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Llywodraeth Cymru
Welsh Government

Our ref: MA JM 5235 19

Lynne Neagle AM
Chair
Children, Young People and Education Committee

Llyr Gruffydd AM
Chair
Finance Committee

7 January 2020

Dear Chairs,

I am writing to provide an update about progress towards obtaining reliable social services data, which is highlighted in the Regulatory Impact Assessment accompanying the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill and was the subject of recommendations during Stage 1 scrutiny of the Bill.

My letter of 5 April 2019 set out the issues in relation to establishing an estimate of the current number of referrals relating to reasonable punishment received by social services departments using existing social services data.

Social services departments do not currently collect data about the number of referrals of cases of physical punishment of a child by their parent or person acting in loco parentis. It was not possible to include a reliable estimate of the number of referrals in the original version of the RIA published as part of the Explanatory Memorandum when the Bill was introduced.

In response to recommendations published by the Finance Committee, I noted that Welsh Government officials have been working with a small number of local authorities to try to obtain an estimate of numbers of current referrals to social services, based on the methodology used by the police.

If it was possible to obtain a reasonably reliable estimate of numbers using that methodology, officials planned to use that estimate and the unit cost set out in the Explanatory Memorandum laid when the Bill was introduced, to provide an estimate of the current costs of referrals to social services. While the police data, and the estimated potential increase in numbers of reports to the police, are subject to caveats, which are set out in the Explanatory Memorandum, they were considered to be reliable enough to include as an indication of the possible impact.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Welsh Government and local authority officials have now completed the work on social services data. A technical note, approved by the Welsh Government's Chief Statistician is attached, setting out the methodology and results obtained.

As detailed in the note, it has become clear that the social services data collected is subject to a number of additional caveats, which do not apply to the police data. For example, it was only possible to collect enough comparable data to produce these estimates for three of the 22 local authorities in Wales, whereas the RIA included data from each of the four police forces in Wales. Furthermore, there is likely to be a large degree of duplication of records of referrals in the social services data, because each referral is 'cloned' and logged against any other child considered to be at risk because of the same incident (for example siblings). This means it is not always possible to identify the number of original referrals received. In addition, processes and computer systems are used differently across children's services teams to capture data about referrals.

The Chief Statistician agrees with the advice of our officials set out in the technical note that, due to the caveats, it is not possible to extrapolate the results obtained to provide an estimate for referrals for physical punishment of children by their parent or person in loco parentis at an all-Wales level.

Regretfully, for these reasons it is not possible to provide a sufficiently robust estimate of the current numbers of referrals to social services for the purpose of the revised RIA. It would be a disservice to AMs and wider scrutiny to present figures which are not fit for purpose and do not represent the likely impact of the legislation.

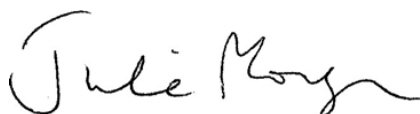
As you are aware, such an estimate would not have replaced the need to collect data for a more robust baseline prior to commencement – the purpose of this work was to provide an estimate of social services referrals to include in the RIA.

It is important we have appropriate plans in place to monitor the impact of the legislation – should it be passed by the Senedd – once it is implemented. As such, the Data Collection and Monitoring task and finish group, operating under the Strategic Implementation Group, is continuing to develop an approach to collect data about relevant referrals to social services so it can be collected prior to commencement to provide a more robust baseline, and following commencement to monitor the impact.

I will write to you again to set out the changes in the updated Explanatory Memorandum for the Bill, which will be laid ahead of Stage 3 proceedings.

I look forward to continuing to work with the Committees as the Bill progresses through the Senedd.

Yours sincerely



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Deputy Minister for Health and Social Services

Technical Note for Scrutiny Committees

Social services data – referrals to children’s services for physical punishment of children by parents or those acting in loco parentis

Exercise to gather social services data

1. Existing data collection has not enabled us to produce a robust estimate for the current number of physical punishment cases referred to children’s services in Wales for physical punishment of children by parents or those acting in loco parentis. This is because there is not currently a requirement to record this information. At the request of the Welsh Government a number of social service teams have conducted an audit of recorded referrals for children. The intention was that the data would provide the Welsh Government with a caveated estimate of current referrals to social services relating to the abolition of the defence of reasonable punishment, to inform the regulatory impact assessment.
2. This estimate would not replace the need to collect data for a more robust baseline prior to commencement of the legislation; it would only provide an estimate for the purposes of the regulatory impact assessment which is required to be laid before the Assembly alongside the Bill.

Methodology

3. Initially, a number of Social Services teams across Wales were approached to explore whether they may be able to replicate the methodology used by the police to generate estimate numbers of referrals to Children’s Services. Factors such as time and resource pressures as well as system capabilities meant that only five were able to take the initial work forward.
4. As a first step, the total number of referrals/contacts to Children’s Services were identified. This includes any referrals/ contacts to Children’s Services from the public or professionals such as the police, teachers, health visitors etc. and could relate to any area of child concern. It includes referrals recorded against any child for whom there may be concerns. For example, children who have been physically punished as well as other children who may be judged as being at risk (such as their siblings). As such these referrals are likely to contain a high level of duplication.
5. A key word search was then conducted to identify all referrals that included words relating to physical punishment, such as: smack, hit, chastise, punish.
6. In three of these authorities, it was possible for a proportion of the results to then be manually examined to identify how many of them actually referred to parental physical punishment.

Results

7. Three authorities have currently completed this work, including a manual review of the cases:

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- One local authority identified 7,945 cases where a child had a referral/contact on their record in a year. One in five of these cases contained keywords relating to physical punishment. Following a manual examination of a sample of the referrals, we estimate that around 540 (6.7%) of the total concerns recorded relate to the physical punishment of children (including duplicates).
 - A second local authority identified around 7,500 cases where a child had a referral/contact on their record in a year. One in ten of the cases per year contained keywords relating to physical punishment. Following a manual examination of a sample of the referrals, we estimate that around 189 (2.5%) of the total concerns recorded relate to the physical punishment of children (including duplicates).
 - The third identified 2,682 cases where a child had a referral/contact on their record in a year. Of these referrals 167 (6.2%) contained words related to smacking. This authority was able to identify and remove duplicate referrals against siblings, and as such 102 (60%) of these were removed. Following a manual examination of a sample of the referrals, we estimate that this local authority's children's services had 24 individual contacts regarding the punishment of children in a year. Note that this cannot be displayed as a proportion of their total contacts as has been displayed in other local authorities due to the fact that the total referral/contact figure includes duplicates, whereas the final figure of 24 relates to unique referrals.
8. Although it covers just three authorities, the initial search figures data suggests that cases referred to children's services currently cover a range of concerns outside of physical violence, and particularly outside of the physical punishment of children. Based on the figures from the first two authorities, referrals to Children's Services regarding parental physical punishment make up between 2.5 and 6.7 per cent of total cases recorded against children in these authorities.

Caveats

9. The analysis has shown that referrals recorded on social service systems are likely to have a large degree of duplication, due to the fact that each single contact to children's services must be cloned against every child who may be judged as being 'at risk' due to the situation (such as siblings), rather than only recording against the victims of the reports. The analysis in Powys suggests almost two thirds of the referrals containing words related to physical punishment may have been duplicated referrals against siblings.
10. In addition, this exercise identified a number of challenges which may affect the reliability of the findings. Each of the Children's Services teams use processes and computer systems differently to capture their data. This includes the way the 'referral reason' field is used, which contains the text that was searched as part of the key word search. Equally, whilst the manual check helped identify the likely proportion of relevant referrals, it is not an accurate approach to identifying

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the true number of relevant cases. These reasons further increase the uncertainty around the estimated figures provided.

11. Discussions with data leads in other Children's Services teams as part of this work and the work of the Data and Monitoring Task and Finish Group suggest that these caveats, amongst others, are highly likely to apply, to children's services data recorded across Wales.

Outcome

12. Due to the above caveats, and the challenges of collecting consistent data from a wider range of authorities, it is not possible to extrapolate these figures to provide an estimate for current referrals at an all Wales level. As part of the implementation work, a Data and Monitoring Task and Finish Group has been established to develop an approach for collecting baseline and post implementation figures to monitor the impact on Social Services.

Relationship between Social Service and Police figures

13. Although it may be expected that Police numbers would mirror those of social services, this may not be the case.
14. The main reason for this is the way in which data is recorded by the police compared to social services. Police figures only record each phone call/ incident as a single crime, regardless of the number of children at risk as a result of that incident. However, the same incident, when referred to social services, would be recorded individually against all children in the family.