

Senedd Cymru | Welsh Parliament

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Gwasanaethau i blant sydd wedi bod mewn gofal: archwilio diwygio radical | Services for care experienced children: exploring radical reform

Ymateb gan Comisiynydd Plant Cymru | Evidence from Children's Commissioner for Wales

Before care: Safely reducing the number of children in the care system

Please outline a maximum of three top priorities for radical reform of services for safely reducing the number of children in the care system.

Priority 1

Investment to broaden support for families on the edge of care;

- Under the United Nations Convention on the Rights of the Child (UNCRC), children have a right to family life (Article 9) and a right to receive social support if they or their families need assistance (Article 26). Taking a human rights approach to support helps to send a message that children and families receive the services they need because they have a right to them, and that this supports their rights to family life (Article 9). This avoids a deficit approach which tells families that they need help for something they lack, and instead, sends a positive and empowering message that support is there for families as it is their right to receive it, no matter what life throws at them.
- With a sharp focus by Welsh Government on the need to reduce the numbers of children entering the care system, and keeping families safely together, enhancing Wales' offer of family support services and interventions is essential. My predecessor Professor Sally Holland shared views with the Public Accounts Committee in 2019 on the proposals to reduce the number of children entering care. This letter set out the balance of children's rights that need to be considered as part of this policy direction. It also set out the need to reflect on the variations in approach taken by Local Authorities and the Judiciary, and to consider collectively how families can be best supported to remain together through managed interventions and accessible support.
- I am pleased that Welsh Government have progressed work on the National Practice Framework to identify strengths based practice and promote consistency in practice. I also welcome plans to implement Parental Advocacy Services as this is an important tool to empower families who become the subject of statutory intervention. My Investigation and Advice Service continues to see a steady stream of parents contacting our office who are seeking advice on child protection and care proceedings processes. However, due to my remit, whilst my Officers can advise on child protection processes, we cannot give advice to families who are under public law legal proceedings.
- In addition to this work, enhancing the offer of community based, early intervention services, which can offer practical support to families is needed. I am aware that funding has been allocated to Local Authorities by Welsh Government to support the transformation of children's services. When able, I feel it would be beneficial for Welsh Government to share summaries of how this funding is being utilised to strengthen this vital area of family support.

- I remain particularly concerned about the levels of poverty and hardship many children and their families are living in. It is therefore critical that social care professionals are adequately supported to work in a more poverty aware way and support services are in place to help families. Interim findings from my recent survey, Ambitions for Wales, have highlighted the extent of children and parents concerns about accessing basic needs. For example, 45% of children aged 7-11, and 26% of young people aged 12-18 said they worry about having enough to eat. Their concerns were echoed by parents, with 36% saying that they worry about their children having enough food. Almost two-thirds (61%) of those aged 7-11 worried about their families not having enough money for the things they need, as did a majority (52%) of children aged 11-18. I have repeatedly called for the development of a focussed and target driven Child Poverty Action Plan by Welsh Government to tackle the root causes of child poverty in Wales.

Priority 2

Child Protection - strengthening information sharing between the organisations involved in Safeguarding children and young people, and, strengthening the accountability structures of the Regional Safeguarding Boards

- I welcome plans put forward by Welsh Government and partners to strengthen the arrangements for learning from Child Practice Reviews, with the development of the Single Unified Safeguarding Review (SUSR) programme. I have been assured that this will strengthen how learning arising from reviews is disseminated across Wales. I understand that a consultation on these proposals will be published later this year.
- However, I remain concerned about the effectiveness of information sharing and accountability systems we have in Wales to underpin our safeguarding procedures, and would like to see a review undertaken of the governance and accountability structures of Wales' Safeguarding Boards.

Information sharing;

- The Child Practice Review that followed Logan Mwangi's death highlighted failings in our child protection system. In the Review, which included national recommendations, it was clear that more action needs to be taken to strengthen information sharing systems in Wales across the multiple agencies that are involved in the protection of children. I acknowledge that Welsh Government have taken ownership of the national recommendations and Care Inspectorate Wales are undertaking a rapid review of the structures and processes in place that inform decisions around when a child is placed on and removed from the Child Protection Register. However, considering the reoccurring theme of poor information sharing in Child Practice Reviews, I am of the view that the national recommendation to "consider the commissioning of a full review of Health, Social Care, Education and Police recording, information gathering and sharing systems" needs to be implemented as an absolute priority as effective information sharing is at the heart of an effective safeguarding system. This is particularly critical to support the vision of enabling more children to remain safely at home as it ensures all the agencies who have a role in safeguarding of children are sharing information in a way that supports Local Authorities to make informed decisions on any presenting risks.

Accountability and Governance of Regional Safeguarding Boards;

- Following the publication of the CPR, I wrote to the Deputy Minister for Social Services setting out my concerns regarding the governance and accountability arrangements of Wales' Regional Safeguarding Boards. In this, I set out my concerns about the accountability arrangements surrounding the regional safeguarding board's implementation of recommendations emanating from reviews, urging for this area of safeguarding to feature in any review or plan Welsh Government may take forward. It is my understanding

that there are no plans in place to consider the accountability arrangements, with the current position remaining in place, which is that all members of the boards remain accountable only to their own employer organisations. Whilst I acknowledge the SUSR proposals being brought forward by Welsh Government (as mentioned above), I believe a review of this nature could only aid in strengthening children's safeguarding arrangements.

Priority 3

In care: Quality services and support for children in care

Please outline a maximum of three top priorities for radical reform of services for children in care.

Priority 1

Services and support must empower children and ensure they are involved in all decisions affecting lives.

- Care experienced young people in Wales have a right to access independent statutory advocacy. This means that when children enter care or become subject of a child protection inquiry, they must be actively offered the support of an independent advocate. Since this implementation more and more children and young people are accessing this support to share their views and feelings on decisions. However, I remain concerned that not all children are accessing advocacy on the same basis. For example, research by TGP Cymru found that children in residential homes were less likely to access independent advocacy with few homes having visiting advocacy arrangements. Children with learning disabilities also face a disadvantage, with CIW identifying concerns that the active offer of advocacy for disabled children needs to be strengthened to better ensure they can communicate their wishes and feelings on issues that affect their lives.
- Empowering young people means ensuring they know their rights and entitlements and can be supported to challenge decisions when needed. My Office promotes the use of a children's rights framework amongst public bodies in Wales to support services to better involve children in the delivery and design of their services. This is called The Right Way and is a framework based on the principles of embedding, empowerment, equality and non-discrimination, participation and accountability. We have seen good examples of how services are achieving the principle of accountability through feedback mechanisms and child-friendly processes for children to make complaints and challenge decisions. However, this could be strengthened across Wales to ensure mechanisms for challenging decisions and making formal complaints are more accessible. In the meantime, my Advice service is always available for children and young people to contact for support, and we regularly support children to challenge and make complaints should they wish to. My Office has also offered to support Welsh Government Officials in their development of an accountability and feedback mechanism for their extensive radical reform agenda, as it is important that children who are affected by these changes can understand what the changes will mean for the future and can monitor progress against these promises.
- Empowering support and services also means that children can expect consistency in the support they receive. Since becoming Commissioner, I have been surprised at how often children raise the issues of consistency. I have met children who have had a significant number of social workers during their time in care, some having multiple social workers in the space of one year. This was recently raised by members of the Mid and West Wales Safeguarding Children's Board, who reflected on their own experiences of being involved with Children's Services. They shared powerful messages around the negative impact of repeating their stories and experiences, and the feeling of not being known by those adults who are making decisions about their lives. Whilst I recognise the pressures on social care practitioners at this time, it is critical that

consideration is given to how regular changes of supporting adults impacts children and their ability to build trusting relationships. This makes effective handover of information between social workers and other practitioners absolutely crucial.

- Children must be supported to understand in an age appropriate way why decisions were taken, and this includes communicating why children have been placed in care. It is absolutely critical that children are supported to make sense of their experiences in a way that is sensitive and age appropriate, as this supports children's rights to information (Article 17) and their rights to preservation of their identity (Article 8).

Priority 2

When children come in to care they can live in homes (care homes, foster homes or kinship arrangements) that are safe, nurturing and meet standards set out in law;

This means ensuring that children can be supported to live in places that support them to develop and reach their potential (Article 6), recover from trauma (Article 39) and ensures their right to an adequate standard of living (Article 27) are upheld.

This also means that any decisions made about a child's placement and care are made in line with their best interests, with Article 3 of the UNCRC being the lead consideration. Therefore, I have been supportive of the Welsh Government's decision to introduce legislation that would remove the element of profit making from children's services to further strengthen this right.

It is also hugely important that sibling contact arrangements should be embedded into the care planning and review processes to ensure that children are supported to maintain relationships with their siblings, if they cannot live together if this is in their best interests. In Scotland, legislation has been strengthened in this regard, giving greater support to children's rights to family life Under Part 13 of the Children (Scotland) Act 2020 and the Looked After Children (Scotland) Amendment Regulations 2021.

My Office has remained concerned that children with the most complex of needs have struggled to access placements that can support both their emotional and behavioural needs due to a lack of safe, therapeutic accommodation in Wales. Two reports were published by this office during Professor Holland's tenure, to encourage health and social services to come together to jointly support and plan services for children. Welsh Government responded to our recommendations about longer term funding for Regional Partnership Boards (RPBs) to deliver new accommodation by setting up the Regional Integration Fund (RIF). We are pleased to note that RPBs have utilised both this funding and ICF funding for relevant projects. Whilst all regions developed proposals on how their regions could best do this, to date, I am aware that just one new, jointly funded setting with four beds is currently operational and offering much needed placements to children. I sincerely hope that this year we will see many of these projects becoming operational across Wales.

I am also seriously concerned that due to a lack of suitable accommodation, some young people are living in settings that do not meet the high standards expected of a registered children's placement. These are placements that are Operating without Registration (OWR), and therefore are unregistered with CIW. Whilst low in number, I am aware that CIW have recorded a substantial increase in the use of unregistered/OWR placements. This trend is reflected in my own case service, having received calls – often from family members – concerned about the arrangements a child is in.

Anonymised example from my Case Work Service: My office was contacted by a family member who was concerned for a young person (aged 16). The young person had previously been looked after under a 2:1 staffing arrangement whilst under a Secure Order. They were then placed in an unregulated, semi-independent arrangement, due to a lack of step-down options.

Anonymised example from my Case Work Service: We were contacted by a young person who was looked after by a Welsh Local Authority. They were 14. They were concerned about not receiving information from social services. The case transpired that they were also being moved between placements in Wales and the North of England. At one point in their care, they had been placed in an emergency placement in England consisting of a camper van with live in support staff.

Priority 3

Children in care can access robust and timely mental health, emotional and behavioural support when needed

- Children have a right under the UNCRC to receive support to recover from trauma (Article 39) and the right to the best possible standard of health and health care (Article 24). Therefore our care system needs to strengthen how we respond to and support children who have undergone the experience of separating from family members. Children must receive the right support to address any harm from neglect or abuse they may have suffered. With progress being made with the Traumatic Stress Wales Framework, which takes a societal approach to understanding, preventing and supporting the impacts of trauma, it is absolutely critical that all those who are working with care-experienced young people become trauma aware and understand how children and their development may have been impacted by their experiences.
- As mentioned above, the Office of the Children's Commissioner for Wales has produced two reports under the title of No Wrong Door which encourage services to come together to address the challenges children and their families and carers face when trying to seek support for mental health, neurodiversity, emotional wellbeing and behavioural issues. This is because too often children are waiting too long to get the help they need, and are being 'bounced' between services who cannot agree who is responsible for their care. Systems and referrals pathways for support are complex in their current form, and for some children in care, who may move between placements and health board boundaries, they face the added challenge of losing positions on waiting lists. As a result, children face the risk of having their emotional needs unmet which can have huge implications on their development and future outcomes. Therefore it is critical that as part of the Welsh Government's Corporate Parenting Reform, there are strengthened Corporate Parenting duties on Health Boards. I have used my annual report to make recommendations that Wales' Corporate Parenting Charter will require legislative or regulatory changes to ensure organisations comply with its duties to looked after children. However, in response to this, Welsh Government have given assurances that they will amend Part 6 Guidance as part of this work and use 'legislative hooks' to strengthen arrangements with health. Without seeing the proposals, it is difficult to determine whether this will be adequate to deliver consistent compliance with the Charter.
- My Office is also keen to ensure that the rollout of the Whole School Approach to Mental Health and Wellbeing is able to support care experienced young people by helping to create consistency in the ability of schools to offer a nurturing and inclusive environment for children, and also work in a trauma-informed way. Ensuring children's learning and emotional needs are met can reduce their risk of fixed term and permanent exclusions, which is a huge concern for my office.
- Example from Case Work: My Office was contacted by a foster carer who was concerned that the therapeutic needs of the young person they looked after were not being provided despite referrals being made. This was placing pressure on the relationship between the foster carer and young person, with the placement being at risk of breaking down. My Officers intervened to follow up the referrals and ensured support as agreed was put in place.

After care: On-going support when young people leave care

Please outline a maximum of three top priorities for radical reform of the on-going support provided when young people leave care.

Priority 1

When young people leave care, they can access a broad range of high quality accommodation options that can provide a stable environment to help them on their journey to independence and adulthood;

- Care experienced young people are required to live independently at a far younger age than many of their peers. From the ages of 16, young people can begin the process of leaving care. This is because from 16, young people can be assessed as needing just 'support' and not 'care and support'. This means young people can live in accommodation that does not provide care, and therefore isn't required to register with CIW. The accommodation options can vary greatly, from 'When I'm Ready' placements, supported lodgings placements, semi-independent living arrangements or completely independent accommodation, and even places like hostels and B&B's. These come under the umbrella term of 'unregulated placements'.
- Since taking up my post in April 2022, I have met young people who are living in hotels and hostels under 'semi-independent' arrangements, from young people in semi-independent hostel accommodation having experienced homelessness to UASC young people living in hotels. The Independent Inquiry into Child Sexual Abuse report that focused on child criminal exploitation highlighted the risks of placing young people, particularly those aged 16-17 in these arrangements, and recommended that any child who had experienced sexual exploitation should not be placed in unregulated accommodation. We would like assurances that Welsh Government will undertake a review to ensure this recommendation is implemented as part of their response to IICSA.
- I have used my annual report to call on Welsh Government to explore whether changes are needed in the regulatory system in Wales to award young people stronger protections, particularly for those aged 16-18, and to identify any shortfalls in accommodation to ensure young people are not housed in unsuitable accommodation. I welcome proposals in the WG primary legislation consultation to reflect on Regulation and Inspection of Social Care Act regulations to better define 'parental style care'. However, we are awaiting the outcome of the consultation to inform next steps. I also remain concerned that due to the lack of a clear roadmap on the Welsh Government's Transformation Agenda, there is little detail on how Welsh Government's Transformation Agenda will ensure the needs of care leavers are adequately considered, reflected and addressed. I am keen to ensure that this is addressed to ensure care leavers are meaningfully engaged in this substantial piece of work.
- Example from my Case Service: My officers were contacted by a parent concerned that their child who was looked after was being housed for a significant amount of time in a temporary B&B, with damp and poor facilities. The young person was struggling to access suitable residential accommodation as they were deemed 'too high risk' by providers. My Officers intervened to support the parent to make a complaint and young person to access appropriate accommodation. However, due to the limited accommodation in this area, the young person had to be placed on a housing list to wait for accommodation.

Priority 2

Greater consistency in access to support and advice for young people on their rights and entitlements.

- For Care Leavers, the role of a Personal Adviser can play a critical role in helping a young person navigate the complex path to adulthood. Welsh Government have made funding available to enable young people to access a Personal Adviser up to the age of 25. However, despite accepting the recommendation in 2017 to place this extension on a statutory footing, we have not yet seen the law change on this issue.
- Through my Investigation and Advice service, casework has highlighted the inconsistencies that exist in things like local authorities' grants for care leavers. For example, case workers regularly advise care leavers on their entitlements and what support they can access in their local authority. Often care leavers contact us about wanting to know their housing entitlements, or for advice on what support they can access to go to University. Whilst I am aware that Children in Wales, Voices from Care and the Money and Pensions Service have undertaken work to develop information for young people and care-leaving teams, as a way to promote financial education and awareness of support, this work would benefit from being brought together so resources and information can be centralised for young people and those supporting them.
- I welcome the ambitions of the Basic Income Pilot to support care leavers, however, I have been made aware of issues with the implementation of the Basic Income Pilot, particularly for Unaccompanied Asylum Seeking Young People. I am aware that some young people's eligibility for other financial benefits have been impacted, such as with the claiming of student finance, access to housing benefit for those living in supported accommodation and access to legal aid. It is critical any evaluation of the scheme is able to reflect on how its administration can be strengthened to ensure all young people who are eligible can access the support in an equitable way, and how the Basic Income payment links with other claimable benefits.

Priority 3

Improved support for care experienced parents;

- Care-experienced parents remain over represented in care and child protection proceedings, which much be addressed. My Officers have met with groups of care-experienced parents who have shared their experiences of struggling to overcome the challenges to keep their children in their care. Many felt stigmatised, pre-judged and held to what felt like impossible standards.
- I expect to see greater engagement with this group of parents by Welsh Government as part of their Transforming Children's Social Care work, as their experiences are key to reforming and improving social care support. I am aware that positive progress has been made, with a significant number of Local Authorities adopting the care-experienced parent's charter, which was co-produced with care-experienced young people .

Anything else

I have continued to raise with Welsh Government Officials the importance of ensuring this programme of radical reform and transformation is underpinned by a roadmap or delivery plan. A detailed roadmap should bring together the overarching visions for the varying areas of children's social care, and aid accountability of delivery with clear timescales and measures of success. NSPCC Cymru have also called on the Welsh Government to publish a comprehensive road map for this area of work, with clear timescales for delivery. I am aware through my role on the Transformation Delivery Group that steps are being made to create a roadmap, and I have had discussions on how a more systematic approach can be developed to engage with and be held to account by children on this. It is key that Welsh Government develop an

effective way of communicating delivery against its promises and visions for care-experienced young people – something on which my Office is keen to advise and support,

