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Children's Rights
Wales



Llywodraeth Cymru
Welsh Government

The Welsh Government response to the Annual Report of the Children's Commissioner for Wales 2020–21

November 2021

**RESPONSE FROM THE WELSH GOVERNMENT TO THE ANNUAL REPORT OF
THE CHILDREN'S COMMISSIONER FOR WALES 2020-21**

Foreword by

**Rt Hon Mark Drakeford MS
First Minister of Wales**



and

**Jane Hutt MS,
Minister for Social Justice**



FOREWORD

As a Government we welcome the Children's Commissioner's annual report for 2020/21.

This report covers the period 1 April 2020 to 31 March 2021 which includes the ongoing response to the Covid 19 pandemic. We acknowledge this report in that context and recognise the ongoing impact of the pandemic on children and young people. This last year has been like no other – particularly for children and young people. The impact of the pandemic continues to affect their lives and the lives of their friends and families.

This is Professor Sally Holland's last year as Children's Commissioner for Wales, and we would like to take this opportunity to acknowledge her contribution to protecting and promoting children's rights in Wales. Professor Holland has been a tireless advocate on behalf of children and young people, and a champion of their rights and wellbeing – none more so than during this pandemic.

We want to thank the Commissioner for her ongoing efforts in ensuring the voices of children are heard by the Welsh Government and her diligence in holding the Welsh Government to account for its actions to protect and promote children's rights. In particular we would like to thank the Commissioner for her work, in partnership with the Welsh Government, the Youth Parliament and Children in Wales on the Coronavirus and me surveys of children and young people. As a result of the surveys in May 2020 and January 2021, we were able to hear the views of nearly 44,000 children and young people who told us how the pandemic was affecting their lives.

The annual report provides an important opportunity for us to take stock of progress and to consider the Commissioner's calls for us to go further.

Our commitment to the United Nations Convention on the Rights of the Child (UNCRC) continues and we are proud of our record of promoting children's rights. The UNCRC remains the basis for all our policy decisions affecting children and supports our approach to improve children's outcomes by helping and supporting them to achieve their full potential.

In her 2020/21 annual report, the Children's Commissioner made 18 recommendations to the Welsh Government. We are pleased as a Government to accept, or accept in principle, all but one of the recommendations.

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INTRODUCTION

The Children's Commissioner for Wales published her annual report and accounts for 2020-21 on 5 October 2021. The report can be accessed [here](#).

The Commissioner has made 18 recommendations for the Welsh Government to consider and provide a response. The recommendations cover a wide range of areas across Welsh Government, including:

- Profit in children's social care;
- Statutory entitlements for care leavers;
- Corporate parenting and criminalisation of Looked After Children;
- Youth justice blueprint;
- Unpaid carers strategy;
- Curriculum for Wales;
- Professional learning;
- Vocational qualifications;
- Learner travel review
- Whole school approach to well-being;
- Home education;
- Independent Schools;
- Exclusions in the Foundation Phase;
- Together for Children and Young People programme;
- Transitions in health services;
- Independent health related advocacy;
- Social care reform; and
- Review of food entitlements in schools.

The Welsh Government accepts 13 recommendations, accepts four in principle and rejects one recommendation.

This document sets out each of the Commissioner's recommendations followed by the response from the Welsh Government. Annex A includes an overview of the recommendations and the headline response.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

1. Profit in children's social care

Children's Commissioner's recommendation:

The Welsh Government must bring forward a roadmap by 1 April 2022 which sets out the timescale and actions they will take to begin safely phasing profit out of children's social care provision.

The Welsh Government Response: Accept

A multi-agency and multi-sector Programme Board, chaired by the Chief Social Care Officer for Wales, Albert Heaney, has been established to lead the development of responses to and implementation of this commitment. The Board met for the first time on 27 September. The Children's Commissioner for Wales is represented on the Board.

The Board will consider how best to deliver this work within a strong governance framework and thorough impact assessments. Working collaboratively with our stakeholders and ensuring we meet the best interests of children and young people will be key to success.

The Board will develop a time frame to deliver this commitment.

An outline roadmap is in development and we will be working with the Programme Board to develop it in more detail.

2. Statutory entitlements for care leavers

Children's Commissioner's recommendation:

The Welsh Government must swiftly bring forward statutory entitlements and policies for care leavers as a coherent package.

The Welsh Government Response: Accept in principle

While we intend to bring forward the proposals suggested by the Children's Commissioner as a package of support for care leavers, the statutory elements are not applicable in all cases.

The Welsh Government is committed to working with our partners to develop and implement policies to support care leavers successfully transition to independence. To take forward this commitment we will:

- Legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25;
- Observe and learn from England's experience of banning the use of unregulated placements for under 16s. To use that learning to explore safe and realistic options for use in Wales;
- With our partners, continue our work to develop a range of good quality accommodation options for care leavers; and
- Continue to offer additional support for care leavers to successfully transition towards independent living and this includes continuing the support offered through the St. David's Day Fund.

We support the principle of clear information about grants, benefits and entitlements being available for young people when they leave care. We know that third sector organisations and the Children's Commissioner's office has made available financial information to support care leavers as they leave care. We would wish to harness the efforts of the third sector and partners to deliver this resource for care leavers.

We do not propose to extend the 'When I'm Ready' scheme, which applies to children in foster care, to children in residential care. A different approach is required for young people in children's residential care. Instead, we are considering alternative models, for instance young people from residential care maintaining links and support with professionals from their previous residential care home. We will work with partners to take this forward including the third sector, local authorities and the office of the Children's Commissioner. This forms part of our work to improve the range and options of accommodation for young people.

3. Corporate parenting

Children's Commissioner's recommendation:

Welsh Government must:

- Strengthen Wales' corporate parenting role through legislation and guidance, to ensure Wales' care system is rights based and enables children to thrive in care. It is particularly important to progress this work, as large numbers of care experienced young people have so far been involved in the process and will have expectations that important changes are to be made.
- Oversee and monitor the widespread roll out of the Protocol to Reduce the Unnecessary Criminalisation of Looked After Children, supported by resources and training to strengthen existing practice.

The Welsh Government Response: Accept

Strengthen Wales' corporate parenting role

'Strengthening public bodies' role as corporate parents' is a key Programme for Government commitment. This action builds on the preparatory work undertaken in the previous Senedd Term and the approach agreed by Ministers.

Whilst corporate parenting is taken seriously by local authorities, our aim is to strengthen corporate parenting across all departments within the local authority, to enable better partnership working and improved transitions between services provided for care experienced children.

We also intend to widen the concept of corporate parenting across all public bodies that provide services to care experienced children, to help ensure they are provided with the best response and support from these services.

A Corporate Parenting Implementation Group has been established to support delivery of this commitment. A range of stakeholders are represented on the Group including care leavers, the third sector and a representative from the Children's Commissioners office.

The Group is focusing on three key areas:

- Developing a Voluntary Charter setting out corporate parenting principles;
- Running a National Conversation and events with local authorities and the wider public sector; and
- Developing statutory guidance to strengthen responsibilities and extend duties.

Work is already being undertaken to develop the Voluntary Charter and a specific workshop will be held with young people to develop it further.

Once the draft Charter had been agreed, a series of engagement events will be arranged, with specific events for local authorities, health, housing and education.

It is anticipated the charter and engagement activity will help shape the content of statutory guidance. This will include a chapter added to the Part 6 Code of Practice, under the Social Services and Wellbeing Act and other legislative 'hooks' will be considered to strengthen arrangements with health and other public bodies.

Protocol to Reduce the Unnecessary Criminalisation of Looked After Children

A final version of an All Wales Protocol on Reducing the Criminalisation of care experienced children, young people and young adults will be published in December 2021. This will support our long held position that children and young people coming into contact with the criminal justice system should always be treated as children first and to improve outcomes for care experienced children and care leavers in the criminal justice system.

The Welsh Government will work with relevant partners to raise awareness of the protocol following publication.

We will work with partners to agree a cross-government plan to support implementation across relevant organisations and workforces. We will identify indicative budget implications for the next financial year to support implementation as part of this work.

4. Youth Justice Blueprint

Children's Commissioner's recommendation:

The Welsh Government needs to demonstrate progress to further enact the Youth Justice Blueprint, particularly the secure accommodation elements.

The Welsh Government Response: Accept

The Welsh Government, along with key partners, continues to make progress against key milestones in order to deliver the Youth Justice Blueprint.

The custody element has progressed over the last 12 months, with an agreed Welsh Government Cabinet vision for secure accommodation for Welsh children under sentence. This reflects the Welsh Government commitment to a child first, rights based approach.

The Minister for Social Justice and the Deputy Minister for Health and Social Services have subsequently agreed the new delivery model for secure accommodation in Wales which will see the co-location of justice children and looked-after children, reinforcing further the commitment to a child first approach.

The custody project is now a joint one between Welsh Government and Ministry of Justice and discussions are ongoing regarding the governance arrangements. Through our continued commitment we are working to ensure the best possible services are available across Wales for those involved with, or at risk of entering, the youth justice system.

5. Unpaid Carers Strategy

Children's Commissioner's recommendation:

As Wales progresses with its Unpaid Carers Strategy, sufficient focus must be given to how services can better support young carers.

Welsh Government should directly engage with children and young people with caring experience to ensure the Unpaid Carers strategy adequately reflects their needs and promotes their rights.

As work progresses to address inequalities with education and work for Wales' carers, these work streams must link with Wales' whole school approach so young carers can access holistic support through their networks.

The Welsh Government Response: Accept

Officials will engage with young carers at regular intervals throughout the year, either directly through online or face to face meetings with both young carers and young adult carers, to discuss key issues including progress of the Unpaid Carers' strategy. This will include discussion and review of the new National Priority 4, which focuses on employed carers of all ages, and education and training for carers, including young carers.

We will continue to work with Carers Trust Wales which represents young carers' issues at the national level. We will also continue working with Children in Wales who are funded to support the young carers' network of social work and young carers' services in Wales.

Officials will also be seeking to develop opportunities for closer working with both local authorities' young carers' services and their commissioned third sector service providers. This will assist officials in understanding the benefits for young carers arising from the national Young Carers ID card project, which commenced in late 2019-20.

The Deputy Minister for Social Services continues to meet with groups of young carers each year to hear about the issues affecting them.

Officials from Social Services and Integration Directorate will continue to work across Welsh Government, in particular with the Education and Public Services Group, to ensure the issues and needs for help and support of young carers are both viewed, and responded to, in a joint manner.

Welsh Government's statutory guidance (Framework on embedding whole school approaches to emotional and mental wellbeing) was issued to schools, local authorities and other stakeholders in March 2021. This document recognised the particular circumstances and needs of young carers, and that schools should consider their wellbeing as part of assessing the wellbeing of the whole school community, putting in place appropriate and timely support to enable them to engage with their learning.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

6. Curriculum for Wales

Children's Commissioner's recommendation:

Welsh Government should ensure that all teaching and support staff involved in the delivery of the new Curriculum for Wales receive high quality professional learning and national guidance to develop their knowledge and understanding of the UNCRC and UNCRPD.

The Welsh Government Response: Accept

The Welsh Government is committed to supporting those subject to the duty to promote knowledge and understanding of the United Nations Convention on the Rights of the Child (UNCRC) and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) under the Curriculum and Assessment (Wales) Act 2021. It is important that the principles at the core of these conventions are embedded into the way in which the Curriculum for Wales is delivered in schools and other settings across Wales.

Officials are working with key partners, including representatives from the Commissioner's office, to deliver a package of support to education leaders, which should be published early in the New Year (2022).

7. Professional learning

Children's Commissioner's recommendation:

Welsh Government must develop and fund a national offer for high quality professional learning so that by September 2022 each setting in Wales has benefitted from this professional learning, and has identified a specialist RSE lead practitioner who can oversee a whole-setting approach to RSE that is integrated with the curriculum.

The Welsh Government Response: Accept

The Welsh Government is committed to supporting schools and settings with high quality professional learning for this mandatory and cross-cutting area of the curriculum. It is also committed to the whole setting approach to Relationships and Sexuality Education (RSE), which will be outlined in the RSE Statutory Guidance due to be published in January 2022. Regions are working with schools, and will continue to do so, to support them with this new and important area of the curriculum.

8. Vocational qualifications

Children's Commissioner's recommendation:

All young people, including those taking vocational qualifications, need clear and accessible information directed to them about how their qualifications will be awarded in 2022. This information needs to be available as soon as possible and young people should be involved in developing these messages.

The Welsh Government Response: Accept

The Minister for Education and Welsh Language has and will continue to work closely with Wales' regulator and awarding body to ensure young people have clear and accessible information about how their qualifications will be awarded in 2022. Targeted activity was directed at learners and their parents / carers to help inform the adaptations whilst also helping us tailor and refine our communications of the 2022 adaptations. The 2022 adaptations were communicated to centres at the end of the summer term to inform teaching and planning for the autumn term. Full details of these adaptations have now been published on the Welsh Joint Education Committee (WJEC) website.

In addition:

- Qualifications Wales has established a Learner Advisory Group to help inform future qualifications arrangements – this includes both 2022 and the new suite of qualifications that will be developed for Curriculum for Wales;
- Alongside this a second Learner Group is being established to focus on Vocational/Work-based learning. This group will help Qualifications Wales talk to learners and understand the challenges faced by work-based learners or learners studying vocational qualifications;
- Both of these groups will provide the opportunity for young people to help shape policy developments and advise on communications messages and activities;
- In relation to 2022 the intention to hold an exam series has already been communicated (and will continue to be). WJEC held a survey for learners and their parents/ carers to help inform adaptations that will be made so that learners are not disadvantaged by the disruption there has been to teaching and learning;
- These adaptations were confirmed to teachers at the end of the summer term to help inform teaching and planning for the autumn and full details have now been published on the WJEC website;
- Alongside this contingency plans are being developed in case of further disruption. Once these are finalised they will be communicated with a learner centred focus building on the enhanced approach to communication Qualifications Wales took last year; and

- Welsh Government will continue to work alongside both Qualifications Wales and WJEC to ensure arrangements are communicated clearly, coherently and in a timely manner so that all learners understand how their qualifications will be assessed this year.

9. Learner travel review

Children's Commissioner's recommendation:

I have not seen a copy of the concluded Review. Whilst the pre-election restrictions from March 2021 may have prevented publication, this work and subsequent actions cannot be left behind in the fifth Senedd.

I expect the Welsh Government to publish its findings and set out the actions that will be undertaken as a result of their Learner Travel review.

Findings can be published on an interim basis if further work necessary, but there must be information published to ensure transparency and progress on this issue.

The Welsh Government Response: Accept

The initial review undertaken into the Learner Travel (Wales) Measure, which concluded earlier this year (2021), was not published due to the pre-election period leading to the Senedd 2021 elections that took place in May 2021. From discussions and engagement with stakeholders as a part of the initial review, it became apparent that there are other issues with the Learner Travel Measure's current provisions that necessitate a further more detailed review. The interim report will now be published and officials will consider how best to progress the further work required to review learner travel in Wales.

10. Whole school approach to well-being

Children's Commissioner's recommendation:

Welsh Government should work with stakeholders, schools and children and young people themselves to ensure the ambition of the whole-school approach to emotional and mental well-being is matched by resource, capacity and a whole-system support network across relevant services which meets the particular needs of each school.

Wherever a school is on their whole-school approach journey, they should be able to reach out and access support from relevant external agencies in a way which supports that school's own action plan.

The Welsh Government Response: Accept

In March 2021 we published statutory guidance for schools and local authorities on meeting the wellbeing needs of learners (Framework on embedding a whole school approach to emotional and mental wellbeing).

The framework has been designed to help schools develop and build their own consistent and equitable whole school approaches to wellbeing to meet their distinct needs and circumstances.

We have made available £9m in our 2021-22 budget to support this work. Funding supports improvements and an expansion of the existing school counselling service; training teachers and others on children's wellbeing; delivering universal and targeted interventions in schools; and rolling out nationally the Child and Adolescent Mental Health Services (CAMHS) school in-reach pilots which sees dedicated mental health professionals working with schools.

11. Home education

Children's Commissioner's recommendation:

The Welsh Government must bring forward primary legislation to meet in full their commitments to the three tests for this policy area; that children are accounted for, receive a suitable education and their other human rights, and that to ensure this, every child should have the opportunity to be seen and their views and experiences listened to.

The Welsh Government Response: Reject

The Welsh Government intends to use its powers under secondary legislation to implement the proposals previously consulted on in 2019 and 2020, subject to the final consideration of the consultation responses.

Work in this area was paused in 2020, solely due to the impact of Covid-19, and it has recently been re-started.

We believe that these proposals will provide the most proportionate and appropriate way forward to ensure that home educated children and young people receive a suitable education.

12. Independent schools

Children's Commissioner's recommendation:

The Welsh Government must act in two areas:

1. To address the EWC registration issues through new legislation; this sits outside of the relevant Regulations and is a separate piece of work, which must be prioritised and urgently actioned; and
2. Undertake a full review of the current regulations for independent schools and bring forward revised and strengthened regulations to address any gaps or deficiencies.

The Welsh Government Response: Accept

The impact of the Covid-19 pandemic on the day-to-day work of government and our capacity to complete vital work across portfolios cannot be overstated.

The Government has had to shift its focus to ensure that we are able to fight the pandemic and this has had a significant impact on resources. Despite these challenges, the Government has in the last year prioritised the introduction of legislation to give the Education Workforce Council (EWC) the power to impose Interim Suspension Orders, an important step to strengthen safeguarding measures.

The Welsh Government recognises the importance of updating the regulatory position in respect of independent schools to ensure that staff are registered with the EWC. This important work has been prioritised by this Government; policy work is ongoing and a draft timetable has been developed and agreed for legislation to progress. Engagement with stakeholders will take place over the coming months. Subject to consultation and further policy development, the current proposal is that legislation to require independent school staff to register with the EWC will come into force in 2023.

Independent Schools

The updating of the independent school regulations remains a priority.

We are reviewing the legislative framework and identifying the necessary regulatory changes required to strengthen the regulations and safeguard pupils.

As part of this work we will revise the guidance for independent schools ensuring it reflects current legislative and policy requirements. To make it more accessible and effective we will separate the registration requirements for new schools from the on-going operational requirements.

A full programme of engagement with independent school stakeholders commenced in October, and this will continue over the coming months as we take forward the work to revise the suite of regulations.

This work will be aligned with the work on the EWC registration regulations and it is our intention to bring the revised suite of independent school regulations, revised guidance for independent schools and the EWC regulations into force at the same time in 2023.

13. Exclusions in the Foundation Phase

Children's Commissioner's recommendation:

Welsh Government must set a clear policy aim to prevent exclusions being issued to children under 8 years old. Statutory guidance on exclusion should be amended so that it includes specific considerations relating to the age of the child and to set out clear alternatives to exclusion. This should be supported with an action plan for early support.

The Welsh Government Response: Accept

We are committed to the expectation that exclusion should only be used as a last resort, as stated in our guidance, which was updated in 2019. This sets out the support schools and local authorities must put in place for all children who have been excluded from school and from pupil referral units. Other than in the most exceptional circumstances, schools should avoid permanently excluding learners with statements of special educational needs.

ADEQUATE STANDARD OF LIVING

14. Together for Children and Young People programme

Children's Commissioner's recommendation:

Welsh Government must continue the Together for Children and Young People programme to support the implementation of a No Wrong Door approach, and the NEST whole-system model, including the specific work within these models for improving support for neurodiverse children.

The Welsh Government Response: Accept in principle

No Wrong Door

The Government fully supports the implementation of the No Wrong Door approach through the NYTH/NEST whole system planning framework by March 2022 driven by Regional Partnership Boards.

The Together for Children and Young People NHS programme which currently supports Regional Partnership Boards (RPBs) implementation is scheduled to end on 31 March 2022.

Consideration is underway regarding how best to support RPBs with their ongoing activity to embed the Framework within their service design and delivery.

RPBs are actively responding to the Children's Commissioner for Wales' recommendations on implementing the No Wrong door approach and the Children's Commissioner is meeting with RPBs over the autumn 2021 to consider progress.

Neurodevelopmental services

Implementation of the NYTH/NEST whole system model is being progressed by RPBs alongside the No Wrong Door approach and together will ensure progress in terms of supporting the emotional and well-being of our children and young people including those with neurodevelopmental conditions.

We are working with RPBs to support the implementation of the statutory Code of Practice on the Delivery of Autism Services, this includes a small grant (£4,000) to support the development of an autism infrastructure of stakeholder groups and a monitoring framework. These stakeholder groups will feedback on the issues faced by autistic children and their parents and carers.

An all age neurodevelopmental services demand and capacity review commenced in February 2021, (delayed from 2020 because of Covid-19) to better understand the continuing pressures on the services, particularly assessment waiting times. The review will report by March 2022 and will include options for future service improvement to create sustainable services.

Funding of £140,000 has been provided to support the development and testing of the Do-It profiler now called the Neurodiversity Wales Shared Platform. This is currently being piloted in Cardiff and Vale University Health Board. It is an evidence-based neurodevelopmental online support tool that proposes to release clinicians' time to increase and supplement existing neurodevelopmental assessment and diagnosis capacity and build resilience and enhance efficiency across the system in line with prudent health care measures.

The Together for Children and Young People Programme (T4CYP) will support the implementation of NYTH/NEST until March 2022. By the end of March 2022, RPBs will have produced their Population Needs Assessments and children's plans using the NYTH/NEST Framework as their planning tool to support them with their future service design. Those plans will outline scheduled activity for years to come, embedding the Framework within their service design and delivery.

Emotional Health and Wellbeing is a priority in the new 5 year regional investment fund which builds on the work and learning of the Integrated Care Fund and transformation fund to date. The new fund will further support implementation of these new models of care and prevention and will continue to support the development and embedding of new integrated ways of working across health and social care to support the needs of children and young people.

15. Transitions in health services

Children's Commissioner's recommendation:

The Welsh Government must ensure through the published guidance that there is adequate resource for the new executive lead and key worker roles in every Health Board in Wales.

The Welsh Government Response: Accept in principle

The focus of the guidance will be on what health services need to do to ensure that a well-structured, effective process is in place to meet the integrated healthcare needs of children, young people and young adults, promote quality and safety, access, autonomy and efficient care for better health outcomes.

Once published, the guidance will support consistent implementation of the National Institute for Health and Care Excellence (NICE) guidance and provide direction and a standard template for Welsh health boards and trusts to develop consistent local guidance.

We expect health boards to ensure there is no loss in the quality of any service provided, there is on-going engagement and good patient experience in the handover and transition of care from paediatric to adult services.

16. Independent health related advocacy

Children's Commissioner's recommendation:

Welsh Government should publish new guidance for all health boards which ensure every child in Wales has access to independent health-related advocacy should they need it. This guidance should be based on the work done to date, and published during the financial year 2021/22.

The Welsh Government Response: Accept in principle

Preliminary meetings were held in 2019 with partners in relation to guidance for health-related advocacy. The outbreak of Covid-19 led to this work being paused while officials responded to the pandemic and continue to focus on rebuilding our health services.

At the start of the pandemic, officials approached the Chair of the All-Wales Advocacy group to see if there was any way they could keep the work moving whilst Welsh Government was committed elsewhere, but they were unable to.

Welsh Government will return to this work as soon as resources allow, but realistically this is unlikely to be within financial year 2021/22.

17. Social care reform

Children's Commissioner's recommendation:

The Programme for Government to 2026 contains ambitious intentions to reform social care and integrate it with health care. Early work on this priority must address the longstanding issue of Continuing Care, and children and young people and their families must be a part of finding those solutions.

The Welsh Government Response: Accept

The Welsh Government published revised guidance on children's Continuing Care in March 2020. The new guidance was designed for use by all those planning and providing children's Continuing Care services in health boards, local authorities and their partners, and replaced previous guidance which dated from 2012 and which did not reflect changes to the legislative landscape that had taken place since then.

The new guidance was co-produced with practitioners from both health and social services and took full account of feedback from stakeholders following a large engagement event attended by at least 80 representatives from across health boards and local authorities and a full 12 week public consultation.

Welsh Government expect local concerns to be addressed on a local basis in partnership across NHS and social care. There may be a role for RPBs to help in addressing these issues and officials will explore this option.

Officials are working closely with health boards who are devising training on continuing care and are also working with the National Director for Complex Care, who has produced a high level implementation plan which is hoped will address the issues which have been identified.

18. Review of food entitlements in schools

Children's Commissioner's recommendation:

Welsh Government must carry out its review of food entitlements in schools without delay, to include eligibility for free school meals, and ensuring that school breakfasts are reaching as many children as possible including those in most need of this provision.

The Welsh Government Response: There are two parts to this recommendation. In relation to the first part about free school meals we accept this recommendation. The second half of the recommendation relates to free school breakfast and this part of the recommendation is accepted in principle.

Free School Meals

Our Programme for Government commits us to continue to meet the rise in demand for free school meals resulting from the pandemic and to review the eligibility criteria, extending entitlement as far as resources allow. We have already committed over £60 million in additional funding during the 2020/21 financial year for free schools meals. We are providing an additional £23.3m to extend free school meals in school holidays for the entirety of 2021-22.

The review of eligibility criteria of free school meals is well underway. We have a number of work streams running concurrently to establish the interdependencies of other Welsh Government policies and grants and these will continue to function. The review of free school meal eligibility criteria will include a number of options. Whilst we have not ruled anything out we want to ensure that funding is used to benefit families who need it the most.

Free School Breakfasts

A child's eligibility for free school meals has no impact on free breakfasts, as this is a 'universal provision'. There is nothing in existing legislation that gives local authorities or schools the power to impose criteria to determine, and as a result potentially restrict, a pupil's entitlement to receive a free breakfast at school.

The Free School Breakfasts in Primary Schools initiative is aimed at providing pupils of primary school age, who are registered in maintained primary schools in Wales, with the opportunity of receiving a free, healthy breakfast at school each day. It allows those pupils that, for whatever reason, have not had breakfast, to have one in school.

No child should go hungry, and local authorities and schools need to work in partnership with families experiencing difficulties to ensure that they are made aware of and can benefit from free breakfast provision.

In 2015 researchers at Cardiff University published evidence of direct, positive links between children eating breakfast and educational attainment.

In 2017, researchers from the Institute for Fiscal Studies, the University of Warwick and the University of Bristol published evidence that a breakfast club provision in disadvantaged schools has a positive impact on pupil attainment (equivalent to about 2 months' progress).

Research has shown that support for a one-year breakfast programme in disadvantaged schools delivered similar academic benefits to universal free school meal provision.

As part of a broader review of healthy eating in schools, which will include a review of the Healthy Eating in School (Nutritional Standards and Requirements) (Wales) Regulations 2013, we will look at how we can improve upon the primary school free breakfasts' initiative. The review of healthy eating in schools is not anticipated to commence until we have revised the eligibility criteria for free school meals.

Annex A - Summary of Welsh Government Response

Recommendation		Welsh Government Response
Family Environment and Alternative Care		
1.	The Welsh Government must bring forward a roadmap by 1 April 2022 which sets out the timescale and actions they will take to begin safely phasing profit out of children's social care provision.	Accept
2.	The Welsh Government must swiftly bring forward statutory entitlements and policies for care leavers as a coherent package.	Accept in principle
3.	Welsh Government must: <ul style="list-style-type: none"> Strengthen Wales' corporate parenting role through legislation and guidance, to ensure Wales' care system is rights based and enables children to thrive in care. It is particularly important to progress this work, as large numbers of care experienced young people have so far been involved in the process and will have expectations that important changes are to be made. Oversee and monitor the widespread roll out of the Protocol to Reduce the Unnecessary Criminalisation Of Looked After Children, supported by resources and training to strengthen existing practice. 	Accept
4.	The Welsh Government needs to demonstrate progress to further enact the Youth Justice Blueprint, particularly the secure accommodation elements.	Accept
5.	As Wales progresses with its Unpaid Carers Strategy, sufficient focus must be given to how services can better support young carers. Welsh Government should directly engage with children and young people with caring experience to ensure the Unpaid Carers strategy adequately reflects their needs and promotes their rights. As work progresses to address inequalities with education and work for Wales' carers, these work streams must link with Wales' whole school approach so young carers can access holistic support through their networks.	Accept
Education, Citizenship and Cultural Activities		
6.	Welsh Government should ensure that all teaching and support staff involved in the delivery of the new Curriculum for Wales receive high quality professional learning and national guidance to develop their knowledge and understanding of the UNCRC and UNCRPD.	Accept
7.	Welsh Government must develop and fund a national offer for high quality professional learning so that by September 2022 each setting in Wales has benefitted from this professional learning, and has identified a specialist RSE lead practitioner who can oversee a whole-setting approach to RSE that is integrated with the curriculum.	Accept

Recommendation		Welsh Government Response
8.	All young people, including those taking vocational qualifications, need clear and accessible information directed to them about how their qualifications will be awarded in 2022. This information needs to be available as soon as possible and young people should be involved in developing these messages.	Accept
9.	<p>I have not seen a copy of the concluded Learner Travel Review. Whilst the pre-election restrictions from March 2021 may have prevented publication, this work and subsequent actions cannot be left behind in the fifth Senedd.</p> <p>I expect the Welsh Government to publish its findings and set out the actions that will be undertaken as a result of their Learner Travel review.</p> <p>Findings can be published on an interim basis if further work necessary, but there must be information published to ensure transparency and progress on this issue.</p>	Accept
10.	<p>Welsh Government should work with stakeholders, schools and children and young people themselves to ensure the ambition of the whole-school approach to emotional and mental well-being is matched by resource, capacity and a whole-system support network across relevant services which meets the particular needs of each school.</p> <p>Wherever a school is on their whole-school approach journey, they should be able to reach out and access support from relevant external agencies in a way which supports that school's own action plan.</p>	Accept
11.	The Welsh Government must bring forward primary legislation to meet in full their commitments to the three tests for this policy area; that children are accounted for, receive a suitable education and their other human rights, and that to ensure this, every child should have the opportunity to be seen and their views and experiences listened to.	Reject
12.	<p>The Welsh Government must act in two areas:</p> <ol style="list-style-type: none"> 1. To address the EWC registration issues through new legislation; this sits outside of the relevant Regulations and is a separate piece of work, which must be prioritised and urgently actioned; and 2. Undertake a full review of the current regulations for independent schools and bring forward revised and strengthened regulations to address any gaps or deficiencies. 	Accept
13.	Welsh Government must set a clear policy aim to prevent exclusions being issued to children under 8 years old. Statutory guidance on exclusion should be amended so that it includes specific considerations relating to the age of the child and to set out clear alternatives to exclusion. This should be supported with an action plan for early support.	Accept
Adequate Standard of Living		
14.	Welsh Government must continue the Together for Children and Young People programme to support the implementation of a No Wrong Door approach, and the NEST whole-system model, including the specific work within these models for improving support for neurodiverse children.	Accept in principle

Recommendation		Welsh Government Response
15.	The Welsh Government must ensure through the published guidance that there is adequate resource for the new executive lead and key worker roles in every Health Board in Wales.	Accept in principle
16.	Welsh Government should publish new guidance for all health boards which ensure every child in Wales has access to independent health-related advocacy should they need it. This guidance should be based on the work done to date, and published during the financial year 2021/22.	Accept in principle
17.	The Programme for Government to 2026 contains ambitious intentions to reform social care and integrate it with health care. Early work on this priority must address the longstanding issue of Continuing Care, and children and young people and their families must be a part of finding those solutions.	Accept
18.	Welsh Government must carry out its review of food entitlements in schools without delay, to include eligibility for free school meals, and ensuring that school breakfasts are reaching as many children as possible including those in most need of this provision.	Accept Accept in principle