Section 3.0.

We are aware that many social workers would like to remain much more involved in the lives of children and young people placed into the looked after system although workload pressures and limited resources impact on their ability to do so. As we have outlined previously, we believe that adequate funding and support for frontline workers, with an increase in numbers and time to ensure sufficient and meaningful engagement would create a more needs-led and child-centred system. We believe a commitment to meet our investment-based recommendation would go some way to address this issue.

We would also like to highlight here the role that other professionals working directly with children and young people in the care system have in enabling their needs to be identified

and met appropriately and in a timely way. The physical and mental well-being of looked after children is a fundamental feature of successful outcomes. Without self-esteem, confidence and the appropriate coping mechanisms to help children overcome their pre-care experiences positive results for some of our most damaged and vulnerable children and young people will continue to be compromised.

We are aware that foster agencies and carers have a duty under the National Minimum Standards for Fostering Services in Wales to promote development in health and educational achievement, amongst many others. This gives further weight to our previous recommendation around the priority given by both the Welsh Assembly Government and its key statutory partners in meeting the National Minimum Standards.

We believe that foster carers should not only have and fully understand the information regarding the health needs of children and young people being placed within their care prior to the final decision but also be identified in playing a particular role in the identification of mental health problems early in their development. More widely, fostering agencies and foster carers play a significant role in safeguarding the children and young people in their care. They must feel fully supported in this role and have a keen awareness to identify and speak out about any concerns they have.

**We urge the Committee to investigate the level of support currently received by foster carers across Wales and make the relevant recommendations to the Welsh Assembly Government.**

NSPCC Cymru/Wales would also like to draw the Committee's attention to the National Service Framework for Children, Young People and Maternity Services (NSF) in Wales. Chapter six of the guidance relates specifically to children and young people in special circumstances including children who are looked after by local authorities, privately fostered or awaiting adoption amongst others.

Three specific standards are identified for these children and young people, in addition to the universal standards, applicable to all. The specific standards reflect issues of child and family centres services, equitable access and timely, high quality care. Children, young people and their families have a right to expect these standards to be met and we believe this is vital for the continued safeguarding of children and young people in care and their future wellbeing and prospects.

**We would urge the Committee to make reference to the NSF in their final report and ensure the Welsh Assembly Government are adequately meeting its duty to monitor and provide support for implementation.**

All twenty-two Local Authority Single Plans may also hold the key to identifying how far children and young people in care were identified within their local needs assessments and are being included and prioritised in all future plans across Wales.

In relation to healthcare, NSPCC Cymru/Wales has considerable experience in working with local Child and Adolescent Mental Health Service (CAMHS) teams and have become acutely aware of the insufficient therapeutic provision for many vulnerable groups of children and young people in Wales, including those in care. We have continued to raise the awareness of the impact abuse and neglect can have on children and young people and the extent to which this might be ameliorated by the provision of timely, and where necessary, sustained therapeutic support.

It is essential that CAMHS services, including therapeutic services are made available and that these are centred on and are able to follow the child or young person. We do not, for example, believe it is fair or appropriate for the CAMHS service (or indeed any other service) a child or young person is receiving to be interrupted or lost because they move across administrative boundaries. We are aware that children and young people in care are particularly vulnerable to this circumstance.

NSPCC Cymru/Wales has contributed our experiences here to the Joint Review of CAMHS in Wales, currently being finalised between the Wales Audit Office, Healthcare Inspectorate Wales alongside other partners.



**We urge the Committee to consider the forthcoming findings of such a significant review and to ensure that the lack of therapeutic services for particularly vulnerable children and young people who have experienced abuse (including those placed in care) is acknowledged and addressed as a matter of urgency.**

8. To what extent are placements of children into care qualitatively reviewed? Can you provide any examples of placements being given a cost-benefit analysis for example?

NSPCC Cymru/Wales understands that a placement review should take place under the strict timescales set out within guidance produced by the Welsh Assembly Government<sup>5</sup>. However, it is also our understanding that due to the lack of time and workload pressures, social workers are often unable to ensure an effective qualitative response to the reviewing process. We would highlight again here the recommendation for the Committee to investigate the current level of resource allocated to frontline statutory services and the level of support provided to staff to ensure that professionals are enabled to qualitatively review placements of children and young people into care.

We agree that placement reviews must ensure a multi-agency contribution and response and that the success of care placements must be appropriately assessed on a range of issues reflecting a child's progress. However, our experience in this area has revealed that it is often the case that the aim of the reviewing process in reflecting a good multi-agency approach, involving the child or young person themselves, can often be unmet in practice. This can often mean that one agency representative is unable to make the meeting and can result in the case planning for that child or young person to drift inappropriately.

Despite our experience, across the 6 Local Authorities involved in the field work of the recent report published by CSSIW regarding the National Review of Independent Reviewing Officers (IROs), examples of good practice were identified. Inspectors noted that some IROs held reviews in parts in order to make them more accessible to young people, whilst still engaging all relevant professionals. As an independent advocacy provider across a number of Local Authorities in Wales, we agree that this approach may help engage and empower young people to contribute to their placement reviews. We refer the Committee to our recommendation made earlier around this review and enable the circulation of good practice to be possible.

In our experience, most children or young people are encouraged to share their wishes and feelings about their experiences of care either directly at the meetings or through an independent advocate. This again proves the vital importance of such provision. Some of the young people we have had direct contact with have not spoken favourably of the reviewing process and believe the process to be very impersonal. The views provided to us by the members of our Young People Advisory Group has informed us that confidentiality is extremely important to children and young people in care. Some of the key messages to professionals and organisations working with them were: *"Speak to me before you tell others my secrets"*, *"I'm not here for you to talk about me behind my back"*, and *"Listen to young people more, whatever they have to say"*.

From the messages coming to us from young people themselves, we are aware of how intrusive the review process can be and that the Committee must urge the Welsh Assembly Government again to ensure a child's rights and needs-led approach is adopted in practice as well as policy. The recent Report published by CSSIW regarding the National Review of Independent Reviewing Officers (IROs) has recommended that "IRO's across Wales would benefit from training in the Human Rights Act, the principles of human rights and the IRO's role in promoting the human rights of children and young people" (2009:4) This provides another opportunity for the Committee to refer to the UNCRC (as we have previously mentioned) and make further inroads to make the rights of the child a reality in Wales.

**We would also again urge the Committee to refer to the recommendations made within this Report and ensure that the Welsh Assembly Government have acknowledged and are addressing the key findings and recommendations made.**

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<sup>5</sup> Welsh Assembly Government (2004) Independent Reviewing Officers Guidance Wales - Adoption and Children Act 2002 - The Review of Children's Cases (Amendment) (Wales) Regulations 2004, Cardiff. <http://wales.gov.uk/dhss/publications/children/childrenfirst/2006254/review-of-childrens-cases-e.pdf;jsessionid=SK4kKn7TqQ9XjyDL8H5BXg9vcXQwhmZty05v1L9bCjY1YwDhVpQ6!-327878142?lang=en>

## General

9. Are there any further comments you'd like to make about the placement of children into care? Are there any specific recommendations you would suggest the Committee makes to the Welsh Assembly Government.

### Private Fostering

In December 2008 the Care and Social Services Inspectorate Wales (CSSIW) published a report into private fostering within Wales<sup>6</sup>. Whilst the report highlighted that the numbers in Wales were low it went on to state that the children involved in private fostering were “very vulnerable” (pg.4) and that there was a need for local authorities to improve the robustness of the measures they were taking to monitor and manage private fostering arrangements. Whilst this inquiry is about the statutory system of placing children and young people, in our view it is also important and relevant that the committee looks at how private fostering in Wales works and is being regulated. The report contains a number of examples of good practice, for example where authorities have invested in good awareness raising activities on the responsibilities of those privately fostering to notify the authority there has been a rise in the number of private fostering placements coming to light. The report highlights an inconsistent approach across Wales and some concerns around decision making and after care. Whilst the report does not have any recommendations attached to it, we believe that it is important that children and young people in private fostering arrangements are considered within the remit of this inquiry.

**NSPCC Cymru/Wales recommends that the committee ensures that children and young people in private fostering arrangements are considered as part of this inquiry and that the report by the Care and Social Services Inspectorate Wales into this issue is considered alongside any actions taken by the Welsh Assembly Government and its statutory partners to meet the issues arising from the report.**

### Conclusion

Again, NSPCC Cymru/Wales welcomes the opportunity to respond to the Children and Young People Committee's call for evidence and hope the points highlighted above will be taken onboard to ensure the forthcoming report is as comprehensive and useful as possible and can inform relevant key partners working in this area. We would be happy to discuss any of our points with the relevant Members.

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<sup>6</sup> CSSIW (2008) Review of Welsh Local Authorities Arrangements for Private Fostering, Cardiff.  
<http://wales.gov.uk/docs/cssiw/publications/privatefostering/090120privatefosteringeng.pdf>



## Annex A

### **5. Family environment and alternative care**

**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

44. *The Committee notes the State party's indication that foster care is preferred over institutional care. The Committee also welcomes the State party's efforts to improve outcomes for children in care as well as the establishment of Independent Reviewing Officers in England. The Committee is concerned that many families lack appropriate assistance in the performance of their child-rearing responsibilities, and notably those families in a crisis situation due to poverty. Furthermore, the Committee is concerned at:*

*a) the insufficient investment in the staff and facilities to support children deprived of parental care;*

*b) the fact that children may be taken in alternative care as a result of parental low income;*

*c) the situation of children with one or both parents in prison;*

*d) the increased numbers of children in alternative care and in particular the high percentage of children of African descent, children with disabilities and children from ethnic minorities therein;*

*e) the inadequate monitoring, including concerning the review of the treatment, for children in alternative care;*

*f) the too frequent move between places for children in alternative care as well as the scarce possibility of contact between them and their parents and siblings;*

*g) the limited number of children in alternative care who have access to complaint mechanisms.*

**45. The Committee recommends that the State party:**

***a.) intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities;***

***b.) avoid that children are taken in alternative care as a result of parental low income;***

***c.) take into account in all measures the views of the children, and providing them with child accessible complaint mechanisms in all parts of the country;***

***d.) ensure support to children with one or both parents in prison, in particular to maintain contact with the parent(s) (unless this is contrary to their best interests) and prevent their stigmatization and discrimination;***

***e.) monitor the status of children placed in kinship homes, foster care, pre-adoptive homes and other care institutions, inter alia by regular visitations;***

***f.) assess why so many children with disabilities are in long term institutional care and review their care and treatment in these settings;***

***g.) facilitate the initiation of contact proceedings for all children separated from their parents and siblings, including those in long term residential care;***

***h.) provide training and education programs to prepare children for adult life;***

***i.) take into account the Committee's recommendations issued at the day of general discussion on Children without parental care, held on 16 September 2005.***

## Annex B

### **NAfW Children and Young People Committee**

#### **Focussed Inquiry on the placement of children into care in Wales May 2009**

#### **Consultation with Children and Young People**

These could be the questions you seek to ask children and young people:

##### **Views on what you need**

- Who gathers information about what you need to stay healthy and happy?
- What things should they ask you about?
- What things should they share with others (like teachers, doctors etc)?

##### **Information about you being given to foster carers**

- What information do you think should go to foster carers when they are starting foster care or agreeing for a new young person to come to them?

##### **View on placements**

- What do you think about placements and how they are sorted / arranged?
- What would make the process better?
- What should you be asked about placements and when?
- How often should your social worker have contact with you once you are in placement?

##### **Anything else you would like to say?**

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Two approaches you could take:

#### **1. Focus Group Consultation**

Based on an 1.5hour session (including breaks and icebreakers) with a small group of children and young people.

Materials required:

- Flipchart
- Pens
- Paper

Ideas

- Position statements: controversial statements to elicit discussion around the topic areas e.g. Social Workers spend too much time filling in forms. Then ask people to stand along a line with agree at one end, disagree at the other and don't know in the middle. Record where people stand and why.
- Build a child in care – draw round someone on paper and discuss all the things that child might need to stay happy and healthy and place on the child. Use this as the case study to enable groups to talk in the third person for the session
- Post it note avalanche on information foster carers should have
- Thermometer for placements good / bad
- Graffiti wall for other questions

**2. Individual Consultation**

Elicit responses to the questions on the example response form (attached)

Question	Answer
<p><b>Making sure what you need to stay healthy and happy</b></p>	<p>The person to gather information about what I need should be.....                      Because.....                      .....                      They should make sure they ask me about.....                      .....                      They should share information about what I need with.....                      .....</p>
<p><b>Information for foster carers</b></p>	<p>Foster carers should have information about me including.....                      .....                      .....before I go to them.</p>
<p><b>Placements</b></p>	<p>I think when placements are arranged its good when.....                      .....                      I think when placements are arranged it's bad when                      .....                      I think it would be better when placements are arranged that                      .....                      .....</p>
<p><b>Young people getting their say</b></p>	<p>Should young people be asked things about the placement before they go? Yes / NO                      Why?.....                      .....                      .....</p>
<p><b>Social Worker visits to placement</b></p>	<p>My social worker should come and see me.....                      .....                      At my placement (how often)</p>
<p><b>Please use this space to tell us anything else you would like to say about foster placements</b></p>	<p>.....                      .....                      .....                      .....</p>
<p><b>Please tick/circle:</b></p>	
<p>Female <input type="checkbox"/> Male <input type="checkbox"/></p>	<p>Age: <input type="text"/> I have been in care <input type="checkbox"/> I have <b>not</b> been in care <input type="checkbox"/></p>

