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**Health and Social Services**



Llywodraeth Cymru  
Welsh Government

Professor Alexis Jay OBE  
Chair of the Independent Inquiry into Child Sexual Abuse

April 2023

Dear Prof. Jay

**RE: IICSA Final Report**

Thank you for the extensive work the Inquiry has, through its investigations, research work and the Truth Project, conducted into historical institutional failings to protect children from sexual abuse, and the recommendations made in the final report. I welcome the thought, consideration, and efforts of the whole IICSA team and the panel in reaching these conclusions and identifying ongoing areas of concern.

There were six recommendations made directly to the Welsh Government, and as its nominated representative, I am writing to advise you of our response to each of them.

You will note we have, where possible, set out a narrative for each recommendation, not least where we have already progressed work in this area. The recommendations addressed to the Welsh Government require ongoing vigilance and sustained activity which we will actively pursue over the coming years. I have set out our response to each recommendation below and where we have more work to do we intend to fulfil the spirit of the Inquiry intentions.

I am grateful to the Inquiry team and all those involved for their skilful diligence to ensure these matters were properly considered and for the Inquiry panel, and you as Chair, for your focus and handling of the hearings, Truth Project and the research work that has and will continue to add so much value to the field of safeguarding. In particular, I am grateful to all the victims and survivors who provided their testimonies, and shared their experiences and stories, of how they had been let down and what they feel needs to change. We owe them all our thanks.

Yours sincerely

**Albert Heaney CBE**  
**Chief Social Care Officer for Wales**

## WELSH GOVERNMENT RESPONSE TO THE INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE FINAL REPORT.

### Recommendation 1: A single core data set

The Inquiry recommends that the UK government and the **Welsh Government** improve data collected by children's social care and criminal justice agencies concerning child sexual abuse and child sexual exploitation by the introduction of one single core data set covering both England and Wales. In order to facilitate this, these agencies should produce consistent and compatible data about child sexual abuse and child sexual exploitation which includes:

- the characteristics of victims and alleged perpetrators of child sexual abuse, including age, sex and ethnicity;
- factors that make victims more vulnerable to child sexual abuse or exploitation; and
- the settings and contexts in which child sexual abuse and child sexual exploitation occur.

Data concerning child sexual abuse and child sexual exploitation should be compiled and published on a regular basis. This should be capable of being collated nationally as well as at regional or local levels.

### Welsh Government Response: ACCEPT

Welsh Government is fully committed to collecting core data as outlined in our Performance and Improvement Framework. This data includes a detailed set of indicators on children's safeguarding, including details on the number of children being placed on the Child Protection Register, their age and categories of abuse, child exploitation, the number of meetings and enquiries, and also outcomes of those meetings. The details can be accessed at [Children's safeguarding \(gov.wales\)](http://gov.wales/childrens-safeguarding)

We will continue to review the content and quality of this data to ensure we capture the necessary data in a proportionate way. We will fully consider updating this data collection to include details of the perpetrators, settings or context of the abuse.

Alongside this, Objective 8 of our National Action plan for preventing and responding to child sexual abuse highlights the work being undertaken to collate data in a consistent and collaborative way to provide a meaningful comparison and one that provides a picture and context of abuse in Wales. Our Regional Safeguarding Boards are already progressing work on systems and approaches to capture evidence on the prevalence of child sexual abuse in their region. A good practice example has also been put forward in relation to Powys that can inform other areas.

The new All Wales Practice Guide on safeguarding children from child sexual abuse, agreed by the Wales Safeguarding Procedures Project Board, includes a link to practice guides. This practice tool will improve the identification of child sexual abuse. The Wales

Safeguarding Procedures Project Board has also established a working group to develop a practice tool to support the identification of child sexual exploitation (CSE). The All Wales Practice guides can be found at: <https://www.safeguarding.wales/en/chi-i/chi-i-c6/c6-p10/>

The Welsh Government will look at how best to monitor the impact of the practice tools in improving identification of and evidence about the nature and prevalence of child sexual abuse in Wales. We will continue to develop a coherent programme to improve data collection that allows analysis at local and regional level of child sexual abuse and child sexual exploitation. We will continue to work with the UK Government to marry data collection aiming to unify methods of collection and analysis for a single core data set.

## **Recommendation 2: Child Protection Authorities for England and for Wales**

The Inquiry recommends that the UK government establishes a Child Protection Authority for England and the Welsh Government establishes a Child Protection Authority for Wales. Each Authority's purpose should be to:

- improve practice in child protection;
- provide advice and make recommendations to government in relation to child protection policy and reform to improve child protection; and
- inspect institutions and settings as it considers necessary and proportionate.

The Child Protection Authorities in England and in **Wales** should also monitor the implementation of the Inquiry's recommendations.

### **Welsh Government response: ACCEPT.**

In Wales, the national functions of improving practice in child protection and providing advice and making recommendations to government on policy and reform in these matters, are primarily designated to the National Independent Safeguarding Board (NISB), under section 132 of the Social Services and Well-Being (Wales) Act 2014. Other bodies including regional safeguarding boards and statutory inspectorates, service and workforce regulators, the Children's Commissioner for Wales and Older People's Commissioner for Wales all have integral roles to play in providing scrutiny of and shaping national safeguarding arrangements. The core functions of NISB, set out within section 132(2), correlate closely with the first two purposes proposed within this recommendation. The only material difference that NISB's functions cover safeguarding of both children and adults at risk.

For ease of reference the reference to S132 is set out below:

#### 132. The National Independent Safeguarding Board

(1) There is to be a board called the National Independent Safeguarding Board (referred to in this Part as "the National Board").

(2) The National Board's duties are—

(a) to provide support and advice to Safeguarding Boards with a view to ensuring that they are effective,

(b) to report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales, and

(c) to make recommendations to the Welsh Ministers as to how those arrangements could be improved.

(3) The National Board—

(a) must make an annual report to the Welsh Ministers,

(b) must make such other reports to the Welsh Ministers as they require, and

(c) may make such other reports as it thinks fit.

As a result, we consider, in Wales, to have an extant body that substantially complies with the first two strands of this recommendation. The proposed functions of a Child Protection Authority largely already exist within the established National Independent Safeguarding Board, whom we have invited to monitor implementation of the Inquiry's concluding recommendations.

In relation to the inspection function proposed within this recommendation, there are already a number of different bodies with powers to inspect relevant institutions or settings e.g. Care Inspectorate Wales for childcare, regulated social care and local authority social services; Estyn for schools, colleges, higher and adult education; Healthcare Inspectorate Wales for NHS and independent healthcare services and private dentistry; as well as HMI Constabulary and Fire and Rescue Services and HMI Probation.

There already exists the ability for joint inspections and arrangements to support effective partnership working. The Joint Inspections of Child Protection Arrangements (JICPA) Programme resumed in February 2023. This will be a systems review of child protection in each regional safeguarding board and police force area in Wales, to identify positive practice and any areas for improvement. The 2023/24 programme will focus on the protection of children aged 11 and under, at risk of abuse and neglect. From March 2022, Estyn has also piloted a new approach to inspection with a stronger focus on safeguarding and well-being arrangements, understanding, culture, leadership, management, and evaluation within schools.

If inspection functions relating to child protection were to be conferred on a new body, then considerable care would need to be taken to understand how these would operate alongside the established inspectorates without creating duplication; undermining their impact; or adversely affecting their authority or credibility and the expertise they have already built up.

### **Recommendation 3: A Cabinet Minister for Children**

#### **The UK Government**

The Inquiry recommends that the UK government creates a cabinet-level ministerial position for children.

#### **The Welsh Government**

The Inquiry recommends that the Welsh Government ensures that there is cabinet-level ministerial responsibility for children.

## Welsh Government response: ACCEPT

Four Ministers have responsibility for children, two of whom attend Cabinet. These are:

The Deputy Minister for Social Services  
The Minister for Health and Social Services  
The Deputy Minister for Mental Health and Well-Being  
The Minister for Education and Welsh Language

Their responsibilities include:

- Safeguarding
- Adoption and fostering services
- Children and young people's advocacy including complaints, representations and advocacy under the Social Services and Well-being (Wales) Act 2014
- Information sharing under the Children Act 2004
- Oversight of CAFCASS Cymru
- Policy and oversight of the provision of all social service activities of Local Authorities in Wales, including the issue of statutory guidance
- Oversight of Social Care Wales
- Regulation of residential, domiciliary, adult placements, foster care, under 8's care provision and private healthcare
- Inspection of, and reporting on, the provision of social services by Local Authorities (via Care Inspectorate Wales), including joint reviews of social services and responding to reports
- Children's and young people's rights and entitlements, including the UN Convention on the Rights of the Child
- Early years, childcare and play, including the Childcare offer and workforce
- Early childhood education and care
- Flying Start for children 0-3
- Families First and play policies
- Health
- Education

We consider that as the Welsh Government and its cabinet are signatories of the UN convention for the rights of the child, all advice to Welsh Minister must have regard to the convention and the rights of children. This collective responsibility for children across the cabinet bring an added dimension to bringing a focus on the rights of the child across government rather than to silo children in to a single person. We consider this sufficient to comply with the recommendation.

## Recommendation 4: Public awareness

The Inquiry recommends that the UK government and the **Welsh Government** commission regular programmes of activity to increase public awareness about child

sexual abuse and the action to take if child sexual abuse is happening or suspected in England and in Wales. The programmes should:

- challenge myths and stereotypes about child sexual abuse;
- make maximum use of different approaches including, but not limited to, public information campaigns, the use of positive role models and creative media, such as television drama; and
- be supported by continuous evaluation to measure their impact.

### **Welsh Government response: ACCEPT.**

Building on the Welsh Government's current commissioning of an annual publicity campaign as part of our National Safeguarding week, which is promoted by Regional Safeguarding Boards, we will commission regular programmes of activity to increase public awareness about child sexual abuse and the action to take if child sexual abuse is happening or suspected in Wales. We will look at content options including challenging myths and stereotypes about child sexual abuse using different approaches and will ensure that any campaigns are supported by continuous evaluation to measure their impact.

We intend to continue this work on an ongoing basis.

### **Recommendation 13: Mandatory reporting**

The Inquiry recommends that the UK government and **Welsh Government** introduce legislation which places certain individuals – 'mandated reporters' – under a statutory duty to report child sexual abuse where they:

- receive a disclosure of child sexual abuse from a child or perpetrator; or
- witness a child being sexually abused; or
- observe recognised indicators of child sexual abuse.

The following persons should be designated 'mandated reporters':

- any person working in regulated activity in relation to children (under the Safeguarding and Vulnerable Groups Act 2006, as amended);
- any person working in a position of trust (as defined by the Sexual Offences Act 2003, as amended); and
- police officers.

For the purposes of mandatory reporting, 'child sexual abuse' should be interpreted as any act that would be an offence under the Sexual Offences Act 2003 where the alleged victim is a child under the age of 18.

Where the child is aged between 13 and under 16 years old, a report need not be made where the mandated reporter reasonably believes that:

- the relationship between the parties is consensual and not intimidatory, exploitative or coercive; and

- the child has not been harmed and is not at risk of being harmed; and
- there is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned, and there is a difference in age of no more than three years.

These exceptions should not, however, apply where the alleged perpetrator is in a position of trust within the meaning of the 2003 Act. Where the child is under the age of 13, a report must always be made. Reports should be made to either local authority children's social care or the police as soon as is practicable. It should be a criminal offence for mandated reporters to fail to report child sexual abuse where they:

- are in receipt of a disclosure of child sexual abuse from a child or perpetrator; or
- witness a child being sexually abused.

### **Welsh Government response: ACCEPT IN PRINCIPLE**

In Wales we fervently believe that safeguarding is everyone's responsibility and that the safety and well-being of individuals is paramount.

The Welsh Government has existing duties to report adults and children at risk in place through sections 128 and 130 of the Social Services and Well-Being (Wales) Act 2014. These impose legal obligations on 'relevant partners' of local authorities – Local Health Boards, NHS Trusts, the Police, Probation services, Youth Offending Teams and other local authorities – to inform the authority where they have reasonable cause to suspect that an adult at risk or a child is experiencing or is at risk of abuse, neglect or, in the case of children, harm. The local authority must then make (or cause to be made) whatever enquiries it considers necessary to decide whether further action should be taken.

In August 2022, the Welsh Government took the opportunity of a consultation on proposed changes to primary legislation (relating to Social Care and NHS Continuing Healthcare) to explore views on extending these duties to report, and invited comment on whether they should apply directly to individuals. A wide range of responses were received – from individuals, practitioners, providers, public/statutory, independent, third/voluntary sectors and representative organisations – with no prevailing consensus and calls for further exploration and consultation to consider the detail, breadth and impacts of any new duties.

We wholly agree with the principle that where there has been disclosure (from a child or perpetrator); witnessing; or observation of behaviours or other evidence that a child is experiencing or is at risk of sexual abuse, these must be reported without delay, either to the relevant local authority or to the Police, as appropriate. Concerns could be reported via organisations' designated safeguarding leads – according to relevant guidance or local policies and procedures – or via other avenues of support, including leading charities.

We recognise there are key differences in the approach taken to mandatory reporting in Wales compared to that proposed by the Inquiry. Our practice and legislation relate to both children and adults who may be experiencing or at risk of abuse, neglect or, in the case of children, harm; whilst the Inquiry's recommendation (given its statutory remit) is made in

respect of child sexual abuse. Our reporting requirements are organisation-based, whilst the Inquiry proposes a statutory duty on ‘mandated reporters’ – certain individuals, as defined within the recommendation.

We also recognise that the Inquiry recommends a criminal sanction for failing to report where an individual receives a disclosure (from a child or perpetrator) or witnesses child sexual abuse. The Welsh duties do not have criminal sanctions attached but in order to be able to comply with them, ‘relevant partners’ will need to have effective corporate policies, procedures and support in place to ensure that those exercising functions on their behalf (i.e. their staff, contractors, volunteers) know their responsibilities, sufficiently understand and are enabled to act in accordance with those duties. Many of those working for or on behalf of ‘relevant partners’ will be registered with professional bodies, and subject to their respective codes of conduct and fitness to practice reviews. Therefore, many individuals including teachers, health professionals, social care workers, police and probation officers will have both contractual and professional obligations to report concerns, with disciplinary consequences available.

Following our initial consultation and due consideration of Recommendation 13, in the broader safeguarding context and in light of wider findings made by the Inquiry – including those around prioritising the protection of children and creating a more protective environment – we intend to strengthen and improve compliance with our regulatory frameworks across childcare, education, health and social care. This will support focus, consistency and vigilance in protection and safeguarding practice by reinforcing key elements of the Wales Safeguarding Procedures – including the reporting of children and adults at risk – and will aid enforcement action against providers, where necessary.

For example, linked with recommendations made within the Inquiry’s Residential Schools Investigation Report, the Welsh Government will be consulting on proposed changes to the regulatory regime around independent schools in the next few months and will incorporate a question about requiring proprietors to inform the local authority where a child, who is a pupil at the school, is experiencing or is at risk of abuse, neglect or harm. We will also be consulting on regulations to designate ‘Special School Residential Services’ as a regulated service, under the Regulation and Inspection of Social Care (Wales) Act 2016.

During this Senedd term, we will build on the publication of our Code of Safeguarding Practice, to engage widely and explore views on ensuring that others who provide services or offer activities for children and for adults who may be at risk have proportionate and effective safeguarding arrangements in place. And we will seek further views about and explore the implications of placing duties to report children and adults at risk, on individuals, as part of the conversation on next steps.

We will combine this with further measures to promote access to effective training and tools for practitioners; and to raise and sustain public awareness of abuse, neglect and harm, and the vital steps to take where this is happening or suspected. This will be informed by a better understanding of what prevents people from raising and reporting concerns and will aim to empower individuals with the confidence to seek the support that they need or know how



they can respond to others, to help lessen dangers and secure support for children and adults at risk.

### **Recommendation 16: Specialist therapeutic support for child victims of sexual abuse**

The Inquiry recommends that the UK government and the **Welsh Government** introduce a national guarantee that child victims of sexual abuse will be offered specialist and accredited therapeutic support. There should be sufficient supply of these services so that children in all parts of England and Wales can access support in a timely way. These services should be fully funded. Responsibility for commissioning these services should be given to local authorities.

There must be no eligibility criteria for children to access these specialist therapeutic services other than having been a victim of child sexual abuse.

#### **Welsh Government response: ACCEPT IN PRINCIPLE**

Welsh Government is committed to ensuring that child victims of sexual abuse are offered specialist therapeutic support, however we are accepting in principle on the basis that we need to consider, with partners, the options for commissioning and delivering this support. The Wales Sexual Assault Services Programme is an improvement project led by the NHS Executive is working with the Police, Police Crime Commissioners and in partnership with the specialist third sector. The programme is driving delivery of child/person centred services to ensure the best outcomes for victims of sexual abuse and violence, with the victim voice at the centre. Delivery of the Programme is being overseen by the Wales Sexual Assault Services Programme Board, whose members include the NHS, Police, Police and Crime Commissioners, Third Sector providers and Welsh Government.

Health boards, police forces, Police and Crime Commissioners, in partnership with the Third Sector, have agreed a service model for the delivery of sexual assault referral services in South Wales, Dyfed Powys and Gwent. North Wales has also joined the programme and is working with the programme on the design of their services. The model will provide a more integrated service that is driven by the needs of victims and patients and supports the provision of services that meet clinical, forensic, quality and safety standards and guidance, and ensures robust governance arrangements.

Traumatic Stress Wales is funded by Welsh Government (£1.2million annually) and aims to improve the health and wellbeing of people of all ages living in Wales at risk of developing or with post-traumatic stress disorder (PTSD) or complex post-traumatic stress disorder (CPTSD). Traumatic Stress Wales is a national initiative that works through a network of easily accessible, locally based services centred around the people they are trying to help with streamlined care pathways to avoid unnecessary repeated referral and assessment. The initiative covers children, young people and adults, and is co-produced, co-owned and co-delivered by all relevant stakeholders, including people with lived experience of PTSD and CPTSD.

Traumatic Stress Wales have a number of different workstreams – focussing on sexual assault, criminal justice, forced migrants, perinatal, adults, young people, as well as assessment, core data and outcomes.

The Sexual Assault Workstream is an all-Wales group, comprised of people who work within SARCs, and within other services that provide care and support to people who have experienced sexual trauma. The aim of the group is to develop effective trauma care pathways across all health boards, which are joined up and integrated across services. They are doing this by working in partnership across health services, voluntary organisations and statutory services. They are developing competency frameworks that will support training initiatives for frontline staff as well as for the delivery of trauma therapies. The chair of the Sexual Assault workstream is also the lead for the Sexual Assault Services programme in the NHS Wales Health Collaborative.

Work is being planned in Wales to map current counselling provision for children and young people and adults – to better understand the quality and quantity of provision in Wales. Work is also being taken forwards to develop standardised data items on access to services, as part of a monitoring and reporting workstream, under the Wales Sexual Assault Service Programme.

Taking a trauma informed approach to providing services for children and young people will be critical – in line with the recently published trauma informed Wales framework.