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Llywodraeth Cymru
Welsh Government

Lord Thomas of Cwmgiedd
Chair of the Commission on Justice in Wales
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Dear Lord Thomas,

Following my attendance at the oral evidence session of 1 February with Nigel Brown, Chief Executive at Cafcass Cymru, I am writing with further information as requested. Where appropriate, links to sources of information are provided within the letter and accompanying annexes.

Data on children placed into care

At Annex 1 is an excel spreadsheet containing an analysis of published Wales data for looked after children from 2015-2018. This provides a breakdown at a local authority level and an all Wales overview of the numbers of children, the type of placement and location of placement for example. Please also find links below to the full published dataset for Wales for 2014 to 2018 if you wish to delve further:

- Children starting to be looked after during year to 31 March by local authority and need for care: <https://statswales.gov.wales/v/FXMP>
- Children looked after at 31 March by local authority and age: <https://statswales.gov.wales/v/FXMS>
- Children looked after at 31 March by local authority and legal status: <https://statswales.gov.wales/v/FXMV>
- Children looked after at 31 March per 10,000 population aged under 18 by local authority and year: <https://statswales.gov.wales/v/FXMX>

The Welsh Government does not hold information relating to the provision of legal aid and advice for families involved in public law cases and you may wish to contact HM Courts and Tribunal Services (HMCTS) on this matter.

Comparative national data for England is provided in the attached link, for the year ending 31 March 2018 –

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756192/Children looked after in England 2018 National tables.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756192/Children%20looked%20after%20in%20England%202018%20National%20tables.xlsx)

You will wish to note that there may be some variation in the way Wales and England capture data regarding looked after children.

Annual cost of running CAF/CASS Cymru

The Cafcass Cymru budget for 2019/20 has been set at £11,307,000. Staff costs account for around 92% of Cafcass Cymru's budget.

Prevention and early intervention to reduce the need for engagement with family courts/children to enter care

Private law

At any one time approximately 10% of separated families resort to court. A recent analysis undertaken by Cafcass England of existing data suggests that figure may be closer to 38%. The assumption is that this ratio would be similar for Wales.

Currently, the practice direction that outlines how private law cases should be managed and processed through the court system, the Child Arrangements Programme (CAP), requires applicants (this requirement does not extend to respondents) to have attended a Mediation Information Assessment Meeting (MIAM). Exemptions exist around safeguarding and domestic abuse related issues. The take up of MIAMs and mediation generally has been low since the introduction of the CAP in April 2014.

Analysis of data indicates that around 30% of cases are consistently resolved at first hearings in private law cases largely through the dispute resolution approach of Cafcass Cymru practitioner staff. This suggests that there are a sizeable proportion of cases that could realistically be resolved outside of the court process, albeit accepting that currently there are a large number of cases who 'want their day in court' however apparently straightforward the issues are.

Public Law

The Welsh Government is committed to supporting vulnerable children and their families so that children can remain within the family and escalation into care and engagement with the family courts is prevented. Support is provided at all levels of need in Wales, ranging from universal provision through to targeted intervention and specialist support.

Families First provides early support for vulnerable families with the aim of preventing problems escalating. The programme ensures families receive multi-agency support when they need it, taking a strengths based approach to support empowerment, resilience and self-reliance.

Flying Start complements Families First and provides targeted early years support to improve the life chances of children aged up to four living in disadvantaged areas in Wales. A quarter of children under the age of four in Wales have benefitted from the programme to date.

An additional £5m recurrent investment was provided in 2017/18 to local authorities to establish or enhance existing edge of care services to help stem the increasing numbers of children entering the care system. All 22 local authorities now have services in place, supporting over 3,600 children to remain within the family unit in 2017/18 alone.

An additional £15m has been allocated through the Integrated Care Fund to Regional Partnership Boards from 2019/20 to help build on effective preventative early support to families which help avoid crisis situations. Funding is to be used to support family group conferences, family reunification, therapeutic support for care experienced children and their families and alternatives to secure accommodation.

The First Minister has set clear priorities for reductions in the numbers of looked after children, including the development of bespoke targets with each local authority in Wales for reductions in the numbers of looked after children. It is anticipated that reduction expectations plans will span the course of three years with expectations to meet at 12 months, 24 months and 36 months. To inform this work, Welsh Government has been visiting each local authority in Wales during April and May to discuss the support that is being provided to vulnerable families and their relationship with the family courts. Conversations to date have highlighted the activity undertaken by local authorities to continually review practice, performance and the management of thresholds and the quality and consistency of decision making within teams including the robust scrutiny of cases provided ahead of court.

Family Information Services in Wales

Family Information Services provides free advice and information on a wide range of childcare options and activities for children, their families and their carers. This includes information on nurseries, child-minders, out of school clubs, playgroups and parent and toddler groups. They also provide help and advice on paying for childcare and working in childcare.

All 22 local authorities in Wales have a Family Information Service provided free of charge. Information about organisations and services can be accessed through <https://www.dewis.wales/home>

Improving Outcomes for Children Ministerial Advisory Group

The Improving Outcomes for Children Ministerial Advisory Group is chaired by David Melding AM and reports to the Deputy Minister for Health and Social Services. It has a broad membership made up of all senior stakeholders involved in the management of care experienced children in Wales.

The programme is split into three work streams, chaired and vice-chaired by a Head of Children's Service or a representative from the 3rd Sector:

1. Safely reducing the number of children in need of care.
2. Having sufficient, high quality placement options for children who are looked after or leaving care.
3. Supporting children who are looked after to have the best possible journeys through care and into adulthood.

Activity within the programme is focused on the priority areas that are to be delivered that will enable effective implementation and improved outcomes for care experienced children. The programme is in place for the course of this Assembly term (up until May 2021). This includes increasing preventative and early intervention work with families to reduce the need for care, effective and efficient use of funds and improved placement sufficiency (in foster care, residential care, secure accommodation and for care leavers).

The programme includes specific projects across a broad range of areas. They include:

1. Supporting local, regional and national approaches to reducing the need for care.
2. Strengthening arrangements for kinship carers and SGO arrangements
3. Research to identify number of children removed from parents with a learning disability
4. Identifying approaches which help to avoid use of court proceedings.
5. Improving sufficiency, choice and quality of placements for looked after children.
6. Implementing the National Fostering Framework
7. Further developing the ability of the National Adoption Service
8. Improving placement options and outcomes for children in residential care
9. Improving the educational attainment of looked after children
10. Ensuring corporate parenting responsibilities are acknowledged across public services.
11. Ensuring therapeutic services are available for care experienced children.
12. Examining the range of accommodation options available for care leavers.

A copy of the programme is at annex 2. As an evolving programme of activity we do not formally publish the programme however a summary of the programme can be provided if you wish.



Proposals to develop a devolved family justice system for Wales

As highlighted in our evidence provided to the Commission to date, the current devolution settlement places an artificial boundary between the devolved powers for children and social services undertaken by Welsh Government and the non-devolved operation of family justice by Ministry of Justice. The current settlement and the inter-related nature of both systems in supporting children and families in Wales does not enable Welsh Government to fully realise its policy ambition for children and families in Wales, take decisions and be fully accountable to its citizens. Information on the cost of running the current justice system in Wales will be held by the Ministry of Justice.

Whilst the principles of further devolution are well rehearsed, the practicalities of establishing a devolved family justice system in Wales requires a full and comprehensive consultation with all stakeholders in Wales, the public and our key partners in England. Family justice can not be divorced from the wider justice system in Wales and following the Commissions deliberations on the devolution boundary for justice in Wales we would be happy to work with the Commission and others to help shape proposals for a devolved justice system in Wales.

I hope the additional information provided in this letter is helpful.

Yours sincerely



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