

**Date:** 12 March 2003  
**Venue:** Committee Rooms 3 & 4, National Assembly for Wales  
**Title:** "Lost in Care" – Report of the Tribunal of Inquiry into the abuse of children in care in North Wales

## **Purpose**

1. To update the Committee on progress made in implementing the 72 recommendations made in "Lost in Care", the Report of the Tribunal of Inquiry into the abuse of children in care in North Wales (published in February 2000).

## **Summary**

2. This paper is presented at the request of the Committee.

3. A large number of recommendations fell to local authorities to take forward and are now statutory duties or built into best practice. Of the remainder, some were for the National Assembly for Wales and some for the UK Government. Details of the actions taken against each of the recommendations are set out in Appendix 1 to this report.

## **Background**

4. Since the publication of "Lost in Care" on 14<sup>th</sup> February 2000, much has been done to improve the welfare and protection of looked after children wherever they are accommodated.

5. Two important new pieces of primary legislation have been introduced:

- The Children (Leaving Care) Act (2000) – the purpose of this Act is to improve the life chances of children and young people living in and leaving local authority care by delaying their discharge from care until they are prepared and ready to leave; improve the assessment, preparation and planning for leaving care; provide better personal support for children and young people after leaving care and improve the financial arrangements for care leavers.
- The Care Standards Act (2000) (CSA), provides the legislative framework for regulations and national minimum standards across a range of welfare provision including Children's Homes, Residential Special Schools, Boarding Schools, FE Colleges with accommodation and Fostering Services. Under the CSA the Care Standards Inspectorate for Wales (CSIW) has been set up as an inspection agency independent of providers. It has eleven regional offices across Wales.

7. The Welsh Assembly Government's response to "Lost in Care" has primarily been furthered through the Children First programme, which was set up in 1999. Children First is a major programme designed to transform the management and delivery of social services for children in Wales. Its key elements are:

- All-Wales objectives for children's services and associated performance indicators related to clear outcomes for children;
- Targets set either across Wales or locally against each of the indicators;
- Partnership between central and local government;
- An important role for elected members in ensuring the delivery of the programme and ensuring as the corporate parents of children looked after that these children receive services of the highest quality;

- An annual evaluation of local authority Children First Management Action Plans, which set out how they intend to improve their services

9. As well as the child protection issues raised in “Lost in Care”, children who are looked after have typically suffered from poor health and education outcomes relative to their peers. When the Children First Programme was started in 1999 only 25% of looked after children were attending medical examinations and 75% left school with no qualifications. Children First funding has been used in many local authorities to target these problems and many specialist posts have been created. This has led to an increase in average attendance at medical examinations to over 80% and over 50% of looked after children now leave school with 1 or more GCSE (according to figures from the latest progress reports from local authorities).

10. Children First was introduced originally as a three-year grant scheme. The National Assembly has extended the grant by a further two years, to the end of 2003-04. The Children First budget for 2002/03 is £15.7 million, rising to £24 million in 2003/04. After this time additional funding will be built into the local authority revenue support. Whilst the specific grant will no longer be paid directly to authorities, the Welsh Assembly Government will continue to monitor progress against Children First indicators.

11. Where recommendations listed actions for local authorities, the annex to this paper attempts to describe the progress made in these areas. However, it is the responsibility of local authorities to comply with legislation and guidance and they are directly accountable for ensuring delivery of services and developing robust processes. The Assembly seeks to monitor the activities of local authorities through the inspection of services, performance indicators, performance reviews and regular meetings (for example on Children First progress).

### **Financial Implications**

12. There are no additional financial implications arising out of this paper.

### **Cross Cutting Themes**

13. The National Assembly’s Local Government and Housing Committee (LGHC) has recently been taking an active interest in the issues around corporate parenting in particular the role of the Complaints Officer and whistle-blowing procedures. An update on recommendations 8,9, 58 and 59 was given to the LGHC on November 13<sup>th</sup> 2002.

14. A number of the recommendations refer to independent schools. Some of the actions fall to the Training and Education Department and are within the remit of the Minister for Education and Life-long learning and the Education and Life-long learning Committee.

### **Action for Subject Committee**

15. To note the progress made against the recommendations.

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**Health and Social Services Committee. HSS-04-03 (p1) Annex 1.  
Detailed report on actions taken against recommendations made in “Lost in Care”.**

**References:**

The attached table includes frequent references to the following documents programmes, and organisations.

**Working Together to Safeguard Children**

This guidance, published in March 2000, sets out how all agencies and professionals should work together to promote children’s welfare and protect them from abuse and neglect. It is addressed to those who work in the health and education services, the police, social services, the probation service, and others whose work brings them into contact with children and families. It is relevant to those working in the statutory, voluntary and independent sectors.

**Practice Guide to Investigate Allegations of Abuse Against a Professional or Carer in Relation to Children Looked After**

The Adrienne Jones report on child care procedures and practice in North Wales recommended that the then “Welsh Office should commission... a practice guide for local authorities on the co-ordination and compatibility of the various procedures involved with allegations of abuse of looked after children”. The document was published by the Welsh Assembly Government in February 2000.

**Framework for the Assessment of Children in Need and their Families**

This framework, issued in March 2000, has been developed to provide a systematic way of understanding, analysing and recording what is happening to children and young people within their families and the wider context of the community in which they live. The guidance has been produced for the use of practitioners and their managers in social service departments and the independent sector, although it is relevant to a much wider group of staff in organisations concerned with the welfare of children.

**The Children (Leaving Care) Act 2000**

The purpose of this Act is to improve the life chances of children and young people living in and leaving local authority care by delaying their discharge from care until they are prepared and ready to leave; improve the assessment, preparation and planning for leaving care; provide better personal support for children and young people after leaving care and improve the financial arrangements for care leavers.

**The Care Standards Act 2000**

This provides the legislative framework for regulations and national minimum standards across a range of welfare provision including Children’s Homes, Residential Special Schools, Boarding Schools, FE Colleges with accommodation and Fostering. The Act made provision for the setting up of the Care Standards Inspectorate for Wales and the Care Council for Wales.

### **Care Standards Inspectorate for Wales**

Registers, monitors and inspects agencies providing services for which national minimum standards, made under the Care Standards Act 2000, have been agreed. Covers residential and non-residential social care settings for adults and children. It also hears complaints from service users and providers. The Inspectorate has eleven regional offices across Wales, including three in North Wales.

### **Care Council for Wales**

Regulates the social care workforce with responsibility for agreeing and issuing statutory codes of practice, setting up a register of social care staff, dealing with matters of conduct and regulating/supporting social work education and training.

### **Social Services Inspectorate for Wales**

**Inspects local authorities and other social services, under statutory powers devolved to the National Assembly. Also, jointly with the Audit Commission, it commissions joint reviews of local authority social services and acts as Best Value inspectorate for social services.**

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
1.	An independent Children's Commissioner for Wales should be appointed.	The Children's Commissioner for Wales, Peter Clarke, was appointed on 1st March 2001. His role is that of a statutory, independent Commissioner with a wide-ranging remit to review the effect of policies and the delivery of services to children
2.	<p>The duties of the Commissioner should include:</p> <ul style="list-style-type: none"> <li>a. ensuring that children's rights are respected through the monitoring and oversight of the operation of complaints and whistleblowing procedures and the arrangements for children's advocacy;</li> <li>b. examining the handling of individual cases brought to the Commissioner's attention (including making recommendations on the merits) when he considers it necessary and appropriate to do so;</li> <li>c. publishing reports, including an annual report to the National Assembly for Wales.</li> </ul>	<p>The duties of the Commissioner include those listed in recommendation 2.</p> <p>The Commissioner submitted his first annual report to the Welsh Assembly Government in September 2002, in which he detailed his activities during his first 13 months in operation.</p>

<b>No</b>	<b>Recommendation</b>	<b>Position</b>
3.	<p>Every social services authority should be required to appoint an appropriately qualified or experienced Children's Complaints Officer, who should not be the line manager of residential or other staff who may be the subject of children's complaints or complaints relating to children.</p>	<p>This is primarily for local authorities.</p> <p>The Welsh Assembly Government surveyed all local authorities in 2002 to ensure that a Complaints officer had been appointed. The results of the survey confirmed that all local authorities now have Complaints Officers in place. In 15 authorities there are Complaints Officers who deal with all complaints and in 7 there are dedicated Children's Complaints Officers.</p>

N o	Recommendation	Position
4.	<p>Amongst the duties of the Children's Complaints Officer should be:</p> <ul style="list-style-type: none"> <li>a. to act in the best interests of the child</li> <li>b. on receiving a complaint, to see the affected child and the complainant, if it is not the affected child;</li> <li>c. thereafter to notify and consult with appropriate line managers about the further handling of the complaint, including: <ul style="list-style-type: none"> <li>i. any necessary interim action in relation to the affected child, the complainant and the person who is the subject of complaint, including informal resolution of the complaint, if that is appropriate;</li> <li>ii. consideration of the established procedures to be implemented, such as child protection and disciplinary procedures and including any necessary involvement of the police and/or other agencies;</li> </ul> </li> <li>d. to ensure that recourse to an independent advocacy service is available to any complainant or affected child who wishes to have it;</li> <li>e. to keep a complete record of all complaints received and how they are dealt with, including the ultimate outcome;</li> <li>f. to report periodically to the Director of Social Services on complaints received, how they have been dealt with and the results.</li> </ul>	<p>See also Recommendation 3.</p> <p>All of this recommendation is considered current best practice.</p> <ul style="list-style-type: none"> <li>b) The Representations Procedure (Children) Regulations 1991 do not currently specifically require that the children be seen. It is important that the child is seen and in the event that the complaints officer can't see the child in person, he/she should arrange for an appropriate person to see the child on his/her behalf. New guidance (see para c) will address this.</li> <li>c) The Adoption and Children Act 2002 amended complaints procedures for children, , and further changes to complaints procedures are to be brought in with the Health and Social Care Bill will be followed by new regulations and guidance which will address these issues.</li> <li>d) Amendments to the Children Act 1989 made by the Adoption and Children Act 2002, include a statutory right to advocacy for looked after children intending to make a complaint. New regulations and guidance will be issued for consultation in 2003, with a view to coming into effect in 2004.. The Children's Commissioner's review on complaints and advocacy "Telling Concerns" confirmed that complaints procedures (and independent advocacy services) are available across all local authorities. Existing and future provision of advocacy is being reviewed by the Advocacy task group. In February 2003, the Welsh Assembly Government issued National Standards for the Provision of Children's Advocacy</li> <li>e) The Representations Procedure (Children) Regulations 1991 require authorities to keep a record of each complaint and under the Care Standards Act 2000, National Minimum standards for care settings require records of complaints to be kept.</li> <li>f) The Representations Procedure (Children) Regulations 1991 require authorities to produce an annual report on all complaints received. Under the Children First programme from April 2003 local authorities will be required to report on the number of complaints made by looked after children and children in need. This will allow monitoring of access to complaints procedures and to advocates.</li> </ul>

<b>No</b>	<b>Recommendation</b>	<b>Position</b>
5.	Any decision about the future of a child who is alleged to have been abused should be made in that child's best interests. In particular, the child should not be transferred to another placement unless it is in the child's best interests to be transferred.	<i>Working Together</i> stresses the need for the interests of the child (whether within a family or in a care setting) to be paramount. It also states "Good parenting involves...a stable environment".



N o	Recommendation	Position
6.	Every local authority should promote vigorously awareness by children and staff of its complaints procedures for looked after children and the importance of applying them conscientiously without any threat or fear of reprisals in any form.	<p>(see also recommendation 9) The Children Act 1989 requires local authorities to publicise their complaints procedures. Most have produced leaflets specifically for children.</p> <p>The Children First Programme has the key indicator “ complaints procedure drawn up in consultation with children looked after and which involves open access by children to persons other than those directly responsible for their care”.</p> <p><i>Working Together</i> stresses a number of basic safeguards. These include, that:</p> <ul style="list-style-type: none"> <li>• “children have ready access to a trusted adult outside the institution, e.g. a family member, the child’s social worker, independent visitor, children’s advocate. Children should be made aware of the help they could receive from independent advocacy services, external mentors, and ChildLine;</li> <li>• complaints procedures are clear, effective, user friendly and are readily accessible to children and young people... There should be a complaints register in every children’s home which records all representations or complaints, the action taken to address them, and the outcomes;</li> <li>•</li> </ul> <p>Local authorities have confirmed that procedures meet these requirements. Social Services Inspectorate Wales (SSIW) monitors complaints procedures in its Inspection and Joint Review Programme. National Minimum Standards of welfare provision in Residential Special Schools, Boarding Schools and FE Colleges with residential provision came into force on 1<sup>st</sup> February 2003. These Standards include requirements for complaints procedures. The Care Standards Inspectorate for Wales will inspect schools against these Standards.</p> <p>The standards require that “Children know how and feel able to complain if they are unhappy with any aspect of living in the school/college, and feel confident that any complaint is addressed seriously and without delay.</p> <p>Children, and where appropriate their families, significant others and independent visitors, are provided with information on how to complain, including how they can secure access to an independent advocate and when such a person is next visiting the establishment, where known”</p>

No	Recommendation	Position
7.	<p>Such complaints procedures should:</p> <ol style="list-style-type: none"> <li>a. be neither too prescriptive nor too restrictive in categorising what constitutes a complaint;</li> <li>b. encompass a wide variety of channels through which complaints by or relating to looked after children may be made or referred to the Children’s Complaints Officer including teachers, doctors, nurses, police officers and elected members as well as residential care staff and social workers;</li> <li>c. ensure that any person who is the subject of complaint will not be involved in the handling of the complaint.</li> </ol>	<p>The Children Act 1989 Guidance and Regulations volumes 3 and 4 provide detailed guidance on the handling of complaints.</p> <p><i>“Working Together”</i> states that complaints procedures should be “clear, effective, user friendly and ... readily accessible to children and young people...”</p> <p><i>“Listening to People”: A consultation on improving social services complaints procedures</i> “ stated “ authorities and organisations should facilitate an open approach to dealing with issues that are of concern to service users” (see also para 4c above)</p>
8.	<p>Every local authority should establish and implement conscientiously clear whistleblowing procedures enabling members of staff to make complaints and raise matters of concern affecting the treatment or welfare of looked after children without threats or fear of reprisals in any form. Such procedures should embody the principle indicated in recommendation (7) and the action to be taken should follow, as far as may be appropriate, that set out in recommendation (4).</p>	<p>Working Together states  ‘clear procedures and support systems are in place for dealing with expressions of concern by staff and carers about other staff or carers. Organisations should have a code of conduct instructing staff on their duty to their employer and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers. There should be a guarantee that procedures can be invoked in ways which do not prejudice the “whistle-blower”.</p> <p>New codes of conduct for local government members and employees, under the Local Government Act 2000, came into force from April 2002.</p> <p>Codes of Practice for Social Care Employees and Employers was launched by the Care Council for Wales in October 2002. Code sets out standards of conduct including “informing an employer or appropriate authority where the practice of colleagues may be unsafe or adversely affecting standards of care.”</p> <p>Standard 28 of the National Minimum Standard for Children’s Homes requires that complaints procedures “ensure that no individual will suffer discrimination, disadvantage, withdrawal or reduction of service as a result of making representations or complaints. “</p>

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
9.	<p>Consideration should be given to requiring failure by a member of staff to report actual or suspected physical or sexual abuse of a child by another member of staff or other person having contact with the child to be made an explicit disciplinary offence.</p>	<p>The Code of Practice for Social Care Employees and Employers, issued in December 2002, set out how agencies and professionals should work together to promote children's welfare and protect them from abuse and neglect. It clearly states that "if someone believes that a child may be suffering, or may be at risk of suffering significant harm, then they should always refer their concerns to the local authority social services department".</p> <p>For employees it states: "Informing your employer or an appropriate authority where the practice of colleagues may be unsafe or adversely affecting standards of care."</p> <p>For employers it states: " As a social care employer, you must put in place and implement written policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice",</p> <p>The Fostering Services (wales) Regulations 2003 – regulation 21 (2) (b) "provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse of a child placed with foster parents to an appropriate person is a ground on which disciplinary proceedings may be instituted.</p> <p><i>"Working Together"</i> states that:  "Organisations should have a code of conduct instructing staff on their duty to their employer and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers."</p>

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
10.	An appropriate field social worker should be assigned to every looked after child throughout the period that the child remains in care and for an appropriate period following the child's discharge from care.	<p>Existing good practice. SSIW inspections and monitoring systems check this.</p> <p>The Children (Leaving Care) Act 2000 extends local authorities' responsibilities to safeguard the welfare of children who leave care by appointing a personal adviser for each care leaver up to the age of 21 (or 24 when in an agreed programme of study) The Personal Adviser should strive to keep in touch with each care leaver and to review their case at least once every six months.</p> <p>The Children First Programme has the following key objective "The percentage of young people in care on their 16<sup>th</sup> birthday who have a suitable plan for their continuing care" This indicator is also built in to the National Assembly for Wales Performance Indicators 2002-2003 (3.3)</p> <p>National Assembly for Wales Performance Indicator (2002/2003) number 3.15 is the percentage of cases of children with an allocated social worker who is providing a service appropriate to the child's needs:- a) children on the child protection register b) children looked after c) children in need. Wales average for year ending 31 March 2002 b) 99% c) 100%</p>
11.	Field social workers should be required by regulation to visit any looked after child for whom they are responsible not less than once every eight weeks. In the case of older children, they should be required also to see the child alone and at intervals away from their residential or foster home.	<p>Regulation 6 of the Foster Placement (Children) Regulations 1991 required local authorities to visit children in foster care from time to time, at intervals of not more than 6 weeks during the first year of placement, and thereafter at intervals of not more than 3 months. This requirement is replicated in regulation 35 of the new Fostering Services Regulations (wales) 2003. This is considered adequate contact.</p> <p>Case review visits by a social worker to each child are also part of the welfare arrangements and will take place every six months. Consideration is being given to amending The Arrangements for Placements of Children Regulations 1991 in order to equalise visiting requirements for fostering and residential care.</p> <p>Social Workers may visit any child in care alone as often as is deemed "appropriate"- this will depend on the circumstances of each child.</p>

No	Recommendation	Position
12.	Any arrangements made for the provision of residential care or fostering services should expressly safeguard the field social worker's continuing responsibilities for supervision of the placement and care planning.	This is existing good practice. It is desirable that changes during a child's time in care should be kept to a minimum, including changing those people who are significant to that child. These arrangements relate principally to the care planning process where respective responsibilities should be clearly articulated. Staff shortages and movements are the main hindrances to meeting this requirement.
13.	Area Child Protection Committees should arrange training in sexual abuse awareness for social services staff and for those from other departments, agencies and organisations in their area.	<p><i>Working Together</i> states that:  "Professional staff who come into contact with children should know of the predisposing factors and signs and indicators of child abuse.... The ACPC is responsible for taking a strategic overview of the planning, delivery and evaluation of the inter-agency training that is required in order to promote effective practice to safeguard the welfare of children..... Effective high quality training is most likely to be achieved if the ACPC is strategically involved at all stages of the training cycle."</p> <p>Following consultation with Area Child Protection Committees (ACPCs), the Welsh Assembly Government is commissioning a review of the range of materials on sexual abuse awareness currently available to identify any gaps.</p>
14.	Steps should be taken through training and professional and other channels periodically to remind persons outside social services departments who are or may be in regular contact with looked after children, such as teachers, medical practitioners, nurses and police officers, of their potential role in identifying and reporting abuse, the importance of that role and the procedures available to them.	Interagency training is a core function of ACPCs. The Welsh Assembly Government monitors ACPC activities through analysis of ACPC annual reports/business plans. These plans also include information on training activities.
15.	A log of all incidents, disturbances, reports, complaints and absconsions at a children's home should be kept at an appropriate nearby police station and made accessible, when required, to officers of the Social Services Department.	<p>This is principally a Home Office responsibility. Records of disturbances at children's homes are kept at Police Command Centres rather than local Police stations.</p> <p>The Children's Home Regulations, made under the Care Standards Act 2000, requires that each children's home should keep a daily log of events. Standard 8 of the national minimum standards for residential special schools, made under the Care Standards Act 2000, requires that each school should have written procedures identifying action to be taken when a child is absent without authority, which are known to staff, children and their parents.</p> <p>The CSIW will monitor the existence of such records and procedures.</p>

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
16.	<p>Police officers should be reminded periodically that an absconder from a residential care or foster home may have been motivated to abscond by abuse in the home. They should be advised that, when apprehended, an absconder should be encouraged to explain his reasons for absconding and that the absconder should not automatically be returned to the home from which he absconded without consultation with his field social worker.</p>	<p>In December 1998 a joint ACPO/LGA set of guidelines was issued to all Police forces setting out best practice on dealing with children who abscond from care. Police forces were expected to develop joint protocols with local Social Services Departments to ensure safe, caring practice. The Home Office issued a circular LAC (2002) 17 "Children missing from Care and from Home (Good Practice Guidance). This guidance has been sent to all social services departments and to the Police (regional working group and ACPO). Regulations and National Minimum Standards made under the Care Standards Act 2000 in relation to Children's Homes and to Fostering Services, required providers to have a written procedure to be followed where a child is absent from the children's home or foster carer's home without permission. These requirements are monitored by CSIW and SSIW inspection and development units.</p>
17.	<p>It should be a rule of practice that any absconsion should be reported as soon as possible to the absconder's field social worker and that the absconder should be seen on his return by that social worker or by another appropriate person who is independent of the home.</p>	<p>The Children's Homes Regulations 2002 require that the placing authority be notified of any absconsion of children from a children's home. The National Minimum Standards for Children's Homes (31.5) state " on returning to the home, the registered person notifies the child's social worker or placing authority and atkes all reasonable steps to enable the social worker to see the child. Where this is not possible, the reasons are recorded and agreed with the placing authority. Any reasons given for being absent are considered in relation to how the child is cared for and the child's placement plan"</p> <p>The Welsh Assembly Government is developing guidance on those who run from care and run from home. This is currently in the course of preparation and will be issued during 2003</p>

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
18.	<p>When a complaint alleges serious misbehaviour by a member of staff, the Director of Social Services should appoint a senior officer to formulate an overall strategy for dealing with the complaint, including such matters as liaison with the police in relation to investigation and with other agencies as appropriate, the impact on the child and other residents, any links with other establishments, the handling of any disciplinary proceedings, treatment of any looked after children who are or may become abusers themselves, the management of information for children and parents, staff, elected members and the public.</p>	<p>The "Practice Guide to investigate allegations of abuse against a professional or carer in relation to a child looked after " states that initial management of allegations of serious abuse must be notified to</p> <p>Assistant Director or nominated senior manager Senior manager, Human Resources Line Manager of the member of staff</p> <p>A strategy meeting attended by the assistant Director (or designated Senior Manager), a Child Protection Co-ordinator and a Specialist Police Officer with child protection responsibilities among others, should be convened within two working days of the allegation being made to consider full details of the allegation, any relevant information and</p> <ul style="list-style-type: none"> <li>- determine whether a Section 47 (Children Act 1989) Inquiry is required</li> <li>- plan the investigation in relation to child protection, criminal investigation and disciplinary investigation</li> <li>- ensure that the child's voice and experience is heard, that the child's protection is ensured and that the child is supported</li> <li>- manage the personnel issues</li> <li>- co-ordinate all relevant procedures</li> <li>- assess the extent of potential risk to other children posed by the person against whom the allegation has been made</li> <li>- decide when the parents of the child should be informed of the investigation</li> <li>- set a time-scale for the investigation and ensure that the person against whom the allegation is made is supported.</li> </ul> <p>In light of experience the Practice guide is being reviewed and these recommendation will be considered as part of the review.</p>

N o	Recommendation	Position
19.	Whenever a police investigation follows upon a complaint of abuse of a looked after child, the senior officer referred to in recommendation (18) or another senior officer assigned for the specific purpose should establish and maintain close liaison with the senior investigating officer appointed by the police for that investigation and the local authority's officer should be kept informed of the progress of the investigation.	This is existing good practice. " <i>Working Together</i> " states that "ACPCs should have in place a protocol agreed between social services departments and the police, to guide both agencies in deciding how child protection enquiries should be conducted and, in particular, the circumstances in which joint enquiries are appropriate."
20.	<p>Any disciplinary proceedings that are necessary following a complaint of abuse to a child should be conducted with the greatest possible expedition and should not automatically await the outcome of parallel investigations by the police or the report on any other investigation. In this context it should be emphasised to personnel departments and other persons responsible for the conduct of disciplinary proceedings within local authorities that:</p> <ol style="list-style-type: none"> <li>a. police or any other independent investigation does not determine disciplinary issues;</li> <li>b. disciplinary proceedings may well involve wider issues than whether a crime has been committed;</li> <li>c. the standard of proof in disciplinary proceedings is different from that in criminal proceedings; and</li> <li>d. statements made to the police by potential witnesses in disciplinary proceedings, including statements by a complainant, can and should be made available to local authorities for use in such proceedings, if consent to this is given by the maker of the statement.</li> </ol>	<p>Addressed in existing good practice. "<i>Working Together</i>" states that: "The investigation should be completed as quickly as possible consistent with its effective conduct."</p> <p>"<i>The Practice Guide to Investigate Allegations of Abuse against a Professional or Carer in relation to Children Looked After</i>" issued by the Welsh Assembly Government states that: "The disciplinary process (if appropriate) does not need to wait for completion of the criminal processes." In light of experience the Practice guide is being reviewed and these recommendation will be considered as part of the review.</p>



No	Recommendation	Position
21.	<p>Personnel departments and other persons responsible for disciplinary proceedings within local authorities should be reminded that:</p> <ol style="list-style-type: none"> <li>a. in deciding whether or not a member of staff should be suspended following an allegation of abuse to a looked after child, first consideration should be given to the best interests of the child;</li> <li>b. suspension is a neutral act in relation to guilt or innocence;</li> <li>c. long periods of suspension are contrary to the public interest and should be avoided whenever practicable;</li> <li>e. depending upon the gravity of the allegation of abuse, the employment of a member of staff in another capacity not involving contact with children or other vulnerable persons may be an appropriate decision at the time of suspending or finally, having regard to the importance of protecting looked after children from abuse.</li> </ol>	<p>Addressed in existing good practice. <i>“The Practice Guide to Investigate Allegations of Abuse against a Professional or Carer in relation to Children Looked After”</i> states that: “The immediate priority is to ensure the protection and safety of children. Before moving to suspend staff, consideration should be given to whether the alleged actions fall within the criteria recommended by Warner for staff suspension (<i>these include where allegations, if proven, would lead to dismissal or prosecution and where a child would be placed in danger if the member of staff were not removed</i>). Where the criteria are not met consideration should be given to reassigning the member of staff.”</p> <p>In light of experience the Practice guide is being reviewed and these recommendation will be considered as part of the review.</p>
22.	<p>In the light of the recent experience gained in both England and Wales in major investigations of alleged wide ranging abuse of children in care/looked after children, an inter agency review of the procedures followed and personnel employed in those investigations should now be arranged with a view to issuing practical procedural guidance for the future. In any event guidance is required to social services departments and police forces now in relation to:</p> <ol style="list-style-type: none"> <li>a. the safeguarding and preservation of social services files;</li> <li>b. the safeguarding and preservation of police records of major investigations, including statements and the policy file;</li> <li>c. access by the police to social services files;</li> <li>d. the supply of information about alleged and suspected abusers by the police following an investigation; and</li> <li>f. the sharing of information generally for criminal investigation and child protection purposes.</li> </ol>	<p><i>“Working Together”</i> contains guidance on the sharing of information, covering:</p> <ul style="list-style-type: none"> <li>• the Legal Framework</li> <li>• the Common Law Duty of Confidence</li> <li>• the Data Protection Act</li> <li>• The European Convention on Human Rights</li> </ul> <p>During 2003, the Welsh Assembly Government will be issuing guidance on inter-agency issues in complex child abuse investigations.</p> <p>In light of experience the Practice guide is being reviewed and these recommendation will be considered as part of the review.</p>

<b>No</b>	<b>Recommendation</b>	<b>Position</b>
23.	Social Services Departments should be reminded periodically that they must exercise vigilance in the recruitment and management of their staff in strict accordance with the detailed recommendations of the Warner committee; and compliance with them by individual local authorities should be audited from time to time.	<p>The Care Standards Act came into force from 1 April 2002. National minimum standards made under this Act require that all staff (new and established) must be checked against statutory lists of people who are barred from working with children.</p> <p>The Protection of Children Act 1999 places the Department of Health Consultancy Index on a statutory footing (Department of Education and Employment's List '99 has always been a statutory list).</p>
24.	Similar vigilance should be mandatory in relation to all applications for approval as foster parents. In particular, any application to foster by a member of a local authority's child care staff should be stringently vetted by a social worker who is not known to the applicant.	<p>From April 2003, Care Standards Inspectorate for Wales will inspect all aspects of foster care services provided by local authorities and other sectors against National Minimum Standards for foster care, made under the Care Standards Act 2000. The Fostering Services (wales) Regulations 2003 a Fostering Panel must be set up to vet applications from potential foster parents.</p> <p>All applicants are subject to the same stringent checks including Criminal Records Bureau checks.</p>
25.	Social Services Departments should ensure that appropriate and timely induction training is provided for all newly recruited residential child care staff.	<p>Induction training is a requirement of, and is covered by, the national minimum standards made under the Care Standards Act 2000. Under the Children Homes Standards "all care staff and others working in the home receive one to one supervision from a senior manager once a month and fortnightly for the first six months in the case of new care staff. The registered person has an induction training programme for all newly appointed care and ancillary staff. The programme takes into account such guidance as may be published by the Care Council for Wales. An introduction to child protection procedures, fire training, medical procedures and recording is provided for all care staff before they start work in the home. "</p> <p>An induction framework for all social care workers has been published by the Care Council for Wales.</p>

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
26.	The Tribunal endorses all five of the most recent recommendations of Sir William Utting in "People like us" in relation to the content and provision of training for staff in children's homes and the care units of residential special schools and recommends that they should be implemented as expeditiously as possible.	<p>The national minimum standards for children's homes, made under the Care Standards Act 2000, require that, by 1 April 2005, at least 80% of care staff in children's home should hold an NVQ Level 3 in Caring for Children and Young People or a similar qualification recognised by the Care Council for Wales. National Training Targets have been set for each grade of residential child care staff and a qualification framework has been published.</p> <p>Reforms to social work training have extended the Diploma in Social Work from two to three years. This will be implemented in Wales from October 2004.</p>
27.	It should be a requirement that senior staff of children's homes (including private and voluntary homes) must be qualified social workers or, if that is not practicable before appointment, that it should be a condition of their appointment that they undertake qualifying training within a specified period.	<p>The current National Training Targets required all heads of children's homes to have a Diploma in Social Work or NVQ Level 4 by 30 September 2000, and all Deputies and Assistants to have the same qualifications by 30 September 2002.</p> <p>The national minimum standards for children's homes, made under the Care Standards Act 2000, require that</p> <ul style="list-style-type: none"> <li>- all managers of children's homes should have either NVQ Level 4 in Care obtained in a child care setting or a similar qualification awarded under a course approved by the Care Council for Wales or an equivalent professional qualification;</li> <li>- a qualification at NVQ Level 4 in Management of Care or an equivalent management qualification by April 2005;</li> <li>- at least five years experience in a residential child care setting, of which two years must be at a senior level, and all of which have been within the last ten years.</li> </ul>
28.	Central government should take the initiative to promote and validate training in safe methods of restraint with a view to making such training readily available for residential child care staff and foster parents.	<p>The UK Government has not accepted this recommendation.</p> <p>The Welsh Assembly Government is undertaking a review of existing guidance on the restraint of children. The review will be completed by April 2003.</p> <p>In conjunction with this review, the Welsh Assembly Government has drawn up a Framework document of overarching principles, in line with ACPC guidance, that will Inform restraint policies used in any care setting. A final document should be available by the end of 2003.</p>

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
29.	Suitable specialist training in child care at post-qualifying level should be made widely available and, in particular, to the senior residential care staff of children's homes and to field social workers.	The Welsh Assembly Government, with the Department of Health, CCETSW, the Training Organisation for Personal Social Services (TOPSS), and the agencies and colleges in Wales, has made available an approved Post-Qualifying Award in child care for staff in all settings. The induction of the third cohort of candidates is currently taking place.
30.	There should be a national review of the pay, status and career development of residential child care staff and field social workers to ensure as far as possible that there is a sufficient supply of candidates for such posts of appropriate calibre.	<p>This is an issue primarily for Local Authorities as employers. SSIW is consulting local authorities, training providers and regulators about ways of reducing the decline in applications to Diploma in Social Work Programmes.</p> <p>Several initiatives have been developed to tackle recruitment and retention issues across the social care workforce as a result of recommendations made by the Task and Finish Group on Workforce Issues in Social Care. These include the development of Guidance on Human Resource Planning, the refocusing of the Training Support Programme, to include ring-fenced funding to allow authorities to support trainee social work schemes and the development of recruitment and career information for the sector.</p>

N o	Recommendation	Position
31.  32.  33.	<p>Whenever possible to do so, an appropriate social worker should carry out a comprehensive assessment of a child's needs and family situation before that child is admitted to care.</p> <p>All emergency admissions should be provisional and should be followed, within a prescribed short period, by a comprehensive assessment of the child's needs and family situation</p> <p>The comprehensive assessment referred to in recommendations (31) and (32) should form the basis for the preparation of a care plan in consultation with and for the child within a prescribed short period after the child's admission to care.</p>	<p><b>Recommendations 31- 33.</b> The Welsh Assembly Government has issued "<i>the Framework for the Assessment of Children in Need and their Families</i>" which establishes the following procedure:</p> <ul style="list-style-type: none"> <li>• Initial assessment within 7 working days of referral</li> <li>• Core assessment within 35 working days of the initial assessment or subsequent strategy discussion.</li> </ul> <p>The <i>Framework for Assessment of Children in Need and their Families</i>" states that: "The conclusion of an assessment should result in:</p> <ul style="list-style-type: none"> <li>• an analysis of the needs of the child and the parenting capacity to respond appropriately to those needs</li> <li>• identification of where intervention will be required to secure the well-being of the child or young person</li> </ul> <p>a realistic plan of action (including services to be provided), detailing who has responsibility for action, a timetable and a process for review."</p> <p>Two key Children First performance indicators are :-</p> <ul style="list-style-type: none"> <li>◆ Percentage of first placements which begin with a clear care plan in place.</li> <li>◆ Percentage of all core assessments completed i) within 35 days ii) in 36 days or more.</li> </ul> <p>Assembly officials regularly monitor local authority performance against these objectives.</p> <p>.</p> <p>NAWPI 3.4 which is also a policy agreement indicator, requires local authorities to report on the percentage of first placements for looked after children beginning with a care plan in place.</p> <p>New arrangements for the provision of Independent Reviewing Officers for looked after children have been made to the Children Act 1989 by means of the Adoption and Children Act 2002. New regulations and guidance will be published for consultation with a view to coming into force later in 2003. The Independent Reviewing Officer will have responsibility for ensuring the appropriateness of the child's care plan and that it is being expedited by the local authority.</p>

<b>No</b>	<b>Recommendation</b>	<b>Position</b>
34.	An appropriate social worker should be designated as the person responsible for the implementation of the care plan and supervision of the looked after child.	This is existing good practice. SSIW inspections include consideration of whether Social Services Departments are monitoring this aspect of performance. National Assembly for Wales Performance Indicator (2002/2003) number 3.15 is the percentage of cases of children with an allocated social worker who is providing a service appropriate to the child's needs:- a) children on the child protection register b) children looked after c) children in need
35.	Foster carers should receive continuing support and have access as necessary to specialist services. In this context we endorse the recommendations of Sir William Utting in relation to training in "People like us".	National Standards and Code of Practice for Foster Care were launched in England and Wales in 1999  National Minimum Standards for foster care, made under the Care Standards Act 2000, meet the recommendations for foster care made in "People Like Us" by requiring fostering agencies to provide appropriate levels of support to foster carers. They will be in operation from 1 April 2003.

<b>No</b>	<b>Recommendation</b>	<b>Position</b>
36.	The daily regime in residential establishments and foster homes should encourage and provide facilities for the acquisition of skills necessary for independent living.	<p>Recommendations 36, 37 and 38.</p> <p>National Minimum Standards for children’s homes, residential special schools and foster care (made under the Care Standards Act) require that children are given help to prepare for independent living.</p> <p>The Children (Leaving Care) Act 2000 obliges local authorities to provide a Young Person’s Advisor and a Pathway Plan for all eligible young people (those aged 16 &amp; 17 who have been or are looked after. The Pathway Plan will map out a route to independence including consideration of when they might be ready to leave care. These plans must be reviewed every six months. Support must continue to age 21 or up to age 24 where the young person is on an agreed course/training.</p> <p>The Children First Programme has the following key objective “The percentage of young people in care on their 16<sup>th</sup> birthday who have a suitable plan for their continuing care”</p> <p>National minimum standards for children’s homes, residential schools and foster care made, under the Care Standards Act 2000, require that help be given with the acquisition of daily living skills.</p> <p>The Children (Leaving Care) Act 2000 obliges local authorities to provide a Young Person’s Adviser and a Pathway Plan for all eligible young people – that is those aged 16 &amp; 17 who have spent a prescribed period in care. The Pathway Plan will map out a route to independence for these young people including consideration of when they might be ready to leave care.</p> <p>The main purpose of the Children (Leaving Care) Act 2000 is to improve the life chances of children and young people living in and leaving care local authority care and to</p> <ul style="list-style-type: none"> <li>- delay their discharge from care until they are prepared and ready to leave;</li> <li>- improve the assessment, preparation and planning for leaving care;</li> <li>- provide better personal support for children and young people after leaving care;</li> <li>- improve the financial arrangements for care leavers.</li> </ul>
37.	A leaving care plan should be prepared for each looked after child, in consultation with that child, a year in advance of the event and should be reviewed periodically thereafter until the child ceases to require or be eligible for further support	
38.	The duty upon local authorities under section 24(1) of the Children Act 1989 to advise, assist and befriend a child with a view to promoting his welfare when he ceases to be looked after by them should be extended so as to ensure that placing authorities provide the level of support to be expected of good parents, including (where appropriate) help to foster parents to provide continuing support.	

<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
39.	Every local authority's fostering service, whether provided directly or by another agency, should monitor breakdowns in placements with a view to analysing the causes and remedying any faults in the service and should report upon them periodically to the Director of Social Services.	The Foster Care Code of Practice provides explicit guidance on the need to keep detailed management information on the operation of the fostering service. Standard 3 of the national minimum standards for Foster Care states that foster panels receive management information about the outcome of foster carers' annual reviews.
40.	<p>Appropriate key indicators of compliance with safeguards for looked after children should be developed, covering particularly:</p> <p>a. the allocation of a designated social worker to each looked after child;</p> <p>b. compliance with fostering and placement regulations;</p> <p>c. statutory review requirements; and</p> <p>d. rota visits by elected members</p>	<p>SSIW monitors compliance as part of its inspection programme for services for looked after children and through joint reviews of social services.</p> <p>a) National Assembly for Wales Performance Indicators (2002/2003) number 3.15 is the percentage of cases of children with an allocated social worker who is providing a service appropriate to the child's needs: a) children on the child protection register b) children looked after c) children in need</p> <p>The Welsh Assembly Government's Children First Programme sets out performance indicators and statutory guidance for all local authorities. These include :</p> <ul style="list-style-type: none"> <li>• a requirement that authorities' arrangements for statutory visits to looked after children in residential care and foster care fully comply with regulations</li> <li>• a requirement that elected members ensure the delivery of the programme and ensure as the corporate parents of children looked after that they receive services of the highest quality;</li> <li>• a requirement to carry out annual evaluations of local authority Children First Management Action Plans and set out how they intend to improve their services</li> </ul>
41.	All private children's homes should be required to register with the independent agency referred to in recommendation (47).	Care Standards Act 2000 required all private children's homes to register with Care Standards Inspectorate for Wales by July 2001.



<b>N o</b>	<b>Recommendation</b>	<b>Position</b>
42.	<p>The owner of a private children’s home and the owner of a private residential school approved generally for SEN children or receiving SEN children with the consent of the Secretary of State should be required, if the establishment is above a size to be determined, to appoint an appropriately constituted governing body under arrangements approved by the relevant regulatory authority, to include representation from the local social services and education authorities (as appropriate) and the local community.</p>	<p>The Assembly Government will be undertaking a consultation exercise on a revised framework for independent schools in Wales later this year. The introduction of a statutory duty to require independent residential schools to appoint an appropriately constituted governing body would be dependent on primary legislation.</p> <p>The Education Act 2002 makes provision for the introduction of a revised statutory regime for independent schools under which the National Assembly for Wales will prescribe standards independent schools must meet in order to become, and remain, registered. Estyn has been invited to develop a common inspection framework to introduce a cyclical inspection regime to evaluate and monitor independent schools attainment against the revised standards. In addition, independent schools providing residential accommodation will also be subject to inspection against National Minimum Standards by the Case Standards Inspectorate for Wales.</p>
43	<p>The accounts and other relevant financial information relating to private children’s homes and private residential schools approved generally for SEN children or receiving SEN children with the consent of the Secretary of State should be disclosed to the relevant regulatory authorities.</p>	<p>The Education Act 2002 also introduces a revised regulatory regime for dealing with independent schools where standards are not being met, including specific fast track arrangements where there is considered to be a serious risk to pupils’ welfare</p> <p>Regulation 35 of Children’s Homes Regulations (Wales) 2002 covers the financial position of children’s homes and lists the financial information that the registered provider of children’s homes must make available to Care Standards Inspectorate for Wales.</p> <p>Standard 32 of the national minimum standards for residential special schools states that “The Care Standards Inspectorate for Wales is informed within 24 hours if a receiver, liquidator or trustee in bankruptcy becomes responsible for the school. Such persons on becoming responsible for the school have ensured that the school continues to be managed on a day to day basis by a Head who meets the recruitment and qualification requirements for a Head under the Standards”</p>

44.	<p>There should be an urgent review of the legislation governing the regulation of private residential schools to include particularly:</p> <ul style="list-style-type: none"> <li>a. approvals and consents under section 347 of the Education Act 1996 and for provisional registration of schools;</li> <li>b. the Notice of Complaints provisions and the procedures for the withdrawal of approvals generally, and</li> <li>c. the interaction with the provisions for registration of private children's homes,</li> </ul> <p>with a view to establishing a stricter and more readily enforceable regulatory regime.</p>	<p>a) A revised regulatory regime, including the definition of standards through secondary legislation will be subject to consultation during this year. It is proposed that provisional registration will be removed and schools will be required to be inspected against the prescribed standards before they become registered.</p> <p>In addition to Recommendation 45, before the National Assembly grants consent under section 347, placing authorities will be required to demonstrate that a place is available.</p> <p>c) Under the Care Standards Act 2000 any school which provides accommodation for pupils for more than 295 days a year is required to register as a children's home as well as a school. Children's Homes Regulations 2002 also apply to such schools. Children's Homes Regulations have been revised to take account of very small homes. The equivalent of this has also happened for school settings. A revised statutory definition of independent schools includes any establishment providing full time education for one pupil with a statement of special educational needs or looked after by a public authority. This will require smaller establishments currently excluded by the current definition of "5 or more pupils" to register and be inspected against the prescribed regulatory standards.</p>
45.	<p>Any placement of a child by a local education department or by a social services department in a residential school should be preceded by:</p> <ul style="list-style-type: none"> <li>a. consultation between the departments as to whether an assessment by an appropriate social worker of the child's needs and family situation is needed as well as an educational assessment; and</li> <li>b. in the light of (a) and any subsequent assessment, a decision about the need for (and extent of) any further involvement of the social services department with the child to ensure continuity of planning for the child's long term welfare and protection of the child's rights.</li> </ul>	<p>Local authorities confirm that where children are placed in full time residential special schools or boarding schools that such children are considered to be looked after and as such are subject to the full range of assessments and reviews.</p>

46.	Emergency admissions should not be made to private residential schools.	<p>“<i>Working Together</i>” requires a Social Services Department to consult the appropriate Local Education Authority, and in the case of an out-of-area placement the “home” Social Services Department before making an emergency placement.</p> <p>The extension of welfare inspections to all schools with boarding provision under the Care Standards Act 2000 (from February 2003) will assist in monitoring the use of emergency admissions to private residential schools.</p> <p>Two key Children First performance indicators are :-</p> <ul style="list-style-type: none"> <li>◆ Percentage of first placements which begin with a clear care plan in place.</li> <li>◆ Percentage of all core assessments completed i) within 35 days , ii) in 36 days or more.</li> </ul> <p>Proper and adequate planning should be in place before children are taken into care. Emergency admissions to any care setting should be as infrequent as possible.</p>
47.	<p>Without prejudice to the continuing role generally of the Social Services Inspectorate for Wales, an independent regulatory agency for children’s services in Wales should be established, with a local base or local bases in North Wales, and charge with the responsibility of inspecting:</p> <ol style="list-style-type: none"> <li>a. all local authority, voluntary and private children’s homes;</li> <li>b. the welfare provision in residential schools;</li> <li>c. fostering services; and</li> <li>d. the other components of children’s services.</li> </ol>	<p>Care Standards Inspectorate for Wales, operational from 1 April 2002, regulates all children’s homes (from April 2002), independent fostering agencies, (from April 2003), residential family centres (from September 2003) and residential schools and colleges (from February 2003).</p> <p>The Care Standards Inspectorate for Wales operates from 11 regional offices across Wales including three regional offices in North Wales.</p>
48.	When inspections are made by the agency of homes, schools or services mentioned in recommendation (47) at least one of the inspectors should have substantial experience of child care.	The CSIW intends to meet this recommendation, subject to the arrangements for staff transfer imposed by the Care Standards Act 2000 and its ability to recruit in the future. A senior Inspector is employed in every Region who is responsible for the regulation of children’s services
49.	The agencies responsible for educational and welfare inspections of private residential schools accommodating children with SEN pursuant to section 347 of the Education Act 1996 should be required to agree joint programmes of inspection and reporting.	The Care Standards Inspectorate for Wales is currently considering this in liaison with Estyn with the intention of mounting the first inspections during 2003 – 04

50.	A common set of standards should be applied to the local authority, voluntary and private sectors in relation to residential provision and other services for looked after children.	Care Standards Act 2000 makes provision for a common set of regulations and national minimum standards to be applied in all care settings.
51.	Copies of the reports of inspections of local authorities' children's homes and services should be sent to the Chief Executive as well as the Directors of Social Services.	Care Standards Inspectorate for Wales inspects all children's homes. A report is produced after each inspection and these reports are made public. Local authorities Directors of Social Services automatically receive copies of inspection reports about homes in their area whether run by private and voluntary organisations or by the local authority.  They will also receive copies of reports for those homes where they have a child placed at the time of the announced inspection.
52.	Copies of reports of inspections of private and voluntary children's homes and of private residential schools should be sent to the Director of Social Services of any placing authority with a child at the school and of the authority in whose area the establishment is located.	
53.	The agency referred to in recommendation (47) should present an annual report on all aspects of its work, including any constraints upon that work and any shortfall in fulfilling its obligations.	The Care Standards Inspectorate for Wales is required to produce an annual report and the first report is planned for publication in the summer of 2003
54.	There should be at least one full member of a local authority's social services department management team with child care expertise and experience.	The Welsh Assembly Government consider recommendations 54 to 56 to be good practice. This is not currently a legislative requirement. However all local authorities have at least one senior manager who has childcare expertise.
55.	The responsibility for policy and service development and for oversight of the delivery of a local authority's children's services should be assigned to one member of the social services department management team of at least Assistant Director status.	
56.	Staffing resources at intermediate management level for a local authority's children's services should be sufficient in number and quality to enable positive and close supervision and support to be given to residential establishments and the fostering service.	

57.	Local authorities in Wales should review their current arrangements for management training and development for senior managers, including social services managers, giving particular attention to the development of skills in strategic planning, policy implementation and performance appraisal.	Primarily a matter for local authorities but for several years Welsh Assembly Government has focused Training Support Programme monies in this area on training which will lead to externally validated management qualifications.
58.	Elected members should from time to time be advised about and reminded of their responsibilities to develop policy and to oversee and monitor the discharge by the local authority of its parental obligations towards looked after children.	This is primarily for local authorities and Syniad in conjunction with the Welsh Local Government Association organise training for elected members. In addition to this, Children First guidance is issued annually to local authorities. This includes advice on the role of local councillors. The latest guidance issued in February 2003. The Assembly organised a conference on corporate parenting on 22 May 2002 and, at the Children First Event on 13 <sup>th</sup> February 2003, a corporate parenting workshop was held specifically for local authority elected members.
59.	<p>It should be the explicit duty of the Director of Social Services to assist and support elected members in discharging those responsibilities and, in particular:</p> <ul style="list-style-type: none"> <li>a. to inform elected members of all matters of concern touching upon children's services, including reports upon them, whether adverse or favourable;</li> <li>b. to provide information on comparative spending on children's services by local authorities in Wales and an analysis of that information;</li> <li>c. to submit an annual report to the Social Services Committee on the department's performance in relation to children's services including its record of compliance with required safeguards for looked after children.</li> </ul>	<p>This is a matter primarily for local authorities. However, Children First guidance sets out the Assembly's expectations that Chief Executives and Directors of Social Services ensure that elected members are given the information they need to satisfy themselves that their council has the management capacity and resources to deliver high quality services for children.</p> <p>The Welsh Assembly Government also receives reports on performance from local authorities in line with the performance management framework, which provides comprehensive spending figures and outcomes against set indicators. The Local Government Data Unit has also been set up and can provide information to local authorities on comparative and individual performance.</p>

<p>60.</p> <p>61.</p>	<p>The purpose and scope of visits to children’s homes whether by councillors or by senior and intermediate managers, should be clearly defined and made known to all such visitors.</p> <p>The willingness of councillors to visit children’s homes should be a pre-condition of appointment to the committee responsible for the homes and the importance of fulfilling the duty to visit and to report on visits conscientiously should be emphasised to them. Elected members should be provided with appropriate guidance, including reference to the need to be vigilant in protecting the interests of the child residents as well as to be supportive of the staff.</p>	<p>Recommendations 60 and 61.</p> <p>Local Authorities are no longer required to operate a committee structure.</p> <p>Regulations for children’s homes, made under the Care Standards Act 2000, do not require councillors to visit. The statutory visiting and reporting requirement in respect of children’s homes is usually best carried out by officers of the local authority. Inspections of children’s homes are now a matter for the Care Standards Inspectorate for Wales and are carried out on both an announced and unannounced basis.</p> <p>However, visits to children’s homes enable elected members to directly observe the nature and quality of the service their authority provides. The significance of visits as a means of members scrutinising services for children has altered as the number of local authority children’s homes in Wales has reduced and changes in the function and purpose of some homes that mean they now accommodate significantly fewer children. Most children who are looked after are placed with foster carers.</p>
<p>62.</p>	<p>An Advisory Council for Children’s Services in Wales comprised of members covering a wide range of expertise in children’s services, including practice, research, management and training, should be established in order to strengthen the provision of children’s services in Wales and to ensure that they are accorded the priority that they deserve.</p>	<p>Focus on strategic and operational planning for children’s services is now greatly enhanced through the development in all local authorities of Children and Young People’s Framework Partnerships setting agreed strategic priorities, together with sub groups Children’s Partnerships 0-10’s (under <i>Early Entitlement</i>) and Young People’s Partnerships 11-25’s (under <i>Extending Entitlement</i>). The Welsh Assembly Government has also established a Cabinet Sub-Committee on Children and Young People.</p>
<p>63.</p>	<p>The functions of the Advisory Council should include:</p> <ul style="list-style-type: none"> <li>a. advising on government policy and legislation with regard to their likely impact on children and young people;</li> <li>b. commissioning research;</li> <li>c. disseminating information and making recommendations.</li> </ul>	<p>These recommendations are currently being considered further alongside Lord Laming’s recommendation of an advisory role for a National Agency for Children and Families in the report of the Victoria Climbié Inquiry.</p>

64.	There should be a nationwide review of the needs and costs of children's services based on local authorities' development plans and leading to a comprehensive and costed strategy for those services, including any necessary education and health elements.	Recommendations 64 and 65. Local authorities are responsible under legislation for assessing needs and planning and delivering services for their populations. However, the Welsh Assembly Government has provided additional funding both through the Children First Grant and increases in the local government revenue settlement.
65.	<p>Local authorities, in collaboration with voluntary and other relevant organisations and acting together with other local authorities where appropriate, should prepare costed development plans for children's services as a prelude to the proposed nationwide review, such plans to ensure (amongst other things) that:</p> <ul style="list-style-type: none"> <li>a. there is an adequate range of residential care provision of appropriate quality, including secure provision, within reasonable reach of a child's family or other relevant roots;</li> <li>b. such residential provision includes safe places where children can recover when relationships break down;</li> <li>c. as in (a), there is an adequate range of fostering facilities available of similar quality and accessibility;</li> <li>d. all residential placements are designed to be developmental and therapeutic rather than merely custodial;</li> <li>e. full educational opportunities are available for looked after children, including remedial education.</li> </ul>	<p>Children's Services Plans provide the necessary framework to develop costed plans. In addition Children First requires each local authority to prepare a management action plan, setting out how they intend to secure the necessary improvements in children's services and how funds will be used in order to ensure that the programme is implemented.</p> <ul style="list-style-type: none"> <li>a) and b) The Welsh Assembly Government has commissioned a review of specialist residential care (including secure care) in order to determine the availability and adequacy of placements. This review will report in September 2003.</li> <li>c) The Welsh Assembly Government is working with local authorities to promote the development of retention and recruitment strategies for foster care and the place of adoption as an option for children who need a permanent family.</li> <li>d) Regulations and National Minimum Standards for care settings require that all such settings have a statement of purpose.</li> <li>e) National minimum standards for residential settings require that educational needs are also considered along with welfare requirements. The Children First Programme and associated guidance on the education of looked after children tackle educational deficits for these children.</li> </ul>
66.	Central government should examine the extent to which residential schools are being used as a substitute for social services care and support, and identify the implications for children's long term welfare.	<p>Needs of children must be addressed when they are placed in residential schools. Local authorities need to consider these issues fully when placing looked after children in their care. The study of specialist placements will help to inform policy development.</p> <p>The extension of welfare inspections to all schools with boarding provision under the Care Standards Act 2000 (from February 2003) will help to highlight any problems in this area.</p>
67.	Provision should be made for repeated monitoring at appropriate intervals of the availability and quality of residential placements and fostering services on a nationwide basis.	The Welsh Assembly Government has commissioned research reviews into the purpose, development and management of both fostering and residential care in Wales. The reports are due to be received in September 2003.
68.	Consideration should be given at national level to the need for, and provision of, training and management development for senior managers in local authorities in Wales, including the availability of such facilities for social services managers.	Welsh Assembly Government has focused Training Support Programme monies in this area on training which will lead to externally validated management qualifications. The new qualifications framework includes management qualifications.

69.	Adequate resources should be provided to ensure that the departments in Wales responsible at national level for children's services are sufficiently and appropriately staffed to support and monitor the provision of these services in Wales.	Children and Families Division, SSIW, Care Standards Inspectorate for Wales, Education Department and Health Departments of the Welsh Assembly Government all contain staff dedicated to work on children in need/looked after and monitor the performance of local authorities and the voluntary sector in delivering services for children.
70.	The national statistics services in Wales should be strengthened to provide a comprehensive management information system.	A performance management framework has been developed following a thorough review of management information systems. Welsh Assembly Government funding is being provided to enable authorities to upgrade their management information systems to provide more reliable data on performance.
71.	The Law Commission should be invited to consider the legal issues that arose in relation to the publication of the Jillings report and the associated problems, as explained in Chapter 32 of this report.	Recommendations 71 and 72.  The Law Commission is still examining the legal issues surrounding the publication of local authority reports and considering whether there is a need to reform the law. A consultation paper <i>Publication of Local Authority Reports</i> was published last April and the final report is expected later this year.
72.	Subject to the preceding recommendation, guidance to local authorities on the setting up and conduct of inquiries and the dissemination of reports thereon should be up-dated and re-issued.	The Society of Local Authority Chief Executives and Senior Managers has published a series of guidelines in <i>Getting It Right</i> for councils to consider when setting up an ad hoc inquiry, in particular the relationship between insurance companies and local authorities. This guidance has been drawn up with the support of the Association of British Insurers.