

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Jayne Bryant, MS
Chair
Children, Young People and Education Committee
Welsh Parliament,
Cardiff Bay,
Cardiff
CF99 1SN

22 December 2023

Dear Jayne,

Ongoing work relating to Radical Reform for Care Experienced Children

Thank you for your letter of 9 October following the scrutiny session on 14 September. I was very pleased to continue the discussion with the Committee on its report and recommendations in this very important area.

The attached annex provides responses to the Committee questions outlined in your letter. You will appreciate that for some of the questions you have asked there is work currently ongoing and I would be happy to update the Committee next year on developments.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie', written in a cursive style.

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

CYPE Committee follow on questions following scrutiny session on 14 September 2023

	Question and background	Response to Question
1	<p>The Committee would welcome further written information on this new National Service Standards for Children’s Services in Wales.</p> <p>(relevant transcript excerpts below) <i>“Work is firmly under way to deliver a national practice framework. The framework will be the first set of national standards for children’s services in Wales, sitting alongside things like the all-Wales safeguarding procedures, and we will be delivering up to five new standards of practice by the end of 2023, with further standards being co-produced. It will address the key concerns that young people have raised about practice in your report, which I’ve taken very great notice of.”</i> <i>“[...] four draft standards have now been produced. One of those is around child-inclusive practice; children and young people who go missing; manageable workloads; and continuing care.”</i></p>	<p>The National Practice Framework will be the first set of national standards for children’s services in Wales, sitting alongside other All-Wales procedures like the All-Wales safeguarding procedures. It will further strengthen and support the translation of policy intent into daily practice.</p> <p>The Framework has been developed through working with our partners to review and strengthen quality and practice to improve service delivery.</p> <p>The standards will reflect a multi-agency approach, as we recognise children who need help and protection often need the support of a number of professionals who work together as a team. The standards will better describe how services for children work driving greater transparency. We anticipate delivering up to 6 new standards by the end of March 2024 with the others being co-produced by the end of 2024.</p> <p>The first six new standards will be:</p> <ul style="list-style-type: none"> • The Child-inclusive practice standard; • The Trusted Adults standard; • Eyes on the child: the Child Safeguarding standard; • The Missing children and young people standard; • The Continuing Care standard; • The Manageable workloads standard.

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<p>2</p>	<p>Corporate Parenting Charter</p> <ul style="list-style-type: none"> i. Details of how compliance with the charter will be monitored and by who? ii. An updated list of which agencies have signed the voluntary charter to date iii. How children and young people can see which agencies have signed up? 	<ul style="list-style-type: none"> i. The Charter has currently been published on a voluntary sign-up basis. We are actively exploring existing legislative levers to support the Charter and create a consistent approach to corporate parenting in Wales. An example of this will be a dedicated chapter on Corporate Parenting within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014. Monitoring of Compliance with the Charter will be included as part of this work. ii. We are currently finalising an engagement plan to encourage sign-up by public bodies, private bodies and third sector organisations. I would be happy to share with the Committee a list of bodies and organisations who have signed up to the Charter in Spring 2024. As of 1 December, there are 16 bodies who have signed up to the Charter including Welsh Government and Welsh Ministers. iii. As per the response above, we will share the list and organisations who have signed up to the Charter in the Spring on the Welsh Government Corporate Parenting Charter webpage.
<p>3</p>	<p>Care as a Protected Characteristic Will you include care experienced older young people and adults in your discussions? Thank you for updating us on the following:</p>	<p>Thank you for sharing the feedback you have received from older young people regarding care experience as a protected characteristic. There are differing views as you will appreciate.</p>

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	<p><i>“I’m going to be working with officials across Welsh Government to explore this further with care-experienced people and children as part of the future care experience summits with Voices from Care. So, we will be exploring this, but there are different views that have been given to us, so it’s not a united view.”</i></p> <p>We have been told by some older young people that they have changed their minds on this as they have got older. Whilst as children they may have been concern about stigma, but as they have got older, and understood what life is like beyond care. We have been asked to convey to you that whilst children may have different views on this issue, talking to care experienced adults about their views is important too.</p>	<p>I am continuing to work with officials across Welsh Government to explore this issue further with care-experienced children and young people and would welcome discussion and views with older young people and adults.</p>
<p>4</p>	<p>Advocacy</p> <p>Clarity on the Welsh Government’s latest position on our recommendation that care experienced children should have a statutory right to long-term, independent advocacy support on an ‘opt-out’ basis?</p> <p>In the Welsh Government’s response in July 2023 the response was ‘Reject’, however in our most recent meeting you said “[...]my response did not outrightly reject opt-out advocacy.”</p>	<p>To clarify my response to this recommendation, the Committee recommended 3 issues: the need for legislation, the assignment of an advocate; and the options to both opt-out and opt-in.</p> <p><i>Firstly, the Committee recommended that “Welsh Government should introduce legislation to provide children in care and care leavers a statutory right to long-term, independent advocacy support on an ‘opt-out’ basis.”</i></p> <p>I can confirm that children in care and care leavers have clear, unequivocal statutory rights to long-term, independent advocacy under the Social Services and Well-being Wales Act 2014. Those statutory rights are further underpinned by</p>

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		<p>regulations, Codes of Practice and guidance that set out the National Approach to Statutory Advocacy.</p> <p>Our National Approach extends those statutory rights to long-term independent advocacy further than the Committee's recommendation, as the National Approach includes children experiencing or at risk of abuse, and children receiving care and support under the 2014 Act.</p> <p>I was unable to accept the Committee's Recommendation because it asks for something that we have already put in place through the 2014 Act, the associated statutory framework and the National Approach to Statutory Advocacy.</p> <p><i>Secondly, the Committee recommended "Each child should be assigned an advocate when they enter the care system to provide long-term advocacy support across a range of issues, and continue until the child ceases to be a 'care leaver'."</i></p> <p>I can confirm that this is how the National Approach has been developed and delivered, by and in partnership with, the advocacy providers, local authorities and other partners representing the voice of children and those with lived experience. The National Approach has been informed and shaped by the evidence and ideas of advocacy providers and local authorities.</p> <p>The National Approach is owned by the advocacy providers, the local authorities and the children they support.</p>
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		<p>The role of the Welsh Government has been to facilitate, empower and advise advocacy providers and local authorities to build an effective National Approach for the children they support.</p> <p>Thirdly, the Committee recommended that “<i>children and young people could opt-out (and then opt back in later) if they wish, but must have an allocated advocate or provider at all times during their time in care</i>”</p> <p>My response confirmed that the ability to opt-out and opt-in is a core facet of the National Approach. My response shared the exact language of the Legacy Report to provide reassurance to the Committee that this is not my interpretation but the exact language of the independent membership of that Group. My response to you stated:-</p> <p>Opting out does not mean that the child or young person is no longer entitled to an advocate. If the child or young person decides at a later stage that they wish to access advocacy, the social worker will provide the advocacy service with their details to allow them to arrange an introductory meeting with the child or young person.”</p> <p>As I have mentioned, the Committee recommended 3 issues: the need for legislation, the assignment of an advocate; and the options to both opt-out and opt-in. I have explained how each component of the Committee’s recommendation is already in place. I hope this provides the reassurance you seek.</p>
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		<p>My Officials have already spoken with both the providers and local authorities to ensure my expectations of them to deliver these are met.</p>
<p>5</p>	<p>Children in unregistered placements What is the current number of children in the care of Welsh local authorities living in unregistered accommodation as of 11 November 2023?</p> <p>We were particularly concerned to hear that as of 11 September there were 30 children who are legally within the care of Welsh local authorities but who are living in unregistered placements. Whilst we appreciate the significant pressures on accommodation, having such a significant number of children in what are essentially 'illegal placements' is clearly of grave concern. You'll be aware that in July 2023, you rejected our recommendation to publish an action plan to reduce the number of children in unregistered placements by December 2023.</p>	<p>As of 11 November 2023, there were 29 children confirmed in unregistered settings across Wales.</p> <p>Working towards the minimal use of unregistered placements is about reducing the demand for placements – the rate of children looked after in Wales is widely regarded as being far too high - increasing capacity and building resilience into arrangements for the provision of suitable placements. These issues are being considered in the context of our wider transformation agenda for children's services and the range of work currently underway to ensure the development of stable, integrated and locally accountable provision.</p> <p>Developing alternative provision for children with particularly complex behaviours and needs has been the focus of funding over recent years with £4.8m made available to regions in Wales in 2021/22 to develop 'safe accommodation' for children and young people with complex needs. Additional funding is also available throughout this Senedd term via the Regional Integration Fund to provide additional specialist support for children with complex needs who may be on the edge of care. Approximately £14.5m has been allocated to 13 projects where therapeutic support for care experienced children' is the primary model of care to support families to stay together safely.</p>

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<p>6</p>	<p>Children subject to Deprivation of liberty orders What is the current number of children in the care of Welsh local authorities as of 11 November 2023?</p> <p>Again we were concerned to hear that there were six children subject to Deprivation of Liberty orders as of 11 September.</p>	<p>The latest published figure (as of 31 March 2022 on the Stats Wales website) for the number of children in the care of Welsh local authorities is: 7,080.</p> <p>I appreciate the Committee’s concern, as I stated in the scrutiny session on 14 September, Welsh Government officials will be undertaking an analysis exercise to establish the number of Deprivation of Liberty Orders that have been used over the last 24 months. The results of the analysis will feed into the Welsh Government’s wider Transformation Programme for Children’s Services.</p>										
<p>7</p>	<p>Eliminate Profit Although the Eliminate Profit work was not directly within our Inquiry Terms of Reference, we recognise that it is a Welsh Government priority and that you have emphasised to us at the scrutiny session that it is being taken forward “because young people said that that was what they wanted”.</p> <p>As part of our forthcoming scrutiny of the Draft Budget 2024-25, we will be asking for some financial information in respect of how the £68 million allocation over three-years has been allocated, as part of our broader budget request.</p> <p>In terms of delivering this commitment, we would be grateful for</p> <p>The current estimate of the number of children from Welsh local authorities placed in independent/ private placements in Wales.</p>	<p>The current estimate of the number of children placed by Welsh local authorities in independent/private sector placements in Wales is as follows:</p> <table border="1" data-bbox="1111 751 2004 1038"> <thead> <tr> <th></th> <th>Placed with independent foster agencies</th> <th>Placed with independent residential providers</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Reported @30.06.23</td> <td>1284</td> <td>596</td> <td>1880</td> </tr> </tbody> </table> <p>A workstream has been established under the Eliminating Profit Programme Board on planning transition for individual children and young people. The workstream will consider the actions needed to support a smooth transition from the current market arrangements to the new not-for-profit arrangements which will come into effect from April 2026.</p>				Placed with independent foster agencies	Placed with independent residential providers	Total	Reported @30.06.23	1284	596	1880
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<p>Details of the transition plan / timelines to move these children or to transition the placements to local authorities / third sector providers.</p> <p>How many children from England are placed in independent/ private placements in Wales? Plans to mitigate the unintended consequences of pressures on Welsh local authorities and health boards which could arise if more children from outside Wales move into these placements from 2027 onwards when they can no longer be used to place children from Wales.</p>	<p>We have listened carefully to the responses to the consultation particularly those around the complexities of moving from the current arrangements to the new requirements and it was always my intention to give detailed consideration to the transition to the new arrangements in order to prevent or mitigate any adverse consequences for children and young people as far as possible and to ensure that actions continue to be taken in their best interest. Provisions to support this will be included in our forthcoming Social Care Bill.</p> <p>The number of cross border placements into Wales is harder to reliably report as there is no requirement currently for the placing authority in England to inform the host authority in Wales. Live data as of 13/11/23 is below although this is likely to be under reported:</p> <table border="1" data-bbox="1111 774 2004 981"> <thead> <tr> <th></th> <th>Foster Care</th> <th>Residential Care</th> <th>Supported Living</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Total Notifications</td> <td>76</td> <td>90</td> <td>1</td> <td>167</td> </tr> </tbody> </table> <p>From April 2027, unless a provider is not-for-profit, the default position is they will no longer be able to be registered in Wales and it will not therefore be possible for English local authorities to place children with independent/private providers in Wales.</p>		Foster Care	Residential Care	Supported Living	Total	Total Notifications	76	90	1	167
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8	Data Ahead of the scrutiny session on 14 September as part of a wider request for information, we asked for specific information 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), and a narrative on the Welsh Government's rationale for this not being necessary / possible / helpful to shape policy response in Wales. The response to this specific request did not go into the level of detail we had asked, and I would be grateful if your officials could relook at the response provided and provide a more detailed response	As I said in my correspondence prior to the scrutiny session, we accept the important role that data on demonstrating outcomes for care experienced children and young people has in developing policy and service design. The Transforming Children's Services Delivery Group is establishing a work programme focusing on data collation and metrics. This work will consider the data referred to in the Committee's report on pages 50-52 and will provide recommendations to the Delivery Group.
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