

Mark Drakeford MS  
First Minister

Julie Morgan MS  
Deputy Minister for Social Services

14 July 2023

### **Committee invitation & request for information**

Dear First Minister and Deputy Minister,

We are pleased that the Deputy Minister has agreed to give evidence to the Committee at our next meeting on 14 September, and are grateful for her swift response to our invitation. This session will enable us to explore in more detail the Welsh Government's response to our report **if not now, then when?**, and related issues. The Committee would very much welcome the First Minister's input given his personal commitment to care experienced children and young people. However, we understand the First Minister has prior commitments in North Wales on this date and is not currently planning to attend the session. If this changes please let us know as soon as possible and no later than 25 August.

As you know from the Plenary debate, we are disappointed with the Welsh Government's response to our report. Unfortunately, there was not sufficient time during the debate to discuss in detail all the issues that we would like to explore further.

We would therefore be grateful for a written paper ahead of that session, no later than 25 August, setting out:

- any additional information the Welsh Government thinks will help the Committee's understanding of the response; and
- responses to the questions set out in annex 1.

We are conscious that work by you and officials to respond to our request will fall over the summer recess. Please do not hesitate to contact the Committee clerks if you have any concerns about providing the information we are requesting within the timelines above.

Yours sincerely,

Jayne Bryant

Jayne Bryant MS  
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



# Annex 1: Questions relating to the Welsh Government's response to the CYPE Committee report 'If not now, then when?'

## General issues

1. For each recommendation accepted in part, a clear breakdown of exactly which part is accepted and which part is rejected.

## Re. the Transformation Programme / Delivery Group / Ministerial Oversight Board

2. For each of the above, please clarify:
  - Terms of reference
  - Membership
  - Status (e.g. decision making or advisory, who it reports to)
  - Brief overview of action plan / work programme with dates and expected outcomes
  - Narrative of their interrelationship with each other

## Legislative duties

3. An explanation of the Welsh Government's overall position on the additional legislative duties recommended by the Committee, and why it is unable or unwilling to accept so many recommendations that would require changes to primary legislation.
4. An explanation of the **evidence base** for the Welsh Government's confidence that radical reform can be delivered without additional legal safeguards for care experienced children. Specifically, how the Welsh Government believes that **that a non-legislative approach** will deliver:
  - a reduction in childcare social worker vacancies and the percentage of agency staff. What is the target for vacancy rates for children's social care / agency staff and when the Welsh Government expects this to be delivered by the work being undertaken by Social Care Wales and local government?
  - a guarantee that each care experienced child will have a right to on-going mental health assessments and a right to specialist therapeutic mental health support. The recommendation for a legislative right to assessed needs has a precedent in the legal

duties to assess the post-adoption support needs of children. The Committee notes the Welsh Government's response that children in care have 'equal rights' but would welcome further clarity to address our concerns that equal rights of access does not in reality deliver equality of therapeutic services needed. 'Strengthening support' and treating care experienced children in the same way as the general child population may not appropriately reflect the practical delivery of corporate parenting.

### **Re. recommendation 3, relating to 'care experience' as a protected characteristic**

5. Further clarification of the rationale for rejecting this approach to lobby for 'care experience' to be a protected characteristic, a recommendation which has come directly from children and young people.

### **Re. recommendation 6, relating to data**

6. In relation to each point of data not currently routinely collected and published in Wales (as set out on pages 50 to 52 of our report and [the WCPP report](#)), a narrative on the Welsh Government's rationale for this not being necessary / possible / helpful to shape policy response in Wales.

### **Re. recommendation 18, relating to unregistered placements**

7. Further narrative on the work of the Eliminating Profit Programme Board and the specifics of:
  - How it will consider the issue of services operating without registration.
  - The quantitative data its expects to collect.
  - How children and young people with direct experience of unregistered placement will be given the opportunity to input into the end to end understanding of the issues as set out in the response.
  - Whether the full review will be published.
  - Any specific actions WG is taking to immediately reduce the use of unregistered placements.

### **Re. recommendation 19, relating to unregulated placements**

8. The Committee was already sighted on the statistics in the public domain as referenced in the Welsh Government's response. Is there any other information that can be provided to the Committee on the use of unregulated accommodation (without support) for 16-21 year old care leavers?

## **Re. recommendation 20, relating to Deprivation of Liberty Orders (DoLS)**

9. Further detail on whether there is or will be a strategy / action plan to reduce the use of DoLS in Wales and the WGs view on where that responsibility lies.

