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# Llywodraeth Cymru Welsh Government

**THE WELSH GOVERNMENT RESPONSE  
TO THE CHILDREN'S COMMISSIONER FOR WALES'  
ANNUAL REPORT 2013-14**

November 2014

# **THE WELSH GOVERNMENT RESPONSE TO THE CHILDREN'S COMMISSIONER FOR WALES' ANNUAL REPORT 2013-14**

## **Foreword by Rt Hon Carwyn Jones AM First Minister of Wales**

I am once again pleased to respond to the Children's Commissioner's Annual Report.

The Welsh Government welcomes the report and we very much value the work of the Children's Commissioner. I believe his report provides a realistic and challenging focus on the issues affecting children and young across Wales.

I am confident that we have provided a full and detailed response to the issues raised by the Commissioner in his report. It is also evident that the Commissioner recognises the positive differences that this Government has made to the lives of children and young people in Wales and how we continue to embed Children's Rights into all our policy and legislation. To strengthen this commitment, in May this year the requirement to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) was extended to all Ministerial functions.

This Government's vision for children is clear – we want a Wales where children's rights are a reality for each and every child. This is why we place such an emphasis on the UNCRC. Children must be safe, have access to good education, good homes, spaces to play, be respected, have a voice, and not be disadvantaged because of poverty or where they live.

The Commissioner's report refers to 2013/14 and, as in previous years, I am pleased to be in a position to say that we have addressed a number of the concerns that have been raised in the report. I am sure our response will reassure the Commissioner both of the importance we place on his report and also the Welsh Government's continued commitment to implementing the UNCRC in Wales. It is vital, however, that we, as Government, continue to recognise there is more to do.

I thank the Children's Commissioner for Wales for his annual report and acknowledge the critical role he has in championing the rights of children and young people in Wales. As this is Keith's final report in his role as the Commissioner, I would like to take this opportunity to thank him for the commitment and dedication he has shown over the seven years he has held the post.

**Children of offenders**

**Children with a prisoner in the family are more likely to live in poverty and are of greater risk of poor emotional, social and educational outcomes. Last year the Commissioner visited prisons and schools to speak with parents and teachers. He promoted third sector projects aimed at supporting children of offenders and his team developed a resource on the rights of children of offenders.**

**The Commissioner is pleased that, following his 2012-13 annual report, the Welsh Government has now agreed to put in place measures to ensure their flagship programmes engage with families affected by parental imprisonment.**

**The Commissioner is calling on the Welsh Government to ensure the Flying Start programme supports children of offenders.**

*The Welsh Government response:*

The Welsh Government is committed to ensuring children who are affected by the imprisonment of a parent receive the appropriate support.

All families that live in a Flying Start area and are eligible to receive support would be able to do so. This would include families where a parent is in prison.

We recognise, however, that not all families affected by a parent being imprisoned live in Flying Start areas. A small element of the Flying Start budget is allocated for outreach activities. Guidance was published in September 2014 detailing the principles and parameters for the use of outreach funding. This includes the ability for Flying Start teams to target the children of specific communities of interest in their Local Authority- women in prisons are highlighted as an example of one of these specific communities of interest.

Within the Communities and Tackling portfolio, the Families First programme also aims to achieve better outcomes for children by taking a family-centred approach which looks at the needs of the family unit, rather than just the child. The nature of the Families First programme allows local authorities to commission projects which are focussed on meeting identified needs within their local area which could include support for children and families affected by imprisonment.

In September 2014, we published “Parenting in Wales: Guidance on engagement and support”, for those who commission, manage and provide parenting support. Section 8 of this document includes information and strategies for working with families affected by parental imprisonment.

We have also recently published a complimentary parenting guidance document for Flying Start directing Local Authorities to ‘Parenting in Wales: Guidance on engagement and support’ for information on working with families affected by parental imprisonment.

## **Universal Parenting Support**

Parents and legal guardians play a pivotal role in the life of every child. The Welsh Government has a number of flagship programmes to promote children's welfare and provide parental support for specific groups or in specific places. The Commissioner was pleased to see the Integrated Family Support Services programme was rolled out across all parts of Wales last year. Flying Start was also extended to cover more areas in Wales.

However, he believes that all parents and carers should have access to support and guidance. Universal parental support is in line with Article 31 of the UNCRC, which sets out a child's right to rest, play and take part in a range of cultural and artistic activities. It is also in line with the Children and Families (Wales) Measure 2010 and with new duties for local authorities and local health boards to take steps to prevent and reduce the needs for care and support of people in their area within the Social Services and Wellbeing Act.

**The Commissioner is calling on the Welsh Government to issue guidance on universal parenting support for parents and legal guardians.**

*The Welsh Government response:*

On 10 September the Welsh Government published guidance to assist those who have a direct or indirect role in, and responsibility for, providing parenting support. Entitled: 'Parenting in Wales: Guidance on engagement and support,' the document aims to support Local Authorities, Local Health Boards, third sector organisations and other relevant commissioners, managers and practitioners in making decisions about:

- the type of parenting support to provide and how to provide it;
- approaches to supporting and engaging parents;
- workforce development;
- assessment processes; and
- evaluation and monitoring.

A copy of this guidance can be found at:

<http://wales.gov.uk/topics/childrenyoungpeople/parenting-support-guidance/?lang=en>

Further specific Parenting Guidance for Flying Start practitioners was published on 30 September to enhance the parenting element of the programme and ensure a quality service provision is delivered to Flying Start parents, it can be found at:

<http://wales.gov.uk/topics/childrenyoungpeople/parenting-support-guidance/help/flyingstart/?lang=en>

**Access to education, training and learning opportunities**

**This year, the Commissioner has been made aware of concerns in relation to a lack of access to some schools for children and young people who use a wheelchair, even though all schools are required to have an accessibility plan in place. This can result in children having to attend a different secondary school from their friends, impacting on both the child and their family. He is undertaking a piece of work on this issue during the coming year and will make recommendations for action and improvement in this regard.**

**The Commissioner is calling on Welsh Government to address the issues facing wheelchair-using children and young people in accessing education.**

*The Welsh Government response:*

Schedule 10 of the Equality Act 2010 places a duty on local authorities to prepare an accessibility strategy and a duty on responsible bodies of schools to prepare an accessibility plan. The purpose of an accessibility strategy is to:

- Increase the extent to which disabled pupils can participate in the schools' curriculums;
- Improve the physical environment of the school to increase the extent to which disabled pupils can make best use of the opportunities available at the school; and
- Improve delivery of accessible information.

The strategy must be implemented by local authorities after taking account of pupils' needs and preferences expressed by them and their parents. The strategies should be regularly reviewed and revised if needed (however there are no specified timescales for review).

Schools have the responsibility of developing written accessibility plans which will increase the access of disabled pupils to the school curriculum, improve the physical environment for such pupils and improve the provision of information to them. Plans must be implemented by schools after taking account of the needs of disabled pupils and preferences expressed by them and their parents.

Both strategies and plans should be regularly reviewed and, if necessary, revised. The local authority or school must consider the need to allocate adequate resources for their implementation. The Welsh Ministers have a power of direction if they consider that a school or local authority has failed to discharge these duties or has acted unreasonably in respect of these duties.

These are not new requirements. They were first introduced in the Disability Discrimination Act 2001 and were lifted, unchanged into the Equality Act 2010 which replaced a large number of legislative instruments. Related guidance from Welsh Government - 'Planning to Increase Access' - was issued in 2004.

This approach to planning requires schools and local authorities to respond to the challenge of improving the accessibility of school buildings in a strategic, phased way over time.

Our capital funding programme for schools (Twenty-First Century Schools) should ensure that all new and refurbished school buildings funded by that programme will be accessible but there are still issues with some of the older building stock.

All agreement letters for capital funding include a clause which requires compliance with all legislation, including equalities legislation. The letters also include a clause on equal opportunities, so that the school as a provider of services must not discriminate against anyone by virtue of sex, race, disability and other matters covered by the relevant legislation.

In 2007 an Estyn Review looked at the Disability Discrimination Act (1995) The Practice of Schools and Local Education Authorities (LEAs) in implementing their duties and found that the “design, architectural significance and age of buildings, particularly small rural schools, make it difficult to provide full access for all pupils to schools near to where they live. Nearly all local authorities have tried to overcome this problem by adapting and resourcing a secondary school and at least one primary school in each area to provide for disabled pupils. This approach helps authorities target their resources efficiently, but does have the effect of restricting parental choice”.

There was an Estyn review of Disability Equality Schemes and Practice in schools and pupil referral units in 2011 which was broadly positive on schools' progress. This may in part be due to the fact that the report focused on the experience of children in the schools they were in, which missed the perspective that their choice of local school, and transition experience, may have been significantly constrained by access factors. The 2011 review also encompassed the whole experience of disability and looked at issues such as bullying, school organisation and adjustments such as use of additional teaching assistants and curriculum differentiation.

Schools and local authorities also have specific duties under the Equality Act 2010 not to treat disabled children and young people less favourably, to ensure reasonable adjustments are made in supporting them and to promote disability equality. The Equality Act also gives parents a right on behalf of their child to make a claim of disability discrimination in schools, to the Special Educational Needs Tribunal for Wales (SENTW)

The Education Wales Measure 2009 makes provision for children in Wales to have the same rights as parents to appeal in respect of special educational needs (SEN) and the right to make a claim of disability discrimination in schools to the SENTW themselves. The Measure also places duties on local authorities to give effect to these new rights

During the last two years the new rights and duties under the Measure have been piloted in the local authority areas of Carmarthenshire and Wrexham. We commissioned an evaluation of the pilots and published our report on 26 June. In view of the positive findings, we will be bringing forward the rights and duties to come into force across Wales in January 2015. Until this time we will work with local authorities to ensure they have the necessary information, guidance and support to deliver the duties placed upon them.

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## **Learner wellbeing**

**Last year saw the publication of several influential reports on the education system in Wales. This included the Hill Review on the future delivery of education services in Wales and publication of the PISA results from 2012. The Welsh Government set out its intentions to develop a new improving schools plan, progressing many of the accepted options in the Hill Review.**

**The Commissioner supports the government's focus on increasing learner attainment. However, he is concerned that this should not be at the expense of learner wellbeing. On the contrary, the evidence that has been presented to him suggests that by failing to address learner well-being we will fail to support some of our most disadvantaged children to attain the grades they are capable of. The Commissioner urges government to consider how better support for pupil wellbeing can complement other measures being taken forward under these improving schools plan. He would like to see due regard being given to pupil wellbeing within the national policy and performance drivers.**

**The Commissioner is calling on the Welsh Government to incorporate pupil wellbeing into its improving schools plan and ensure it is reflected in national policy and performance drivers.**

*The Welsh Government response:*

### **Curriculum - Personal and Social Education (PSE) – Wellbeing**

Personal and Social Development, Well-Being and Cultural Diversity Area of Learning is at the heart of the Foundation Phase. Children learn about themselves, their relationships with other children and adults both within and beyond the family, the distinctive Welsh culture and other cultures that are part of the diverse society in Wales. They are also supported to develop an understanding of who they are as well as a sense of belonging. Children benefit from learning experiences that encourage involvement and are engaging as well as support them to make decisions, develop a positive attitude and feel valued and respected.

Well-being is an integral part of learning and is associated not only with children's basic needs for safety and security, food and shelter, warmth and affection, but also with how at ease children are with themselves and their surroundings. It is now recognised that well-being is essential to becoming an effective learner. As learners progress and build on the skills, attitudes and values, knowledge and understanding they have started to acquire and develop during the Foundation Phase, through the Personal and social education framework for 7 to 19-year-olds in Wales.

Through the Health and Emotional Well-being theme, learners can be helped to maintain their emotional and physical health and well-being, sustain their growth and development, and know how to keep themselves safe. Learners can also be enabled to explore their feelings, develop self-awareness and self respect and develop their self-esteem and know where and how to access personal information and support. PSE equips children and young people to be more informed, confident and skilled to interact effectively with others and enables them to take an active and responsible part in society.

## All Wales Core Data Sets

School improvement and effectiveness in Wales is underpinned by a strong focus on school self evaluation, challenge and support. One of the primary sources of performance information is the All Wales Core Data Sets (AWCDS) provided by Welsh Government. The AWCDS contain analyses of performance by gender at Foundation Phase and all Key Stages, levels of absence and contextual data about the ethnic background of pupils, the number of pupils with special educational needs (SEN), and the number of pupils with English as an Additional Language (EAL). Schools can therefore see how well different categories of pupils are performing and address any areas for development. Data on pupil performance at Foundation Phase includes pupil achievement for 'Personal and social development, well being and cultural diversity' (PSD). Attendance data is also monitored and recorded for Foundation Phase and each Key Stage.

## Categorisation

Under the new National School Categorisation System covering primary schools the proportion of pupils achieving the Foundation Phase Indicator at the end of the Foundation Phase is one of the measures. The National School Categorisation System will cover both primary and secondary schools. And be based upon three steps, involving, consortia and Welsh Government working together. The new system will assess schools on the following:

- A range of performance measures provided by Welsh Government;
- Robust self-evaluation from schools on their ability to improve in relation to leadership, learning and teaching; and
- Corroboration of the school's self-evaluation by education consortia Challenge Advisers.

## School based counselling

Section 93 of the School Standards and Organisation (Wales) Act 2013 Act requires local authorities to comply with any direction of the Welsh Ministers to compile anonymised data about the counselling service that the authority provides and to submit that data to the Welsh Ministers in accordance with the direction. This provision came into force on 1 April 2013 and the Notice of Direction was issued to local authorities in July 2013.

The data that is provided is anonymised aggregated data, which provides a picture of the key issues that concern children and young people who access counselling, as well as demographic information about those accessing this service. The Welsh Government will publish some of the key findings from this data to give a national picture in early 2015. However, this data is not collected at a school level, nor would it be appropriate to publish any of data at local authority level, as there is a risk that this might enable individual pupils to be identified as having received counselling.

## Anti-Bullying

We are also focusing policy activity and resources to ensure that anti-bullying messages are disseminated more frequently and effectively. The aim is to help keep schools focused on implementing their anti-bullying strategies and ensure children and young people and their families are better aware of where they can find advice and support. We will be encouraging schools to monitor and hence address bullying, including identifying good practice in monitoring bullying, to share with stakeholders. By supporting children and young people with emotional and behavioural difficulties, we can help them engage with their learning.



**CORE AIM 3: ENJOY THE BEST POSSIBLE PHYSICAL, MENTAL, SOCIAL AND EMOTIONAL HEALTH**

**Independent Advocacy**

**The Commissioner states that the statutory entitlement to advocacy does not guarantee access to good quality independent advocacy services. This was highlighted in his “Missing Voices” report in 2012 and again in “Missing Voices: Missing Progress” report in 2013. The Commissioner has continued to push for the implementation of the recommendations that he made in “Missing Voices” and have been disappointed at the slow progress towards attaining these. The recommendations sought to provide some of the most vulnerable children and young people with a clearly heard voice that would help to safeguard and enhance their wellbeing.**

**It is crucial that Welsh Government ensure the legislative commitment to advocacy is realised and the Commissioner would hope that the regulations and guidance that will follow the Social Services and Wellbeing Act will provide the necessary impetus to ensure vulnerable children and young people receive the service that they are entitled to.**

**The Commissioner published his further review of “Missing Voices” in July 2014. He expects Welsh Government and local authorities to work together to ensure that all vulnerable children and young people who are entitled to an advocacy service know about this entitlement, and are able to access this entitlement.**

**The Commissioner is calling on the Welsh Government to provide the necessary strategic leadership to ensure that independent advocacy provision for all relevant children and young people becomes a reality.**

*The Welsh Government response:*

The Children’s Commissioner published the latest of his annual reviews of statutory advocacy for looked after children and young people, care leavers and children in need as part of his continued scrutiny of whether arrangements are effective in strengthening and promoting the rights and safeguarding the welfare of children and young people.

His latest Report *Missing Voices: A Right to be Heard* published in July 2014 continues to highlight that some of Wales’ most vulnerable children and young people remain unaware of their entitlement to have an independent professional advocate to represent their views. Wales has been on the advocacy journey for over 10 years following the publication of the Waterhouse Report and yet the Report indicates that children and young people with an entitlement to advocacy continue to be unaware of their entitlement and consequently do not have a genuine opportunity to access it.

This evidence does not correlate with CSSIW’s inspection of safeguarding and care planning of looked after children and care leavers in all 22 local authorities in Wales and focused on whether the “voice of the child” is heard and listened to, including a focus on the availability of advocacy.

CSSIW found that children are effectively safeguarded; vulnerable children interviewed knew about advocacy and knew how to access it and all local authorities take the need

to commission the provision of advocacy seriously. Individual reports have been sent to each local authority and a National overview report will be published shortly.

In December 2013, the Ministerial Expert Group on Advocacy (MEGA) submitted a Report to provide advice and recommendations on the development, quality and delivery of independent specialist professional advocacy services. A Young Persons Expert Group was established to run in parallel with the MEGA.

Ministers' have recently agreed to brigade responsibility for advocacy under the Minister for Health and Social Services' portfolio which will include strategic direction and secretariat arrangements of MEGA and associated Young Person Group; and future arrangements for the MEIC national helpline including clarifying the role of MEIC as part of the national advocacy landscape including its role as a national gateway for advocacy within the statutory framework.

A Strategic Leadership Group of key stakeholders, which includes the Children's Commissioner, has been established to identify a coherent and sustainable approach to securing children's rights to statutory advocacy. The Group, which includes WLGA, ADSS Cymru and the Chair of MEGA, has agreed actions that address the issues raised by the Commissioner and will deliver a coherent national approach. This will result in collaborative, consistent planning, commissioning and implementation of statutory advocacy provision across Wales.

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### **Care leavers**

**The Commissioner has been pressing for greater support for young people in the transition between care and independence during his time as Commissioner. In 2011 his "Lost After Care" report called for amendments to legislation to extend the maximum age at which a young person has to leave a foster or residential placement from 18 to 21.**

**Young people continued to raise their concerns and the Commissioner conducted a review of the evidence based on what they were telling him. This was set out in his briefing to Assembly Members and practitioners, "Life After Care", in January 2014. The case studies again highlighted the need for a firm legislative framework that sets out clear entitlements for young people and duties on corporate parents to underpin the delivery of consistent support for young people across Wales.**

**The Commissioner was delighted that, during scrutiny of the Social Services and Wellbeing Act, a group of young care leavers formed the inspirational Chance to Stay campaign. Supported by children's groups in the third sector, they asked for a change in the law so that looked after children in Wales could stay in foster care until they're 21.**

**The Commissioner is delighted that the Social Services and Wellbeing Act will now enable young people in care to continue to receive support until they are 21. His office will continue to monitor progress in relation to meeting the needs of children and young people who leave care, and will continue to hold Welsh Government and local authorities to account.**

**The Commissioner is calling on the Welsh Government to ensure that the regulations and guidance being developed for the Social Services and Wellbeing (Wales) Act meet the continuing care and support needs of all children and young people leaving care until they are 21.**

*The Welsh Government response:*

The Welsh Government is currently developing regulations and a code of practice under Part 6 of the Social Services and Well-being (Wales) Act, which will be implemented in April 2016. This contains a range of provision for looked after and accommodated children and young people, including specific duties placed upon local authorities in relation to care leavers. This includes specific provision around ongoing care and support for care leavers, including duties regarding pathway assessments and plans, keeping in touch, personal advisers, and the provision of financial and other support which the young person's well-being requires. These duties cover all care leavers up to age 21, and can extend up to age 25 for those in education or training.

A key principle underlying Part 6 is that, as corporate parents, local authorities have a duty to ensure suitable support for looked after children and care leavers in their transition to adulthood and independence. The Act places a new duty on local authorities to facilitate post-18 placements for young people who wish to remain with their foster carers beyond their 18<sup>th</sup> birthday. From April 2016, local authorities will have to ascertain, when carrying out pathway assessments when a child turns 16, whether the young person and their foster carer wish to make a post-18 living arrangement. Where this is so, the local authority will have to provide advice and support to facilitate the arrangement. Regulations on what information should be given to young people and foster carers to enable to make an informed decision will be made under section 104 of the Act. The new duties will come into force from April 2016.

However, we are already piloting a 'When I am Ready' scheme in three local authority areas, and it is our intention to publish revised guidance for all local authorities early in 2015 so that the 'When I am Ready' scheme can be rolled out across Wales. The Children's Commissioner's office has been a member of the Monitoring Group for the 'When I am Ready' pilot.

The monitoring group will submit its report on the pioneer phase towards the end of 2014, and the 'When I am Ready' guidance will then be revised for issue to local authorities early in 2015. The expectation is that all local authorities across Wales will begin to develop and implement the scheme in their localities from April 2015, so that they are ready to meet their new duties when the Act is implemented the following year. It is our hope that all young people in foster care who turn 18 from 2015 onwards will have the opportunity to stay with their foster carers if that is what they and their carers wish and it is in their best interests.

The new duties do not extend to young people who are in residential placements. We will be considering the accommodation and other needs of young people in residential accommodation as we develop the new framework for looked after children and care leavers under Part 6 of the Act.

## **Age specific Regulations and Guidance**

**The Commissioner is concerned that the Social Services and Well-being (Wales) Act does not recognise the distinct circumstances of children and young people , a principle at the core of the UNCRC.**

**The Explanatory Memorandum issued in relation to the Act clearly states that the intended effect of the legislation is to ‘as far as is possible, integrate and align arrangements so that there is a common set of processes, for people’.**

**There is no supporting text to explain how the change to a single Act to encompass provision for both children and adults will give greater effect to the best interests of the child in compliance with article 3 of the UNCRC paragraph 1. Neither is there an explanation of how the replacement or restatement of parts of existing legislation relating to children will give greater effect to the best interests of the child.**

**The Commissioner is calling on the Welsh Government to develop separate age-specific Regulations and Guidance under provisions contained in the Act including an age-specific eligibility criteria and code of practice.**

*The Welsh Government response:*

The Social Services and Well-being (Wales) Act 2014 introduces a new model of delivering care and support for all citizens of Wales: (adults, children, and carers). When it is implemented in April 2016 it will require the promotion of well-being and new arrangements for assessment, determinations of eligibility, and care and support planning.

The public consultation on the first tranche of draft regulations and draft code of practice commenced on 6 November 2014. The draft regulations and draft codes of practice set out:

- a clear process for assessing the needs of an individual for care and support, or support in the case of a carer;
- a single process of assessment that will apply to all people – children, adults and carers;
- a framework for determining eligibility for local authority arranged or provided care and support (and support for carers) which is consistent across Wales and applies to children, adults and carers.

The consultation includes questions as whether the draft regulations and draft codes of practice provide a framework for meeting the needs of children.

### **Assessment**

The Act requires that local authorities must assess whether a child has needs for care and support and if so, what those needs are. This applies with respect to any child where it appears to that authority that the child may have needs for care and support in addition to, or instead of the care and support provided by the child’s family.

The draft regulations and code of practice state that: in carrying out the assessment the local authority must assess the developmental needs of the child, and seek to identify

the outcomes that the child wishes to achieve (to the extent it considers appropriate having regard to the child's age and understanding), and the outcomes that the person's with parental responsibility for the child wish to receive in relation to the child (to the extent it considers appropriate having regard to the need to promote the child's well-being).

The assessment itself must be proportionate to need and involve the child and any person with parental responsibility for the child.

Any person assessing a child's needs for care and support must promote the upbringing of a child by the child's family, as far as that is consistent with the well-being of the child and in the case of the assessment of a child under the age of 16, ascertain and have regard for the views, wishes and feelings of the persons with parental responsibility for the child in so far as this is reasonably practicable and consistent with promoting the well-being of the child.

The draft regulations require that where the assessment is of the care and support needs of a child, the child must be seen and kept in focus throughout the assessment and account must always be taken of the child's perspective. This includes observation and talking with the child in an age appropriate manner. The assessment must address the central or most important aspects of the needs of a child and the capacity of his or her parents or caregivers to respond appropriately to these needs within the wider family and community context.

The draft regulations state that assessment is the first stage in helping a child and his or her family. There are particular considerations that apply to the assessment of the needs of children. The assessment must take into account the developmental needs of the child, and any other circumstances affecting the child's well-being. In addition to focusing on the outcomes the child wishes to achieve in his or her daily life, the assessment must also seek to identify the outcomes that those with parental responsibility wish to achieve.

The draft code of practice emphasises the importance, of undertaking direct work with children during assessment, including developing multiple, age, gender and culturally appropriate methods for ascertaining their wishes and feelings, and understanding the meaning of their experiences to them.

The recording of the assessment must be proportionate to the identified need and in the language of need, and in 'easy read' or other format as appropriate to the needs of the child or adult whose needs are being assessed

The draft regulations and draft code of practice describe a process of assessment and care and support planning that is consistent for all - adults, children and carers across Wales. However, there are specific provisions to ensure the appropriate protection and safeguarding of adults and children

#### Safeguarding the child

Throughout the assessment process, the safety of the child must be ensured. A key part of the assessment must be to establish whether there is reasonable cause to suspect that a child is experiencing or is at risk of abuse, neglect or other kinds of harm and whether any emergency action is required to secure the safety of the child. Where there is reasonable cause to suspect that a child is at risk local authorities must act on this immediately and without delay.

Where the assessment produces reasonable cause to suspect that a child with needs for care and support (whether or not the authority is meeting any of those needs) is experiencing or is at risk of abuse or neglect or other kinds of harm, the local authority must investigate and make inquiries into the circumstances of that child and, where these inquiries indicate the need, to decide what action, if any, it may need to take to safeguard and promote the child's welfare. The investigation will form an in-depth assessment of the nature of the child's needs and the capacity of his or her parents to meet those needs within the wider family and community context. This duty is set out in section 47 of the Children Act 1989.

### Care and support planning

If, following the assessment, it is decided an individual is eligible for care and support needs to be met by the local authority and will require a care and support plan, or support plan for a carer, then this will be developed jointly with the individual and the practitioners working to achieve the individual's personal well-being outcomes.

A care and support plan must therefore identify the personal outcomes and set out the best way to help achieve them. The draft regulations and code of practice require that:

- Local authorities must provide and keep under review care and support plans for children who have needs which meet the eligibility criteria and where it appears to the local authority that the needs of the child are such that there is a duty on the local authority to meet those needs or exercise a function in order to protect and safeguard the person from abuse or neglect or harm and the risk of abuse or neglect or harm.
- The complexity or severity of the child's need will determine the scope and detail of the care and support plan and the range of interventions.
- Where there is an existing plan already in place for the individual that meets the requirements of a care and support plan it can be considered as meeting the duty of the local authority. This will include a family care plan where appropriate.

### Eligibility

The eligibility framework is sensitive to the differing needs, context and outcomes for children, adults and carers. The draft regulations on eligibility have been structured to specifically identify needs which meet the eligibility criteria for children with needs for care and support and for support if the child is a carer. This includes identifying whether there would be an adverse effect on the development of the child if the need goes unmet

The eligibility criteria create a consistent test for the person to put to the local authority: "If my need cannot be met without a care and support plan being delivered, I have a right to that care and support plan". Whilst the shape of well-being services will (rightly) vary across Wales, the premise on which any local authority's duty rests will remain constant and this will be true for a child as much as for an adult. This approach will ease the current difficulties when children reach adulthood and find themselves in transition between two separate systems.

The draft regulations and code of practice on eligibility require that local authorities must meet the needs of children who are at risk of abuse or neglect or any other harm or where meeting those needs is necessary to protect the child from abuse or neglect or

any other harm. This is an overriding duty irrespective of any application of, or outcome from, the eligibility test. Duties to meet the needs of 'looked after children' are contained within Part 6 of the Act.

Local Authorities must determine whether the needs of the individual call for the exercise of any function it has under Part 4 (Care and Supervision) or Part 5 (Protection of Children) of the Children Act 1989.

The draft regulations and draft code of practice make it clear that the assessment process must be accessible to the individual whose needs are being assessed, both in terms of the delivery approach and the use of appropriate language and format.

The new eligibility criteria will be flexible and will recognise that people will need help at different times in their lives. The 'eligibility status' is given to the need not to the person. The value of this being that services may be provided to people at certain times of need in their lives, or for certain elements of the care and support, (or support in terms of a carer) that they receive.

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### **Independent Safeguarding Board**

**The Commissioner has set out the need for an independently chaired national safeguarding children board to provide national leadership and direction on the protection of children and young people in Wales over many years. Although he is disappointed that it is not specific to children, he is pleased that an independent safeguarding board will be established through the Social Services and Wellbeing Act (Wales) 2014.**

**Whilst acknowledging the work of the safeguarding advisory panel established by the Minister to provide advice and guidance on specific aspects of the proposals contained in the Act relating to safeguarding and the protection of children and adults, and the development of regulation and guidance, the Commissioner remains concerned at the slow rate of progress in implementing a National Safeguarding Board. The shadow National Independent Safeguarding Board had not been established as of April 2014 and no clear timescale has been set for establishing the full Board following commencement of the Act in May 2014.**

**The Commissioner is calling on the Welsh Government to establish the National Independent Safeguarding Board early in 2014/15.**

*The Welsh Government response:*

The Social Services and Well-being (Wales) Act 2014 establishes a National Independent Safeguarding Board which will work with Safeguarding Children Boards and Safeguarding Adult Boards to drive improvement; to report on the adequacy and effectiveness of arrangements to safeguard children and adults and make recommendations to Ministers about how arrangements could be improved.

Throughout her leadership of the Social Services and Well-being (Wales) Act, Mrs Gwenda Thomas AM, consistently sought out opportunities to ensure that Members and stakeholders were regularly informed on progress, including publishing a number of comprehensive Written Statements. The most recent of these, published on 16 July

2014, set out a coherent approach to implementation of the secondary legislation under the Act prior to commencement of the Act in April 2016. The Statement clarified that the subordinate legislation supporting the establishment of the National Board would form an integral part of the first tranche of regulations which would be made available for consultation in November 2014.

The regulations governing the constitution and responsibilities of the National Independent Safeguarding Board will be available as part of our consultation and their development has been informed through engagement and discussion with a wide range of stakeholders led by the Safeguarding Advisory Panel.

Subject to the outcomes of the formal consultation which will complete in early 2015, we remain on track to lay the draft regulations before the Assembly in Spring 2015 and to commence the public appointments exercise to coincide with that timetable.

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### **Child and Adolescent Mental Health Services (CAMHS)**

**Following his call for action in his 2012/13 annual report, the Commissioner is pleased that the Welsh Government has introduced a CAMHS Children, Young People and Families Delivery Assurance Group.**

**However, he continues to have significant concerns about children and young people's ability to access appropriate child-focussed services that respond to their individual needs. He welcomes the Children, Young People and Education Committee's Inquiry into these services and look forward to reading their report. The Commissioner looks forward to working with the Committee to facilitate their engagement to hear directly from children and young people. He will continue to call on the Welsh Government to address the issues that children and young people have raised with him in relation to CAMHS.**

**The Commissioner is calling on the Welsh Government to set out how it will improve children and young people's access to appropriate child-focussed CAMHS that respond to their individual needs, and provide regular reports on progress.**

*The Welsh Government response:*

Recognising that Welsh Government has a key role in supporting Local Health Boards (LHBs), in 2013 we developed a CAMHS Service Improvement Plan, bringing all the CAMHS issues and areas requiring further attention together. The Plan was developed in response to a range of concerns reported to Welsh Government, including those contained in the Wales Audit Office/Health Inspectorate Wales December 2013 review of CAMHS safeguarding. Supporting implementation of the plan, a Project Steering Group has been established which is chaired by Welsh Government. CAMHS lead clinicians; LHB management; the Welsh Health Specialised Services Committee (WHSSC); the NHS Delivery Unit; and the Chair of the CAMHS/ED Planning Network are represented on the group.

In relation to the work on the longer term shape and sustainability of CAMHS, we are already putting place support to ensure that work is progressed. Professor Dame Sue Baily OBE DBE FRCPsych, a Consultant Child and Adolescent Forensic Psychiatrist and Professor of Child and Adolescent Mental Health, based in the North West of



England, has already agreed to undertake a role supporting clinical change and development. This approach is entirely in line with the Minister's priorities for prudent healthcare, enabling the most appropriate professional and agency to work within their field of expertise, and ensuring the young person is not stigmatised from an early age as in receipt of specialist mental health services, when their needs can often be met without recourse to such services.

Formally commencing this work, in early 2015 the Minister for Health and Social Services will host a major conference with CAMHS and its partners to discuss the issues. There needs to be an agreement with professionals, both within the NHS and elsewhere, over how the needs of those increasing numbers of young people being referred to specialist CAMHS can be met.

Health Boards have reconfigured CAMHS planning and commissioning arrangements and a single all-Wales CAMHS and Eating Disorders Planning Network met for the first time in April 2014, which will ensure provision is planned nationally, with community and tertiary provision working together for the benefits of the patient.

#### CAMHS Inpatient units

Improving access to our inpatient units will be supported by our October 2013 announcement to provide £250,000 annually to improve Eating Disorder services in south Wales, enabling more young people to be cared for in Wales rather than sent out of area. This has allowed a cost saving for not having to refer a patient for treatment in England, which will be reinvested back into CAMHS provision.

#### CAMHS community provision

Cwm Taf Health Board (HB) already has community crisis intervention teams in place, and provides this service for both Cardiff and Vale HB and Abertawe Bro Morgannwg HB. Betsi Cadwaladr University HB has fully implemented their crisis intervention service, with the service now fully functioning. Aneurin Bevan, Hywel Dda and Powys Teaching HB were not providing the service; WHSSC has since agreed to fund a business case with the intention for these services to be at full capacity by April 2015. By next year there will be all Wales coverage for crisis intervention teams so that vulnerable children are treated within the community.

#### Youth Offending Teams (YOTS)

The Welsh Government wrote to all HB Chief Executives earlier this year asking them to ensure there is a named contact in CAMHS teams who are able to provide the appropriate advice and support required by the YOTs. The YOTs are represented on our Together for Mental Health Strategy, Delivery Assurance Group so that we can monitor the work going forward.

The Youth Justice Board (YJB) has developed a new set of performance indicators which include one specifically relating to CAMHS. The intention is to pilot the new indicators between January and March 2015, before rolling them out across Wales in April 2015.

We provide £50,000 to Cwm Taf Health Board to fund nurse led in reach provision to Parc Prison Youth Offending Institute (YOI). A Health Needs Assessment of the YOI has also been published and will inform the work of the Welsh Government, LHB and YJB in ensure appropriate CAMHS services in the YOI.

### Inappropriate Admissions

Following a multi clinician CAMHS and Adult Services scoping session earlier in 2014, we have produced comprehensive guidance on inappropriate admissions of under 18yrs to adult units, taking into account the rights of young people to express their own view to where they prefer to be accommodated. The draft guidance is currently being formally consulted on until 5 December, with a view to implementation in early 2015.

### Waiting Times

Aneurin Bevan (AB) and Best Cadwaladr (BC) Health Boards have both invested funding in initiatives to reduce their waiting lists. We are also encouraging Health Boards to adopt more realistic, and challenging CAMHS waiting time targets, more in line with those used elsewhere in mental health services to ensure consistency and equity of provision.

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### Young Carers

**In his 2012/13 report the Commissioner called on Welsh Government to provide strong national direction and clear actions for local duty bearers in the refreshed Carers Strategy for Wales. He is pleased that they have responded positively in addressing the concerns that were raised through the consultation process.**

**The Commissioner is awaiting with interest the publication of the regulations and guidance in relation to the Social Services and Well-being (Wales) Act 2014. He has concerns that in the current economic climate the two part eligibility criteria for statutory assistance through which a carer must be assessed as having a support need, and then having those support needs tested against eligibility thresholds, might lead to tighter gatekeeping of resources and would be concerned should this be the case.**

**He will be monitoring the regulations and guidance to ensure that proper consideration is given to meeting the needs of this vulnerable group of children and young people.**

**The Commissioner is calling on the Welsh Government to ensure that the regulations and guidance for the Social Services and Well-being (Wales) Act 2014 meet the needs of children and young people who act as carers.**

*The Welsh Government response:*

The Social Services and Well-being (Wales) Act 2014 introduces a new model of delivering care and support for all citizens of Wales: (adults, children, and carers – including young carers). When it is implemented in April 2016 it will require the promotion of well-being and new arrangements for Information, Advice and Assistance, the eligibility criteria, and the assessment and care planning arrangements.

Draft regulations and a draft code of practice went out to public consultation on 6 November and set out:

- a clear process for assessing the needs of an individual for care and support, or support in the case of a carer, including young carers;
- a single process of assessment that will apply to all people – children, adults and carers, including young carers;

- a framework for determining eligibility for local authority arranged or provided care and support (and support for carers) which is consistent across Wales and applies to children, adults and carers, including young carers.

The draft consultation includes questions as whether the draft regulations and draft codes of practice provide a framework for meeting the needs of children.

### Sensitivity to children's needs - Information Advice and Assistance Service

The Act introduces a duty on local authorities to provide a single Information, Advice and Assistance Service which will be available to all people within the local authority area and will provide the critical point of entry into the care and support system. The draft regulations and code of practice require that the Information, Advice and Assistance Service must be accessible to everyone and trained staff will be able to provide targeted relevant advice - including advice to young carers - about the support that they can access and assistance in how they can do this.

Staff will be trained to undertake assessments and young carers approaching the Service can be assured that they will receive appropriate information and advice as well as an opportunity for a family assessment to take place to help to plan what is the best way to meet their support needs.

### Assessment

Assessment and Care Planning are intrinsically linked to the eligibility criteria and as such the draft regulations and draft code of practice are inter-dependant. The framework for all assessment for children adults and carers sets a national minimum core data set followed by an analysis of 5 inter-related factors to ensure that local authorities consider the person's circumstances in the round. These factors are:

- Personal outcomes
- Barriers to achieving personal outcomes
- A person's circumstances
- A person's strengths and capabilities
- Risks

The Act requires that local authorities must carry out an assessment of a carer's needs for support and assess whether the carer has needs for support (or is likely to do so in the future) and if they do, what those needs are or are likely to be. The duty is triggered if it appears to the local authority that a carer may have needs for support. The duty to assess applies regardless of the authority's view of the level of support the carer needs or the financial resources he or she has or the financial resources of the person needing care.

The assessment must include an assessment of the extent to which the carer is able and willing to provide the care and to continue to provide the care, the outcomes the carer wishes to achieve both in terms of themselves and if a child is the carer, the outcomes the person(s) with parental responsibility for that child wishes to achieve for them and the extent to which support, preventative services, or the provision of information, advice or assistance could assist in achieving the identified outcomes.

This approach is one that focuses on people's strengths and capacities to achieve the outcomes that maximise their well-being, as well as focussing on their needs and the barriers they face. It will ensure that people themselves are at the centre of decisions about their care and support and are enabled at all times to maintain their well-being. For children this will naturally include an assessment of the family's abilities to meet

their care and support needs of the child so that the assessment can ensure that appropriate care and support is available to those who need this as well as appropriate support for those that take on a caring role.

Children who provide care to adults can have their needs assessed under the Act both as children in need of care and support and carers in need of support. The regulations and code of practice on assessment will not require this to be two separate processes of assessment. Where there is reasonable cause to suspect that a child is at risk local authorities must act on this immediately and without delay.

The draft regulations and draft code of practice make it clear that the assessment process must be accessible to the individual whose needs are being assessed, both in terms of the delivery approach and the use of appropriate language and format.

For young carers the assessment will be structured in the same way as for others looking to have their support needs met. In all cases any assessment for a carer is likely to involve an assessment of the needs of those they are caring for, in order to be able to best meet the needs in the round. Trained staff will be able, through the assessment, to understand from the young carer what they want to achieve in terms of their personal well-being outcomes and work jointly with that individual to find ways to achieve them.

The draft regulations and draft code of practice describe a process of assessment and care and support planning that is consistent for all - adults, children and carers across Wales. However, there are specific provisions to ensure the appropriate protection and safeguarding of adults and children

### Eligibility

People will become eligible for social care when they cannot meet their own well-being needs and need help from the local authority in managing the arrangements as part of a care and support plan, or support plan in the case of carers. The draft regulations and draft code of practice require local authorities to base the eligibility decision on an informed discussion with the individual about what matters to them, what the person wants to achieve in life, and whether they need managed care and support to help achieve this.

The new eligibility criteria will be flexible and will recognise that people will need help at different times in their lives. The eligibility status is given to the need not to the person. The value of this being that services may be provided to people at certain times of need in their lives, or for certain elements of the support that a carer may need.

The Social Services and Well-being (Wales) Act has removed the requirement in existing legislation that in order to be eligible for support a carer must provide a substantial amount of care on a regular basis. For the first time Carers have been given equal rights to support as those they care for and many more people can be recognised as providing care and be eligible for support to help them provide that care.

A carer is defined in the Act as a person who provides or intends to provide care for an adult or a disabled child. Local authorities can treat a person as a carer even if they would not otherwise be regarded as carers if they consider that, in the context of the caring relationship, it would be appropriate to do so.

The care and support (eligibility) regulations are expressed separately for children and for carers thereby enabling local authorities to respond to young carers both as carers

and as children. The eligibility framework is sensitive to the differing needs, context and outcomes for children who are carers and the draft regulations on eligibility have been structured to identify needs which meet the eligibility criteria for children with needs for care and support.

The draft regulations on eligibility have been structured to specifically identify needs which meet the eligibility criteria for children with needs for care and support and for support if the child is a carer. This includes identifying whether there would be an adverse effect on the development of the child if the need goes unmet

Where and when young carers can meet their own support needs, or can do so using the resources of their family, friends or the community the status of eligibility is not required. Where and when this is not the case, the eligibility status can be 'switched on' to ensure that support is provided to meet identified needs.

For young carers the flexibility of the eligibility criteria to be 'switched on and off' for any support needs that they may require to be met will be helpful and is an approach that recognises the situation which many young carers find themselves in of having fluctuating needs and fluctuating ability to cope with their caring demands at different times in their lives e.g. exam times or transferring to secondary school.

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## **Adoption**

**During National Adoption Week 2013 the Commissioner met with adopted young people who attended a TALKadoption group. They raised lots of issues. They described how teachers don't always understand what it's like for children and young people who are adopted and how they can handle things badly. They talked about how important it was for them to meet together in the TALKadoption group as it provides a source of emotional support. Some young people who had had referrals to CAMHS said they didn't feel that CAMHS staff understood adoption issues or that intervention from CAMHS had helped them. The group also talked about the need for clear information and advice for children and young people about adoption, their rights and sources of support.**

**They identified their top three issues/priorities:**

- 1. The need for teacher training and awareness raising on adoption and its impact on children and young people and for adoption to be included as a PSE topic.**
- 2. Provision of peer support groups like the current TALKadoption group to support adopted young people's emotional well-being across Wales. They found it difficult to get support as young people as many of the support activities in place were for young people or for the period directly following adoption only.**
- 3. Provision of clear information about the rights and entitlements of children and young people during the adoption process and in transition to post-adoption advice and support.**

**The Commissioner is calling on Welsh Government to develop information and advice on rights and entitlements for children and young people who are going through the adoption process.**

*The Welsh Government response:*

### National Adoption Service & Post Adoption Support

On November 5 as part of the National Adoption Week, the Welsh Government, Local Government and key partners launched a new National Adoption Service for Wales (NAS). The NAS will operate through five regional 'collaboratives': North Wales, South East Wales, West & Mid Wales, Western Bay, and Vale, Valleys & Cardiff. The arrangements put in place to establish the NAS place the child's needs at the centre of the adoption process.

Each collaborative will have the same set of responsibilities and functions and operate within a performance management framework developed at a national level. One local authority within each collaborative will act as the lead authority for the delivery of all the regional roles and functions. The Directors of Social Services will continue to exercise their statutory accountabilities through a Regional Collaborative Board and maintain the link to the executive and scrutiny functions of their own local authorities. Each collaborative will be accountable to a Director of Operations for its performance and then to a National Board.

The NAS is being established to reform fundamentally the efficiency and effectiveness of the process of adoption and to consider how it can be made more comprehensible and responsive for those children and young people whom it affects. The Welsh Government commissioned a number of research projects to support the development of the NAS, including investigation of adoption support services and adoption disruption. We recognise from the evidence already gathered that there is some disparity of service provision throughout Wales and we now have a much clearer picture of the issues that need to be tackled to ensure that placements are sustained. The NAS will now be giving detailed and early consideration to how best to take forward action to improve adoption support services across Wales.

### Education, teacher training & raising awareness among teachers in relation to adoption

Individuals wishing to teach as qualified teachers in maintained schools in Wales must gain Qualified Teacher Status (QTS) and meet the statutory QTS Standards. The QTS Standards are outcome statements which set out what trainees must know, understand and be able to do at the end of a course of initial teacher training or employment based programme to gain QTS. The QTS Standards require all trainees to demonstrate that they know and understand the requirements and entitlements set out in the "Including all Learners" statements included in each National Curriculum subject order and framework. This statement says that under the United Nations Convention on the Rights of the Child (UNCRC) and the Welsh Government's overarching strategy document Rights to Action, all children and young people must be provided with an education that develops their personality and talents to the full.

The QTS Standards also contain general standards that trainee teachers have to meet and these are linked to other publications and statutory requirements as appropriate. For example, all trainees are required to demonstrate that they understand the diverse learning needs of all learners, including adopted and looked after children, and endeavour to provide the best possible education for them to maximise their potential, whatever their individual aspirations, personal circumstances or social, cultural, linguistic, religious and ethnic backgrounds and that trainees must be able to evidence that they establish a purposeful learning environment where diversity is valued and where learners feel secure and confident.

Trainees are also required to demonstrate the professionalism to ensure that relationships with learners are built on mutual trust and respect and to recognise that this will help maximise their learning potential. We expect trainees to evidence this standard by being able to demonstrate a knowledge and awareness of the UNCRC and an understanding and knowledge of the rights and entitlements of all learners, as laid out in the UNCRC and key Welsh Government policies.

The Welsh Government is committed to the provision of a good education to all children in Wales irrespective of their background or circumstances. It is critical that we listen to what these young people tell us of their experiences within education. We are determined to ensure that the educational outcomes of children who have been adopted achieve parity with all other pupils in Wales and our inclusive approach within the school improvement agenda provides the necessary help and support these children may need to benefit from the same good standard as their mainstream peers.

In work we have undertaken to develop a strategy on raising the ambitions and educational attainment of looked after children in Welsh schools, It is clear that the complex issues which impact on a looked after child's ability to achieve their educational potential often continue with them – for a while at least - once they are adopted. We are exploring the possibility of including a module covering the needs of looked after children within teacher training courses. Should this module prove to be successful in raising awareness, we will look to replicate this to cover the needs of adopted children.

We have been in contact with Adoption UK to continue the broader conversation about the nature of adoption. We have learned about the characteristics of adopted children and the sorts of journey they may have been on prior to adoption. This conversation will continue.

#### Children and Young People who have emotional behavioural difficulties

We have taken steps to support children and young people who are experiencing emotional difficulties through the development of counselling services. Within schools, counselling complements the different approaches already in place to support the health, emotional and social needs of pupils. Counselling was originally rolled out in all maintained secondary schools, supported by grant funding.

From April 2013 local authorities have been required, under the School Standards and Organisation (Wales) Act to make reasonable provision of counselling services for children and young people aged between 11 and 18 in their area and pupils in year 6 of primary school. At the same time £4.5m was transferred to the Revenue Support Grant for the continued support of this service. The evaluation of the Welsh School-based Counselling Strategy in 2011 indicated that 80% of school heads and link teachers surveyed felt that behaviour of pupils had improved as a result of counselling. By supporting children and young people with emotional and behavioural difficulties, we can help them engage with their learning.

## **National Service Framework for children, young people and maternity services**

**The Commissioner has set out his concerns that the status of the National Service Framework (NSF) is unclear and that there is evidence of poor implementation of standards. The Welsh Government has clarified that Local Health Boards are expected to self-assess against the standards in the NSF which they believe still provides a useful framework for monitoring performance. However there is no requirement for Local Health Boards to report against the NSF.**

**The Welsh Government is now producing specific outcome focussed delivery plans in relation to health as part of its “Achieving Excellence: The quality delivery plan for the NHS in Wales 2012-16”. At present the delivery plans are adult focussed so the Commissioner was pleased that the Minister for Health and Social Services committed to develop a children and young person’s delivery plan.**

**The Commissioner is calling on the Welsh Government to consult upon and deliver a rights based, outcome focused health delivery plan for children and young people as a matter of urgency.**

*The Welsh Government response:*

The National Service Framework for Children, Young People and Maternity Services still provides a useful framework for monitoring performance, and local health boards are expected to self-assess against the standards in the NSF. The Welsh Government recognises that since the introduction of the Children’s NSF in 2005, there have been developments that require a review of the NSF.

The Welsh Government is committed to developing a plan which will follow on from the Children’s NSF whose ten year implementation period comes to an end in September 2015. The development of a plan will include a consultation period and children’s advocacy to ensure that children and young people’s views are fully taken into account.

The Public Health Division in DHSS is initiating work to develop a plan to replace the outgoing Children’s NSF.

The development of a plan will take into account children’s rights, as outlined in the UNCRC, and, as with other delivery plans, be outcome focussed and reported on annually.

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## **Continuing Care**

**Young people and their families continued to contact the Commissioner in 2013/14 about continuing care funding disputes. Continuing care packages provide long-term care and support to young people who are disabled or otherwise in need of support. Continuing care packages can include care provided both by health professionals and social services. Local Health Boards are responsible for funding health care packages and local authorities are responsible for funding social care packages. Difficulties arise when they dispute the balance of costs.**



**In 2013/14 young people and their families contacted the Commissioner's Advice and Support services as funding disputes meant they were not receiving the care to which they were entitled. The Commissioner is pleased that since he raised similar concerns in his last annual report the All Wales Community Children's Nursing Forum is now developing an e-learning tool to support implementation of continuing care guidance issued in 2012. He understands that Local Health Boards are developing their own internal policies and procedures to implement the guidance.**

**However, there is still an urgent need to resolve disputes procedures. Where there are disputes between authorities, these should not affect the child or young person's access to their care package.**

**The Commissioner is calling on the Welsh Government with Local Health Boards and Local Authorities to agree procedures to resolve continuing care funding disputes swiftly, and without impacting on the immediate provision of care for the child or young person.**

*The Welsh Government response:*

It is unacceptable for care to be delayed due to interagency disputes about funding shares. The dispute resolution protocol is described in "Towards a Stable Life and a Brighter Future".

The Children and Young People's Continuing Care Guidance was issued to local health boards, local authorities and their partners on 28 November 2012. It is quite clear in the guidance that local health boards and local authorities must ensure that no child is denied access or have access to appropriate health care delayed as a result of a dispute

The guidance intentionally does not give guidance on the content or funding of the actual packages of continuing care. It is not a prescriptive tool, and cannot replace the need for strong local decision making regarding the continuing care needs of individual children and young people which must be based on assessed needs.

The guidance makes it clear that all partners are responsible for funding their own contributions to the continuing care package in line with their statutory functions. This should happen through pooled or shared funding and there must be robust arrangements in place to ensure timely decision making about funding.

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## CORE AIM 4: HAVE ACCESS TO PLAY, LEISURE, SPORTING AND CULTURAL OPPORTUNITIES

### Access to play

The Commissioner reviewed implementation of Play Sufficiency Assessments last year. He is particularly concerned that children living in poverty and disabled children lack sufficient opportunities for play. He would now like to see better use of schools and other educational settings as places where children can get information about no cost and low cost activities. The Commissioner would also like to see mechanisms for local authorities to share practice ideas on providing play opportunities for disabled children.

Wales has made significant progress on children's play but it is important that Welsh Government, local authorities and other providers reflect and maintain their commitment to help each and every child, whatever their circumstance, to reach their individual potential and enjoy a childhood full of fun, hope, wonder and excitement. Play is a learning and development opportunity for children, and the Commissioner would hope that as local authorities implement their play sufficiency duty we will see the barriers that prevent children from playing being replaced with more opportunities for play.

The Commissioner is calling for the Welsh Government, local authorities and other providers to ensure that the importance of play opportunities for children and young people living in poverty and for children and young people with disabilities is both recognised and supported during the current challenging economic climate.

#### *The Welsh Government response:*

On 1st July 2014 Welsh Ministers commenced the second part of section 11 of the Children and Families (Wales) Measure 2010. There is now a duty on Local Authorities to secure sufficient play opportunities for all children in their areas, having regard to their play sufficiency assessments. This was accompanied by the publication of Statutory Guidance, Wales: a Play Friendly Country. This states that:

“The Welsh Government believes that high quality play opportunities for all children may contribute to mitigating the negative effects of poverty on children's lives and help to build their resilience. Play can also be a means of reducing inequalities between children living in families that can afford costly recreational provision and those that cannot so reducing poverty of experience for all children.”

The duty requires Local Authorities to take into account a range of matters when assessing for and securing sufficient play opportunities. These include providing for the diverse needs of children, including disabled children; those living in rural areas; and from diverse communities and cultures. Also to take account of charges for play provision and play being included within the Local Authorities' child poverty strategies.

Each Local Authority is required to have a Play Action Plan showing how the duty will be implemented including effective and accessible engagement with children and young people. They are also required to submit Annual Reports to Welsh Government

evidencing how they have taken forward the commitments in the Action Plan. The plans and reports are reviewed by Welsh Government to ensure compliance.

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## **Youth Services**

**The Commissioner is concerned that the cultural infrastructure on which youth services rely - libraries, leisure facilities and arts venues - is being undermined as a result of local authority budgeting priorities. Article 31 includes the right of children and young people to participate freely in cultural life and the arts.**

**In October 2013, the Deputy Minister for Skills and Technology launched the Youth Engagement and Progression implementation plan. It focuses specifically on reducing the number of young people aged 11-25 who are not in education, employment or training. The Commissioner is concerned that delivery of the government's ambition in practice will be severely constrained by the reduction in mainstream services that play such an important role in the engagement and progression of children and young people.**

**He fully understands that all public bodies, including local authorities, now have to make very difficult decisions about budgets reductions. However the Commissioner is concerned that at least one local authority has taken the view that it is not required to undertake a child's rights impact assessment in relation to any cuts to services. The Commissioner believes it is particularly important that local authorities give proper consideration to the impact that their decisions will have on the wellbeing of children and young people.**

**The Commissioner is calling on the Welsh Government and the Welsh Local Government Association to encourage local authorities to address children's rights in carrying out their equality impact assessments to understand how proposed changes to services will affect children and young people's wellbeing.**

*The Welsh Government response:*

We are aware that a number of Local Authority Youth Services across Wales have and in the near future will receive a reduced core budget for their youth work provision, due to cuts within the Revenue Support Grant. We will monitor the impact of financial cuts to Local Authority Youth Services nationally.

With the Youth Work Reference Group, we will explore youth work practice across the UK, Europe and internationally, and consider the merits and risks associated with alternative models of youth work delivery and contracting.

The Youth Engagement and Progression Framework Implementation Plan requires an integrated approach from all organisations involved in delivering activity for young people, focussing on the needs of the individual.

All Local Authorities in Wales submitted an action plan confirming their commitment to implement the milestones within the Youth Engagement and Progression Framework Implementation Plan. The purpose of the Framework is to provide a systematic mechanism for local authorities to identify those in need of support, to establish the support available, and then to track the progress of young people as they make the transition from education into further education or employment.

There is a requirement for Local Authorities to map provision available within their local area, and determine any potential gaps or duplication, which will enable them to better plan and deliver support services.

The Welsh Government is currently in a challenging financial climate, however, the Framework is providing the structure which will help local authorities to establish whether local and national provision is delivering effective outcomes and value for money through the measurement of reductions in numbers of young people not in employment, education or training at a local level.

Each Local Authority has a Welsh Government lead contact who is working closely with them to support their implementation of the Framework. As part of this support mechanism we will monitor the impact of the financial cuts on their ability to deliver.

We will explore through the evaluation of the Youth Engagement and Progression Framework any good practice examples of collaborative working, the effective use of different funding streams and how services are being re-aligned to better support young people through the lead worker role.

The Equality Act 2010 includes a new public sector equality duty which covers a number of protected characteristics including 'age'. In order for public bodies to better perform their public sector equality duty the Welsh Government was the first government to bring in specific equality duties. The duties include a requirement for Welsh Ministers to publish a report by 31st December this year, on how devolved public authorities in Wales are meeting their general duty.

This is the first report under our specific equality duties and provides an overview of actions from across the public sector. It illustrates the progress which has been made and it sets out the challenges which public bodies have told us they are experiencing in implementing the Duty. The report also outlines the overarching recommendations to collaborate further across the public sector in complying with the Public Sector Equality Duty.

This report has identified what we are doing well and where we can improve. As we continue to work together to achieve further progress on equality, the Welsh public sector will lead the way ensuring equality is mainstreamed in all aspects of public life and our decisions make a real difference to the people of Wales.

Local Authorities are under a statutory requirement to undertake equality impact assessments of proposed policies and practices on its abilities to comply with the public sector equality duty. It must consider how its policies and practices affect protected groups.

The Equality and Human Rights Commission in Wales has a unique role as regulator of the Public Sector Equality Duty and the Welsh specific equality duties. As part of their remit, the EHRC undertook monitoring in 2013 of the use of equality impact assessments in Local Authorities. The EHRC found many Councils have progressed towards ensuring that evidence of equality impact assessment is a requirement that underpins decision-making.

Assembly Members approved our Children's Rights Scheme in April. A key focus has been our Children's Rights Impact Assessment (CRIA) and these are being published alongside policy and legislation, giving context to the impact they are having. This in turn influences services on the ground and outcomes for children, young people and

their families. It is a guide for us internally and a document that provides transparency externally.

The Social Services and Well-Being Bill requires “A person exercising functions under this Act in relation to a child falling within section 6(1)(a), (b) or (c) must have due regard to Part 1 of the United Nations Convention on the Rights of the Child”

On 1st July 2014 the duty in the Children and Families (Wales) Measure was commenced requiring Local Authorities to take into account the diverse needs of children with a disability; those living in rural areas; and from diverse communities and cultures. Also to take account of charges for play provision and play being included within the Local Authorities’ child poverty strategies.

Our Children and Young People’s Continuing Care Guidance states that Local Health Boards and Local Authorities must ensure no child is denied access, or has access to appropriate health care delayed, as a result of a dispute about funding shares.

The City and County of Swansea are the first authority in Wales to have put the UNCRC at the core of all their work and we are already seeing other local authorities following suit

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### **Breaks for carers of disabled children**

**The Commissioner for Wales made a commitment in his Annual Report 2012-13 to review the implementation of the ‘Breaks for Carers of Disabled Children (Wales) Regulations 2012’ by local authorities. He examined the impact of the regulations, including local authority service statements on short breaks provision for children and young people with disabilities and their carers. In July 2014 the Children’s Commissioner launched the resulting ‘Full Lives’ report, which makes recommendations for both the Welsh Government and local authorities.**

**The Commissioner is calling on the Welsh Government to provide a timely response to the recommendations of his ‘Full Lives’ report on short breaks services.**

*The Welsh Government response:*

The response to the ‘Full Lives’ report will be provided to the Children’s Commission for Wales’ by the end of November, as agreed with his office.

The Social Services and Well-being (Wales) Act creates a right to an assessment for children, adults and carers where the individual may have care and support needs. The assessment must seek to identify the outcomes the person wishes to achieve and to what extent preventative services such as short breaks may contribute to the achievement of these outcomes.

A person’s care needs could be met by the provision of a service to their carer, which could include the provision of short breaks if they have identified this as an outcome. When a carer has been assessed as having care and support needs a support plan will identify the support they will need to achieve the outcomes they have identified for themselves. Short Breaks provision could be the support they require.

**CORE AIM 5: ARE LISTENED TO, TREATED WITH RESPECT AND HAVE THEIR RACE AND CULTURAL IDENTITY RECOGNISED**

**Participation**

**The Commissioner has previously called on the Welsh Government to monitor the discharge of participation duties by local authorities under the Children and Families Measure 2010 through the Single Integrated Plans. He asked that they also monitor the impact on local participation structures for children and young people in Wales. He is pleased that this is now being progressed by the Welsh Government. Participation by children and young people is central to the UNCRC and the Commissioner wants to see Welsh Government continue to monitor implementation of this duty at a national and local authority level.**

**The Commissioner is calling on the Welsh Government to maintain a close monitoring role of progress against the duties for children and young people's participation in the measure.**

*The Welsh Government response:*

'Shared Purpose – Shared Delivery' is the statutory guidance for local authorities and their partners in developing Single Integrated Plans (SIP). This was re-issued in December 2012 to include an Annex which sets out the statutory guidance for providing and promoting children and young people's participation under Section 12 of the Children and Families (Wales) Measure 2010.

The Annex includes a commitment to monitoring if and how local authorities are implementing this statutory guidance. Local Authorities' Chief Executives were advised Welsh Government officials would be visiting all 22 local authorities during 2014 to specifically look at the arrangements in place to implement the duty, and how this was being done in the context of the Single Integrated Plans.

To date, all 22 Local Authorities have been visited once. During these visits officials met with Participations Workers, Children and Young People Co-ordinators, Chief Executives, Council Leaders and Councillors, SIP lead officers, Lead Directors, Youth Forums, Youth Parliaments and Youth Councils.

We have been very pleased with the commitment, innovation and breadth of opportunities in most Local Authorities. For those who are exemplary we will be sharing elements of their good practice with others. For those who have not been able to evidence they have fully implemented the guidance, we have informed them we will be re-visiting within 12 months and have set out the areas where we will want to see progress.

Monitoring visits will be undertaken every two years, however if the duty is not being implemented as expected, and in line with the guidance, a follow-up monitoring visit will take place after 12 months.

## Children seeking asylum

**During 2013/14 the Commissioner became increasingly concerned at the reducing levels of support available for asylum seeking children. He was made aware of the unsatisfactory conditions that asylum seeking children and their families were being forced to endure at the Home Office initial accommodation centre in Cardiff. Children and young people were being denied access to play, education, and healthcare. He raised the issue with the Home Office and relevant Welsh Government ministers and is pleased that a positive response has led to a number of changes to the facility in Cardiff.**

**The Commissioner is particularly concerned about the implications for children who have become separated from their parents or who are seeking asylum. Without access to support and specialist advocacy, he does not believe that these children will be able to access their full rights in Wales, including in relation to education and health. Whilst these children and young people are the most vulnerable, he is concerned that all asylum seeking children and young people should be supported to enable them to access their rights.**

**The Commissioner is calling on the Welsh Government to work with Local Authorities, the Home Office and specialist agencies to ensure children and young people seeking asylum in Wales have access to advocacy and support that enables them to access their full rights under the UNCRC.**

### *The Welsh Government response:*

The previous Minister for Communities and Tackling Poverty wrote to the Children's Commissioner to thank him for writing to the Home Office to seek reassurance that they would address the issues at the accommodation centre.

In response the Home Office has co-ordinated meetings with Clearel, the Welsh Government and third sector organisations, which support the refugee and asylum seeker sector, aimed at ensuring the issues raised have been resolved. The Home Office has also put in place a residents' forum ensuring that feedback is given to Clearel, the organisation running the Initial Accommodation centre, on behalf of the Home Office. We are monitoring progress.

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## Youth Justice

**The Children's Commissioner has expressed disappointment that the proposals in the Youth Justice Green Paper to make all children in the secure estate looked after were dropped from the subsequent Youth Justice White Paper. His concerns are that their needs would not therefore be assessed and met where required. Officials from youth justice and social services had detailed discussions concerning this matter and agreed that the provisions in the Social Services and Well-being (Wales) Act 2014 (the Act) were sufficiently robust to ensure that all children in the secure estate have a right to an assessment of their needs and where necessary for those needs to be met under the Act.**

**The Commissioner is calling on the Welsh Government to extend the entitlements given to looked-after children and young people to children and young people in custody, both during and following their sentence.**

### *The Welsh Government response:*

The Social Services and Well-being (Wales) Act framework will ensure greater support for children who are given custodial sentences. Whilst the Welsh Government is seeking to have the Youth Justice System in Wales devolved it currently remains a reserved matter for the UK Government. We are only able to intervene in matters relating to the social care of children who are accommodated in the secure estate either on remand or having received a custodial sentence.

There are two areas for concern for social services. The first relates to children and young people who are or were looked after and who, upon being sentenced to a custody order in the secure estate, lose that status. These children already receive visits under current regulations (Visits to Former Looked After Children in Detention (Wales) Regulations 2011) and that will carry through under the regulations that will be written to underpin part 6 of the Social Services and Well-being (Wales) Act 2014. Part 11 of the Act also entitles any child sentenced to custody in the secure estate to a proportionate assessment of their needs for care and support should this be required and how those needs could best be met.

The second concerns children who are remanded to the secure estate until such time as they have their trial and are sentenced to custody or are freed. Children and young people who fall into this category will automatically become looked after as required by the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act. As a looked after child there is a requirement for their local authority to conduct an assessment of their needs for care and support and how those needs are to be met. The duty on the local authority is to carry out a timely, proportionate assessment and this will remain following the implementation of the Social Services and Well-being (Wales) Act in April 2016. If they are subsequently sentenced to a custody order following their remand they will continue to have their needs for care and support assessed under the Part 11 framework.

We are currently developing regulations and a code of practice under Part 6 of the Social Services and Well-being (Wales) Act, which will be implemented in April 2016. These provisions broadly replace Part 3 of the Children Act 1989, but we are using this opportunity to refine and improve the current framework of support where necessary



Part 6 contains a range of provision for looked after and accommodated children and young people, including specific duties placed upon local authorities in relation to care leavers. This includes specific provision around ongoing care and support for care leavers, including duties regarding pathway assessments and plans, keeping in touch, personal advisers, and the provision of financial and other support which the young person's well-being requires. These duties cover all care leavers up to age 21, and can extend up to age 25 for those in education or training.

We are involving key local government and third sector stakeholders in developing the regulations and code through a series of technical workshops. We have engaged Children in Wales to run a series of three workshops with looked after children and care leavers, as part of the development process. Formal consultation will take place in the spring 2015.

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### **Safe routes to school**

**Last year the Commissioner used his Super Ambassadors Special Mission to encourage children and young people to contribute their views to the Welsh Government's consultation on safe routes to schools. 540 individual responses were received.**

**They wanted walking and cycling routes to schools to be made safer. They were concerned about traffic and road safety, but also about broader social dangers. The responses demonstrated the valuable contribution that children and young people have to give in relation to issues that impact on their lives.**

**The Commissioner is pleased that the Welsh Government responded positively to the concerns that children and young people raised, with the Minister for Economy, Science and Transport issuing a statement in March 2014 recognising the importance of children being safe and also feeling safe and outlining their commitment to do something about this.**

**The Commissioner is calling on the Welsh Government to review the travel behaviour code and involve children and young people in developing information about the code.**

*The Welsh Government response:*

Some of the most important issues identified by children related to traffic and road safety, including social danger.

The Minister for Economy, Science and Transport is very concerned about the safety and well being of children and young people and was delighted with the engagement by children and young people to the consultation on risk assessing walked routes to school.

A consultation exercise was undertaken specifically with children and young people in conjunction with the office of the Children's Commissioner. Engagement was through the Children's Commissioners Super Ambassadors for primary age learners and by workshops with secondary age learners. The consultation ran between 18 November 2013 and 7 February 2014. 542 primary learners responded via digital channels and 136 secondary learners responded via workshops.

Respondents provided useful information on such issues as how to ensure the safety of children on the walked route to school; how local authorities could consult children; and which factors should trigger risk assessments.

In response, the Welsh Government has produced a comprehensive framework for assessing walked routes to school. The new guidance also provides a list of mechanisms which local authorities can use to consult children/young people and provides recommendations.

### The Travel Behaviour Code

The joint consultation on the Learner Travel Operational Guidance and evaluation of the Travel Behaviour Code was held between 13 January 2014 and 13 April 2014 and attracted interest from a range of stakeholders. The consultation identified that among children and young people awareness of the Travel Behaviour Code is low. The Welsh Government is working with the Children's Commissioner to improve the Travel Behaviour Code and its uptake by:

- Establishing baseline data to determine how incidents are recorded and dealt with under the Travel Behaviour Code by local authorities and transport providers.
- Making the Travel Behaviour Code resources more accessible for schools and teachers on appropriate web sites.
- Preparing a programme of work with the Children's Commissioner to revise the Travel Behaviour Code so that it better reflects the balance of rights and responsibilities for all parties including children and young people, transport providers, schools and local authorities and parents.
- Ensuring this revision is undertaken in consultation with children and young people.
- Ensuring that the Travel Behaviour Code is promoted alongside the anti-bullying policies of DfES.
- Considering options to reform the sanctions regime.
- Taking steps to ensure its promotion and dissemination, when the revised Travel Code is ready.

The Learner Travel Operational Guidance which includes the risk assessment for walked routes to school was jointly launched with the Children's Commissioner and the Super Ambassadors on 17 June 2014.

The Minister announced Safe Routes in Communities funding of £5m towards 30 new projects across Wales in this financial year – the projects include new crossings, traffic calming measures, cycle paths, footpaths, secure cycle facilities and lighting

The Minister ordered a review of the safety of access to schools on the trunk road network and will announce a programme of improvements to be undertaken before Christmas.

## **Domestic Violence**

**The Commissioner has become increasingly concerned about the impact of domestic violence on children and young people. The impact that living with domestic violence has on children was evident in the 'Boys and Girls Speak Out' report published in 2013. The Commissioner has set out his concerns in response to the consultation on proposed legislation to end Violence against Women, Domestic Abuse and Sexual Violence, as well as raising them directly with Ministers. He has called for the Bill to respond more directly to the needs of children and young people, particularly within education.**

**The Commissioner is calling on the Welsh Government to reflect the needs of children and young people in its forthcoming Domestic Violence Bill.**

*The Welsh Government response:*

The scope of the Bill extends to all victims, regardless of age. In recognition of the substantial impact on children and young people both in terms of witnessing and experiencing directly such violence and abuse, there is no age threshold applied to the Bill so children who witness or experience such violence or abuse are included.

The measure is aimed at contributing to improving arrangements for the prevention of gender-based violence, domestic abuse and sexual violence; arrangements for protection and the support for victims will also relate to children.

A Children's Rights Impact Assessment was undertaken as part of the development of this Bill to ensure the needs of children and young people were taken into account and in drafting a National Strategy we will pay due regard to the UNCRC - and under this Bill authorities will have to pay due regard to the National Strategy in preparing their own local strategies.

Frontline professionals, such as social workers, who work with young people affected by these issues will require sufficient training and support to identify the right response for the individual victim, which is likely to encompass a holistic approach involving child protection, safeguarding and specialist services. We will provide this crucial training through the National Training Framework.

### **Education/Healthy Relationships**

We remain committed to delivering the White Paper proposals on healthy relationship education and on encouraging schools to take a whole school approach to addressing gender-based violence, domestic abuse and sexual violence.

Discussions are underway between the Minister for Public Services and the Minister for Education and Skills to ensure a cross Government approach to implementing the Gender-based Violence, Domestic Violence and Sexual Violence (Wales) Bill and to strengthening supporting policy to best deliver our priorities. We will consider issuing guidance under Section 12 of the Bill to assist in delivering the required whole school approach so our young people understand the concept of healthy relationships.

Additionally, as part of the Welsh Government's whole school approach to these issues, the Department for Education and Skills Safeguarding Children in Education statutory guidance will be strengthened, as will the role of Designated Senior Persons for Child Protection and Safeguarding Governors in schools to ensure gender-based violence,

domestic abuse and sexual violence aspects are fully reflected alongside other child safeguarding issues.

Given the level of domestic abuse among young people, and the particular vulnerability of young women, “Ask and Act” will apply in schools and colleges. Training to support this approach should be offered in all schools and colleges to ensure:

- school and college based personnel are aware of gender-based violence, domestic abuse and sexual violence and know how to get help either for themselves as victims, their colleagues or children and young people;
- a proportion of school and college based staff can act upon the recognition of the indicators of abuse and respond to young people effectively, including providing efficient access to risk assessment, safety planning and support and;
- there is a focal point within each school or college who can support staff in managing difficult cases, offer enhanced knowledge and support to children and young people and promote increased awareness of gender-based violence, domestic abuse and sexual violence within education setting.

A further key aspect of the whole school approach we are progressing is a thematic review, undertaken by Estyn during the 2016-17 academic year, of the approach taken by schools to address gender-based violence, domestic abuse and sexual violence. The 2016-17 academic year is the appropriate time for such a review since by this point the current reforms will have had an opportunity to bed in.

Moreover, additional funding has been given to Hafan Cymru to extend delivery of the Spectrum Programme from this autumn. 50% of primary and secondary schools will be covered over the first year as a result.

However, our proposals cannot be delivered in isolation of the wider education agenda and therefore cannot be delivered directly through the Gender-based Violence, Domestic Violence and Sexual Violence (Wales) Bill. Such proposals need to be considered as part of the wider, independent curriculum review currently being undertaken by Professor Graham Donaldson, as well as other policy initiatives being delivered by the Department for Education and Skills, within its existing legislative framework. To progress this agenda ahead of, and separate to, the Curriculum Review would not be appropriate.

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**Child Poverty**

**The Commissioner states that there is real need for everyone, collectively, to prioritise action to secure the rights of children and young people growing up in poverty. He is concerned that despite significant policy commitments one in three children in Wales were living in poor households in 2013, compared to one in four when he became Commissioner in 2008.**

**In July 2013 the Welsh Government published Building Resilient Communities: Taking forward the Tackling Poverty Action Plan. The Commissioner was pleased that it has a stronger emphasis on children and young people than the 2012 Action Plan. He also welcomed the attention given to Communities First, early years, childcare and education and joining up activity across Government.**

**He remains concerned that the inclusion of child poverty within an all-age poverty action plan does not lend itself to actions firmly placed within a framework of children's rights in line with the UNCRC. Direct reference to the UNCRC is still absent from the Action Plan. The Commissioner is disappointed the Government has not responded to his call to tackle child poverty through a rights-based approach in line with the Minister's duty to have due regard to the UNCRC. He firmly believes that this would improve outcomes.**

**The Welsh Government invited the Commissioner to feed in his priorities for action to tackle child poverty. He responded with three priorities:**

- Education, particularly pupil wellbeing within Education**
- Food Poverty**
- Access to play and leisure opportunities**

**The Commissioner expects to see tangible evidence these priorities have been considered by Welsh Government during the course of the coming year and steps put in place to address them.**

**The Commissioner is calling on the Welsh Government to ensure that its child poverty strategy is revised to ensure it takes a rights based approach to tackling child poverty in Wales.**

*The Welsh Government response:*

Poverty is a major barrier to children and young people achieving better life outcomes, a principle which is at the heart of the United Nations Convention on the Rights of the Child (UNCRC). Ensuring we have due regard to the UNCRC as we develop policies and programmes to support children and young people will be critical to addressing child poverty and improving outcomes.

On 6 November 2014, we published a revised Child Poverty Strategy for consultation. The revised Strategy recognises children's rights are central to the tackling poverty agenda. It commits to working collaboratively to ensure child poverty is considered in the development of our policies and programmes through the completion of Children's Rights Impact Assessments.

The Tackling Poverty Action Plan is the key mechanism for delivering the objectives set out in our Child Poverty Strategy. These objectives highlight the need to reduce the number of families living in workless households, to improve the skills of parents/carers and young people living in low-income households so they can secure well-paid employment, and to reduce inequalities which exist in the health, education and economic outcomes of children and families by improving the outcomes of the poorest. These objectives are based on what the evidence tells us in terms of where we can have the most impact. Achieving these objectives will make a fundamental contribution to tackling poverty in Wales by delivering better outcomes for children and young people.

Although the Tackling Poverty Action Plan is an “all-age plan”, there are major commitments and key targets which focus on children and young people. These include targets relating to improving the health and cognitive outcomes of children in the early years, breaking the link between poverty and educational attainment, and reducing the number of young people who are not in employment, education or training. Delivering on these important targets will make a critical contribution to enabling and supporting children and young people from low income households to access their rights.

The revised Child Poverty Strategy recognises the importance of listening to children and young people and includes a specific commitment to involve children and young people in the development of policies and programmes to deliver the targets in the Tackling Poverty Action Plan.

The Children’s Commissioner has identified three key priorities, in terms of action to tackle child poverty: education, food poverty and access to play and leisure opportunities. The Welsh Government’s Child Poverty Strategy and Tackling Poverty Action Plan is underpinned by a strong emphasis on improving educational attainment amongst pupils eligible for Free School Meals. Tackling the inequalities that currently exist amongst pupils from disadvantaged backgrounds is one of the key policy levers available to the Welsh Government, in terms of reducing poverty in the longer term. The Minister for Education and Skills has made addressing the attainment gap and improving the outcomes of pupils eligible for Free School Meals his top priority. This is demonstrated through the significant resources being invested in the Pupil Deprivation Grant and Schools Challenge Cymru – and the launch of Rewriting the Future in July 2014.

There is a growing body of evidence highlighting food poverty as a growing issue in Wales. Our revised Child Poverty Strategy includes a new commitment to developing a coherent and joined up approach to tackling and preventing food poverty amongst families with children. A Welsh Government cross-departmental working group has been established to identify sustainable solutions to food poverty, as well as opportunities for collaborative working and to address gaps in policy and implementation, including linking with work being taken forward to address the impact of welfare reform.

The Welsh Government strongly believes in the importance of play in children's lives and the benefits it gives to their health, happiness and wellbeing. There is evidence to show high quality play opportunities can contribute to mitigating the negative effects of poverty on children's lives and help to build their resilience.

Both parts of section 11 of the Children and Families (Wales) Measure 2010 have now been commenced. The first part was commenced in November 2012 and required local authorities to assess the sufficiency of play opportunities for children in their areas in accordance with regulations. The second part of the duty was commenced in July 2014 and placed a duty on Local Authorities to secure sufficient play opportunities for all children in their areas, having regard to their play sufficiency assessments. This was accompanied by the publication of Statutory Guidance, Wales: a Play Friendly Country.

We remain fully committed to developing an evidence based approach to tackling poverty in Wales. The evaluation of our current Child Poverty Strategy (published in July 2014) will continue to inform the work being taken forward across different Departments to ensure policies and programmes can have maximum impact on tackling poverty and maximum benefit for those in need of support. The Welsh Government continues to report on the performance of individual policies and programmes as part of the Programme for Government and the Annual Report on the Tackling Poverty Action Plan, thereby ensuring a specific (and ongoing) focus on delivering better outcomes for children and young people living in poverty.

We recognise poverty in Wales, and particularly child poverty, remains stubbornly high: This is neither inevitable nor acceptable. However, it is important to recognise the Welsh Government does not hold all the policy levers available to influence poverty levels. Some of the most important levers – such as changes to the tax and benefits system – are the responsibility of the UK Government. The current economic climate and investment and growth in Wales will also have an important impact on what the Welsh Government can achieve.

Nonetheless, the Welsh Government can make an important contribution to preventing poverty by maintaining a strong focus on the early years of a child's life, particularly in terms of action to improve educational attainment, reduce health inequalities and supporting people into training and employment opportunities. Mitigating the devastating impacts of welfare reform imposed by the UK Government are also critical to supporting children and families living in low income households "here and now". We know our policies and strategies are making a difference and we remain committed to pursuing a preventative agenda.