

Agenda – Children, Young People and Education Committee

Meeting Venue:	For further information contact:
Hybrid – Committee room 1&2 Senedd and video Conference via Zoom	Naomi Stocks Committee Clerk
Meeting date: 18 January 2023	0300 200 6565
Meeting time: 09.15	SeneddChildren@senedd.wales

Private pre-meeting

(09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Scrutiny of the Welsh Government Draft Budget 2023 – 2024 – evidence session 2

(09.30 – 11.00)

(Pages 1 – 76)

Eluned Morgan MS, Minister for Health and Social Care

Julie Morgan MS, Deputy Minister for Social Services

Lynne Neagle MS, Deputy Minister for Mental Health and Wellbeing

Albert Heaney, Director Social Services & Chief Social Care Officer for Wales,
Welsh Government

Tracey Breheny, Deputy Director Mental Health and Vulnerable Groups, Welsh
Government

Irfon Rees, Director of Health and Wellbeing, Welsh Government

Steve Elliot, Director of Finance, Welsh Government

Claire Bennett, Director, Communities & Tackling Poverty, Welsh Government

Attached Documents:

Research Brief

Health and Social Services – CYPE(6)–02–23 – Paper 1

Minister for Social Justice – CYPE(6)–02–23 – Paper 2



3 Papers to note

(11.00)

3.1 Social care and social services

(Page 77)

Attached Documents:

Letter from the Chair of the Health and Social Care Committee to the Chief Inspector of Care Inspectorate Wales – CYPE(6)–02–23 – Paper to note 1

3.2 Social care and social services

(Pages 78 – 87)

Attached Documents:

Letter from the Chief Inspector of Care Inspectorate Wales to the Chair of the Health and Social Care Committee – CYPE(6)–02–23 – Paper to note 2

3.3 Social care and social services

(Page 88)

Attached Documents:

Letter from the Chair of the Health and Social Care Committee to the Chief Executive of the Welsh Local Government Association – CYPE(6)–02–23 – Paper to note 3

3.4 Social care and social services

(Pages 89 – 91)

Attached Documents:

Letter from the Chair of the Health and Social Care Committee to the Deputy Minister for Social Services – CYPE(6)–02–23 – Paper to note 4

3.5 Scrutiny of the Children's Commissioner for Wales Annual Report

(Pages 92 – 122)

Attached Documents:

Letter from the Children's Commissioner for Wales – CYPE(6)–02–23 – Paper to note 5

3.6 Inter-Institutional Relations Agreement

(Page 123)

Attached Documents:

Letter from the Minister for Education and Welsh Language – CYPE(6)–02–23
– Paper to note 6

4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting, the whole of the meeting on 26 January and for Item 1 on 2 February

(11.00)

5 Scrutiny of the Welsh Government Draft Budget 2023–24 – consideration of the evidence

(11.00 – 11.15)

Break

(11.15 – 11.25)

6 Services for care experienced children: exploring radical reform – evidence session with young people

(11.25 – 12.20)

(Pages 124 – 127)

Attached Documents:

Briefing – Young people

7 Services for care experienced children: exploring radical reform – consideration of the evidence

(12.20 – 12.30)

Document is Restricted

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Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

Lynne Nagle AS/MS
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing



Llywodraeth Cymru
Welsh Government

Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Children, Young People and Education Committee

21 Rhagfyr/December 2022

Annwyl/Dear Jayne,

Gweler ynghlwm ein hymateb i'r materion penodol a godwyd gan Aelodau yn eich gohebiaeth 28 Hydref 2022, cyn sesiwn graffu ddrafft y Gyllideb Llywodraeth Cymru a drefnwyd ar gyfer 11 Ionawr 2023.

Please see attached our response to the specific issues raised by Members in your correspondence of 8 November 2022, prior to the Welsh Government Draft Budget scrutiny session scheduled for 18 January 2023.

Yr eiddoch yn gywir/ Yours sincerely,

Eluned Morgan AS/MS
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Gwasanaethau Cymdeithasol
Minister for Health and Social
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Y Dirprwy Weinidog
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

Children, Young People and Education Committee

Date: 18th January 2023

Venue: Senedd Cardiff Bay

Title: Scrutiny of Health and Social Services Draft Budget 2023-24

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Purpose

The Minister for Health and Social Services, the Deputy Minister for Social Services and the Deputy Minister for Mental Health and Wellbeing have agreed to attend the Children, Young People and Education Committee on the 18 January 2023 to give evidence on their Draft Budget proposals.

Introduction

This paper provides information for the Children, Young People and Education Committee on the Health and Social Services (HSS) Main Expenditure Group (MEG) future budget proposals for 2023-24 and also provides an update on specific areas of interest to the Committee as outlined in a letter from the Chair of the Committee dated 8th November.

Budget Overview (whole HSS MEG)

Figure 1 – Budget Overview

	2023-24
Revenue	£m
Revenue Baseline as @ Final Budget 2022-23	9,793.30
Baseline Adjustments	(4.3)
Budget Reprioritisation	(23.7)
MEG allocation	457.80
Transfer in of existing budget (CCG grant)	160.20
Revised DEL as @ Draft Budget 2023-24	10,383.30
Capital	
Capital Baseline as@ Final Budget 2022-23	339.3
Additional Allocation	35.7
Revised DEL as @ Draft Budget 2023-24	375
Overall Total HSS MEG Draft Budget 2023-24	10,758.30

The table above does not include Annual Managed Expenditure (AME), which is outside the Welsh Government's Departmental Expenditure Limit (DEL).

Information to inform scrutiny of the Draft Budget 2023-24 by Health & Social Care Committee.

1. Transparency of budget presentation

Our predecessor committee emphasised the importance of presenting the Draft Budget transparently to enable full and thorough scrutiny. To continue this approach, we request a transparent narrative explanation (and numeric depiction) of the following in respect of the Health and Social Services MEG:

- reductions/removal or increases/additions relating to specific areas of the draft budget compared to previous financial years (e.g. grants being reduced or ceasing to exist altogether/being increased or introduced);
- what proportion any changes to the overall amount previously allocated represent; and
- where exactly this change is being made in the draft budget, and whether money will be returned to/taken from central reserves or allocated to/from other budget lines.
- that Ministers ensure that resources relating to children and young people are presented clearly so that we can identify the assigned resources, assess the extent to which they are being prioritised, and understand how they will deliver value for money.

Approach to Budget proposals

The Health and Social Services Main Expenditure Group (MEG) contains the core revenue and capital funding for NHS Wales, as well as funding to support public health, social care and supporting children. It supports our well-being objectives to provide effective, high quality and sustainable healthcare, and to protect, re-build and develop our services for vulnerable people. It also supports the ongoing implementation of A Healthier Wales, our long-term plan for health and social care.

This budget covers a two-year period from 2023-24 to 2024-25. The MEG settlements have been assessed through the budget setting process with agreement by Cabinet to, as far as possible, protect front line core services.

The HSS MEG will increase from the adjusted revenue baseline of £9.789billion up to £10.383billion for 2023-24 and £10.613billion for 2024-25.

The HSS MEG settlement provides for increases in budget as follows:

- NHS (including TTP) an increase of £415m for 23-24
- Mental health increase of £25million for 2023-24, building on the £50m allocated in 22-23 and increasing to £90million by 2024-25
- Social care increase of £10m, building on the £45m allocated in 22-23 and increasing to £60million by 2024-25 and;
- Childcare & early years £28million allocated in 2022-23, increasing to £30million in 2023-24 and recurrent for 24-25.

From the funding initially allocated to the NHS above, we are also allocating an additional £10million to support the expansion of Flying Start to help meet the Programme for Government commitment to deliver a phased expansion of early years provision to include all two-year-olds (Phase One), with a particular emphasis on strengthening Welsh medium provision. This is also a key element of the cooperation agreement with Plaid Cymru.

There have been some budget reductions in the MEG as part of a cross Government reprioritisation exercise, £23.7m reduction shown in the main Budget Expenditure Line (BEL) table. **None of the budget areas reduced in the HSS MEG related to Children & Early Year's policy areas.**

Further information is shown below, in section 3, illustrating the budgets relating to Children & Young People and the relevant budget moves, by BEL.

2. Children’s rights and the allocation of ‘the maximum available resources’ for children and young people.

As we recommended last year, and as our predecessor Committee continually advocated, we believe a Child Rights Impact Assessment (CRIA) should be undertaken for the Draft Budget as a whole and published as a standalone document, prior to being incorporated in the overall Strategic Integrated Impact Assessment.

We believe this is vital to demonstrate that the Welsh Government is meeting the requirements of the Rights of Children and Young Persons (Wales) Measure. Publishing a CRIA is in line with the arrangements the Welsh Government itself has put in place, which has established the CRIA as 'the agreed' mechanism to support Ministers to meet the duties under that Measure in both the Children's Rights Scheme itself and the associated Children’s Rights Scheme: manual for Welsh Government staff.

In line with assessing whether ‘due regard’ has been given to article 4 of the UNCRC and the Welsh Government’s duties under the Rights of the Child and Young Persons (Wales) Measure the Committee:

- Requests a copy of the overall Child’s Rights Impact Assessment (CRIA) undertaken by the Welsh Government to inform the allocations in the draft Budget 2022-23 **across all its portfolios**,
- If a specific CRIA has not been undertaken, the reasons for this.
- A copy of any alternative integrated impact assessment as well as assurances that this assessment demonstrates that the duty of “due regard” to the United Nations Convention on the Rights of the Child has been exercised.

In respect of the Health and Social Services MEG, the Committee request:

- A copy of the completed Children's Rights Impact Assessment template: guidance for staff.
- template for this draft Health and Social Services MEG for 2023-24 which sets out how children’s rights are put into effect in these budget allocations, with

reference to specific articles in the United Nations Convention on the Rights of the Child as relevant.

- Details of what discussions have taken place with other relevant Ministers in respect of allocations which have a significant impact on children's health and social care, for example the Minister for Social Justice in terms of the budget of the Children's Commissioner for Wales and broader policy issues such as child poverty.
- Information about how the Wellbeing of Future Generations (Wales) Act 2015 has influenced allocations to budget lines within the MEG.
- Information about how equalities, sustainability and the Welsh language have been considered in budget allocations.
- Information about how you have taken gender budgeting into account in budget allocations
- Details and/or examples of any changes made to allocations within the Health and Social Services MEG following considerations of children's rights, equalities, sustainability, the Welsh language, or the Wellbeing of Future Generations.

Impact Assessment

The vision we have established in A Healthier Wales is to place a greater focus on prevention and early intervention which we continue to support through universal, as well as more targeted support. This includes information, advice and support for parents through Parenting. Give it Time which has been expanded to support parents of children aged 0-18; ongoing support for speech, language and communication (SLC) through the Talk with me SLC plan and campaign; and further investment to reduce or mitigate the impact of adverse childhood experiences (ACEs).

Within the HSS MEG allocation, the budget for Early Years and Childcare have been protected with £10m additional funding in 2023-24 and 2024-25 for the expansion of Flying Start. Funding will be allocated to support our Programme for Government commitment on Early Years and Childcare, which includes supporting more families with the costs of childcare where parents are in education and training, and to increasing early year's provision to include all two year olds, with a particular

emphasis on strengthening Welsh medium provision. Alongside the impacts on early years, we have also recognised the disproportionate effect on gender particularly linked to childcare. Our Childcare Offer already provides 30 hours of funded education and childcare to working parents of 3 and 4 year olds for 48 weeks a year.

Our support for the early years, childcare and play contributes to all of the well-being goals, and specifically to those relating to a prosperous and healthier Wales. Investment in quality childcare and play can help young children develop into healthy, active adults. It develops their cognitive and social and emotional wellbeing and mitigates the harmful effects of adverse childhood experiences. Childcare can also enable parents to work and train and lifts families out of poverty.

Our Childcare Offer specifically supports the Welsh Government's well-being objectives, in particular to:

- Support people and businesses to drive prosperity
- Promote good health and well-being for everyone
- Support young people to make the most of their potential
- Build ambition and encourage learning for life

We will continue to frame our budget allocations in line with preventative activities, making positive interventions that protect and build on existing foundations, including our commitment to children's rights.

3. Action and BEL allocations in the Health and Social Services Major Expenditure Group

The Committee requests a breakdown of the 2023-24 Health and Social Services MEG allocations as relevant to children and young people by Spending Programme Area (where applicable), Action and Budget Expenditure Line (BEL) to include:

- a. Commentary on each of the Actions within the Health and Social Services MEG, including an analysis and explanation of changes from:
 - the Draft Budget 2022-23 to the First Supplementary Budget June 2022; and
 - the First Supplementary Budget June 2022 to the Draft Budget 2023-24.

- b. A description of any changes to baselines used in the Draft Budget 2023-24 that has been made from the First Supplementary budget June 2022.
- c. Indicative 2024-25 Health and Social Services MEG allocations as relevant to children and young people and any additional indicative allocations which can be provided.

Budget Changes by BEL

The tables below (figure 2) illustrate the budget moves from the Final budget in 2022-23 to the Draft Budget for 2023-24 and 2024-25 and captures the changes in funding for Childcare & Early Years related areas.

Figure 2 – Budget Changes by Budget Expenditure Line for 2023-24 and 2024/25

ACTIONS	Delivery of Targeted NHS Services & Supporting Children		
	2022-23 Final Budget	Change	Draft Budget 2023-24
BEL	£m	£m	£m
A Healthier Wales - Bel 060 (Early Years)	7.1	0	7.1
Support for Childcare & Play - BEL 310	96.851	3.000	99.851
Support for Children’s Rights – BEL 311	1.020	0	1.020
Supporting Children BEL - 410	4.865	-1.000	3.865
Support for Families & Children - BEL 1085	6.720	-1.01	5.710
Children & Communities Grant (CCG) BEL 1087	0	171.045	171.045
Total	116.556	172.035	288.591

BEL 60 in the Delivery of Targeted NHS Services Action contains the original funding allocation made to support A Healthier Wales (AHW). As part of this budget provision there was baseline of £7m to support the Early Years (as at 1st sup budget 2021). This funding supports Speech, Language & Communication for Early Years, including specialist SLT Services, Early Years Transformation and Adverse Childhood Experiences.

The bulk of funding in the Supporting Children Action supports the childcare offer (which is subject to scrutiny by the CYP&E Committee). This action also contains funding for the Looked after Children Transition Grant (LACTG) which provides funding for a number of initiatives which improve outcomes for looked after children so that all children in care have the same life chances as other children. It also contains the Vulnerable Children budget which supports children who have been adopted to ensure they and their family have the necessary access to support services to begin their family life.

Changes in budget (above) for 23-24 are all included in the Supporting Children Action, a total budget increase of £172.035m, described as follows:

- £3m (net) increase in Support for Childcare & Play - BEL 310, relates to a net increase in budget from the planned £10m baseline increase, less £7m deduction for one-off funding from 22-23 (transfer from Reserves) which related to cost of living pressures.
- £1m decrease in Supporting Children BEL – 410, relates to removal of for one-off funding from 22-23 (transfer from Reserves) which related to cost of living pressures.
- £1.01m decrease in Support for Families & Children - BEL 1085, relates to the movement of budget into the CCG grant of £0.810m plus a net movement of £0.2m budget from reallocations to other Children's policy areas.
- £171.45m for Children & Communities Grant (CCG) BEL 1087. This predominantly relates to the transfer into the HSS MEG of the majority of the existing CCG grant, from the Local Government MEG. This was £160.235m. Also included here are

- £0.810m moving from the Support for Families & Children - BEL 1085, as described above and;
- £10m allocated from the Delivery of Core NHS Services Action, to support the expansion of Flying Start to help meet the Programme for Government commitment to deliver a phased expansion of early years provision to include all two-year-olds (Phase One), with a particular emphasis on strengthening Welsh medium provision.

CAFCASS Cymru

Figure 3 – CAFCASS Cymru 2022/23 Final Budget and 2023/24 Draft Budget

ACTION	Cafcass Cymru		
	2022-23 Final Budget	Change	2023-24 Draft Budget
BEL	£m	£m	£m
Total Cafcass	14.725	0.470	15.195

Cafcass Cymru is a demand-led operational service delivers a statutory service to the Family Court in Wales on behalf of Welsh Ministers. Cafcass Cymru practitioners work with nearly 11,200 of the most vulnerable children and young people in the family justice system, ensuring our interventions promote the voice of the child, is centred on their rights, welfare and best interests to achieve better outcomes for the child involved in the Family Justice System in Wales.

The organisation seeks to influence the family justice system and services for children in Wales, providing high quality advice to Ministers and ensuring the needs of Welsh families and children are reflected in process and policy developments.

Aside from staffing and running costs for the organisation, the budget provides grant funding to support separated parents, when directed by the Family Court, to have contact with their children. The budget also funds the provision of the Working Together for Children programme which supports parents who have separated, or

are separating, to better manage their own behaviour to ensure the emotional, practical and physical needs and best interest of their children are paramount.

Changes included with the Health and Social Care MEG in relation to

CAFCASS Cymru Action:

- Budget increase for 2023-24 of £0.470m in relation to salary cost increases for CAFCASS staff.

4. Policy and legislation allocations Draft Budget 2023-24

An update on allocations within the Health and Social Service MEG in the following areas of interest to the Committee including:

- Allocations to deliver all **Programme for Government** and **Co-operation Agreement** commitments relevant to children and young people and the CYPE Committee portfolio.
 - a. Details of the assessment made of the value for money and affordability of delivering these priorities and objectives and how their cost-effectiveness will be monitored.
 - b. Allocations across the Ministerial Portfolio as listed below and as relevant to children and young people and the CYPE Committee portfolio

Children's Health

- c. Public health as it relates to children and young people, including vaccination
- d. Obesity strategy
- e. Research and development in health and social care as it relates to children and young people specific
- f. Children and young people's mental health services, including perinatal mental health services
- g. Eating disorder services
- h. Suicide prevention as it relates to children and young people
- i. Substance misuse, including any assessment and associated costs in terms of reported rises in vaping among children and young people
- j. Autism services
- k. Patient experience, involvement and the citizen's voice

Public health as it relates to children and young people

Healthy Weight: Healthy Wales

The delivery of Healthy Weight: Healthy Wales is being supported in 2022-24 by an allocation of £6.6m per annum. Across this period, children, young people, and adults will be supported in achieving and maintaining a healthy weight through a range of evidence-based programmes which have been developed with evaluation built in to monitor success. Specifically, we are investing £2.9m into delivery of the All-Wales weight management pathway and are asking all Health Boards to develop a targeted pathway for children and young people. We have also allocated £600k to Public Health Wales to develop and support Children and Families Pilots which are taking place in three areas - Cardiff, Merthyr Tydfil and Anglesey. A core part of this approach is the implementation of a secondary prevention Home Based Intervention for families of children in the early years from 3 – 7 years of age in line with the foundation phase.

In addition, we have reprioritised the £7.2m annual **Prevention and Early Years funding** from April 2022, which is used by Directors of Public Health across all LHBs to specifically support interventions in the obesity and tobacco policy areas in line with our HWHW and Tobacco strategies.

Public Health Wales (PHW) have recently developed proposals to optimise **Welsh Network of Healthy Schools Scheme (WNHSS)** potential within the context of the new Curriculum for Wales and the health and education policy landscape. In October 2022 these proposals were tested and refined during a roundtable with regional and national strategic leaders across health and education.

The objectives of the roundtable were:

- To consider the role of schools in promoting the health and wellbeing of children and young people in Wales
- To review proposals for the future of the WNHSS and make recommendations for adoption or change

- To consider the inter-relationship between the scheme and other programmes of work relating to health and wellbeing in education settings in Wales and make recommendations for strengthening alignment and avoiding duplication.

A timetable for next steps includes two distinct next phases to build on the stage one review:

Transformation of the WNHSS is a large process of change for schools, local and regional systems and national architecture of the programme and needs to be managed sensitively and carefully. The process will be evolutionary and, to ensure it is right, will take time. The proposed plan for transformation is described across three phases

- **Phase One (August 2022- December 2022): Testing review findings and scoping a programme of change.**
- Phase two (January 2023 – September 2023): Co-producing a new operational model with schools and other key stakeholders.
- Phase three (September 2023 – March 2024). During this phase PHW will focus on implementation of the new operational model

School Health Research Network (SHRN) Student Health and Wellbeing survey

The SHRN Student Health and Wellbeing Survey, which takes places every two years, provides high quality data on the health and wellbeing of young people aged 11–16 in Wales. More than 120,000 students took part in the survey in 2021/22. A feasibility study is currently also being undertaken on extending SHRN and the associated survey to the primary school sector.

Budget

- Earlier this year, the Minister for Education and Welsh Language and Deputy Minister for Mental Health and Wellbeing agreed to jointly make available:
 - £433,019 in the 2022-23 financial year and £257,210 in the 2023-24 financial year for work on the SHRN Student Health and Wellbeing Survey in secondary schools

- £438,982 in the 2022-23 financial year and £455,370 in the 2023-24 financial year for completion of a feasibility study on extending SHRN and the associated Student Health and Wellbeing Survey to primary schools
- The budget is split between BEL 0231 Health Improvement & Healthy Working and the Whole Schools Approach programme within BEL 0270 Mental Health.

Value of SHRN

- High quality data:
 - to monitor a range of health and wellbeing indicators (e.g. mental wellbeing, healthy lifestyles), used not only by Welsh Government but schools, local authorities and a range of partners such as Estyn, as well as for international comparisons
 - for schools to plan and monitor their own health and wellbeing policies and activities, particularly important in light of curriculum change in Wales
 - to inform the evaluation of Welsh Government priorities, such as the Whole School Approach to Emotional and Mental Wellbeing.
- A data infrastructure to facilitate data linkage studies and to assist with attracting research funding to Wales (e.g. the Wolfson bid had a theme designed around SHRN).
- Investment has allowed us to expand the reach of study, with the large sample size allowing further analysis of protected characteristics, something not possible with many existing data sets of this nature.
- The ability to extend this work to the primary school sector is helping to tackle a longstanding evidence gap.
- Working across policy areas in a joined up way is seen as being particularly important, given the important role school plays in the health and wellbeing of young people.

The Healthy Weight National Implementation board, which is chaired by the Deputy Minister for Mental Health and Wellbeing, has representation from the Youth Parliament to ensure that the actions and delivery mechanisms associated with Healthy Weight: Healthy Wales align with the needs of Children and Young people across Wales.

Health and Care Research Wales

Health and Care Research Wales (HCRW) is investing heavily in research affecting children and young people. We fund CASCADE, which focuses on children's social care research, including looked after children, and DECIPHer, the public health research centre of excellence which focuses on the well-being and health behaviour of children and young people and incorporates the Schools Health Research Network (SHRN).

As part of the Health and Care Research Wales research development infrastructure, RDD has made increased investments in children's research through research centres such as the CASCADE Partnership, DECIPHer.

The Children's Social Care Research and Development Centre Partnership (CASCADE-Partnership) undertakes research related to looked after children and issues affecting children in social care. It currently receives annual funding from RDD of £0.515m.

The Centre for the Development and Evaluation of Complex Interventions for public health improvement (DECIPHer) undertakes research into healthy behaviours and the prevention of ill-health in children and young people, and runs the School Health Research Network (SHRN), an all-Wales. DECIPHer currently receives annual funding from RDD of £0.526m.

Through Research and Development Division (RDD) officials, Health and Care Research Wales remains open to active engagement with paediatric researchers to continue looking for ways to support capacity building in this important research area.

RDD also administers a range of Health and Care Research Wales-branded open and competitive funding schemes (offering PhDs, Fellowships, project-based funding and research time). The schemes, most of which have both health and social care arms, are aligned with Welsh Government policy priorities, with applications initially assessed on the basis of policy, practice and public need.

All funding schemes are open to child health and care researchers. Our most recent assessment shows that since 2014/15, Health and Care Research Wales has invested £3.7 million across 18 projects specifically related to children and young people's research (though these figures have almost certainly increased).

In order to stimulate paediatric research in Wales, Health and Care Research Wales fund Dr. Phillip Connor as a Wales-wide Research Specialty Lead for Children. Dr Connor's role is to champion paediatric research across the NHS, stimulating interest in uptake of research and bringing paediatric research studies to Wales

In addition, our National Centre for Population Health and Wellbeing Research has an early years and primary school focus as one of its two core work streams. A number of other research development infrastructure groups, such as clinical trials units, health economists and health informaticians (SAIL), are funded to collaborate with research groups seeking to win research funding from high-quality research funders (public, charitable and commercial) from across the UK and beyond.

Children and Young People's Mental Health Services

We will continue to prioritise investment in mental health and wellbeing, demonstrated by the fact that despite ongoing budget pressures, we have protected the mental health and wellbeing aspects of the budget.

We will prioritise the implementation of the mental health workforce plan, for all age services, which includes NHS, local authorities and the voluntary sector. The development of this long-term plan for the mental health workforce is a key action in our Together for Mental Health Delivery Plan to support service improvements and to ensure a stable and sustainable mental health workforce.

Within the NHS Planning Framework 2023-2026, mental health and CAMHS has been defined as one of the Ministerial priorities and this will enable a vehicle for us to assess the impact of allocations.

Improving access to support, implementing the recommendations from the Delivery Unit's review of CAMHS and improving transitions from children and young people's mental health services to adult services will be a priority. We will also continue the roll-out and further development of 111 press 2 for urgent mental health support (all age). Will also continue to improve perinatal services in line with the Royal College of Psychiatry Standards and improve access to psychological therapies.

Following preparatory work with health boards, we will also implement a number of pilots to deliver the commitment in Co-operation agreement to test sanctuary provision for young people in crisis.

We will continue to invest in our whole system approach to improve mental well-being in schools. We will also continue to prioritise the NEST/NYTH Framework is a planning tool for RPBs to develop services based on what is needed for children and young people in their area. This Framework provides us with the tools to implement a Whole System Approach and is helping us deliver on our commitment to prioritise service redesign to improve prevention, tackle stigma and promote a no wrong door approach to integrated mental health support.

The budget will also support the continued implementation of the Liberty Protection Safeguards and preparatory work in the reform of the Mental Health Act.

Eating disorder services

Welsh Government is committed to continued service improvement and an additional £2.5 million was allocated from 2022/23 to deliver eating disorder services and this ongoing funding will allow the consolidation of these services. This will support earlier intervention and achieving a 4 week wait for assessment. Welsh Government has also commissioned WHSSC to review eating disorder provision in Wales and to explore options for a specialist unit in Wales. The focus on specialist services is only one element of our broader approach. We continue to invest in a range of tier 0/1 support to provide early access to help and advice.

Suicide prevention as it relates to children and young people

Our Together for Mental Health Strategy and our Suicide and Self-Harm Prevention Strategy are cross government and recognises the importance of the wider determinants that are protective of good mental health.

We have convened a new cross-Government Suicide and Self-Harm Prevention group to drive cross-Government working. The group has met three times this year.

In September 2019 we published 'Responding to issues of self-harm and thoughts of suicide in young people - guidance for teachers, professionals, volunteers and youth services'. Building on this we have commissioned Swansea University to explore issues of cyberbullying and the links with online expressions of suicide and self harm. Work has involved extensive consultation with children and young people to produce a cyberbullying 'toolkit' to support young people and teachers.

Using new data and information from the Real Time Suicide Surveillance System, we will continue to drive improvements in preventative work.

Over the next 12 to 18 months there is a commitment to engage further with children and young people to identify and develop resources for ongoing support so that we maximise our efforts to meet the needs of young people in this vital area. This work will inform the successor to Talk to me 2 strategy.

Substance misuse as relevant to children and young people

Support for children and families is a priority within our Substance Misuse Delivery Plan 2019-22. In particular, we know through the work on ACEs that children who are raised in homes where substance misuse is an issue are, potentially, more likely to have adverse outcomes in later life. The Welsh Government is committed to ensuring that our services provide early intervention and prevention so that longer-term harms are prevented, before they occur.

Children of those affected by ACEs are at increased risk of exposing their own children to ACEs, creating a cycle of harm, which early intervention needs to focus on breaking. We have set clear actions to ensuring services are joined up and effective for families, in particular those who are "on the edge of care". The NSPCC

have published data which shows a significant increase (72%) of referrals from their helpline in relation to parental substance misuse. New data by the children's charity reveals it made 572 referrals about this issue in the last 10 months to agencies in Wales – a monthly average of 58 referrals, which is 72% higher than pre-lockdown last year (6 January – 22 March 2020).

At an early stage in the pandemic we sought assurance from all Substance Misuse Area Planning Boards (APBs) that services and support for children and families remained in place, and significant work is being undertaken across government to alleviate the impact of Covid-19 on children and young people.

Through the APB Substance Misuse Action Fund the Welsh Government invests £2.75m ring fenced money for children and young people. Recognising the rise in demand for support, an additional £1m was allocated in 2022-23 increasing this allocation to £3.75m. In addition, this amount will increase to £5.25m and £6.25m in 2023-24 and 2024-25 respectively.

The Welsh Government also plans to continue investment of £1.98m per annum in the Wales Police Schools Programme, match funded by the four Welsh Police Forces. The programme delivers education on substance misuse and wider community and personal safety issues at all key stages of the curriculum amongst a range of other lessons.

The recent evidence from the charity Action on Smoking and Health which indicates that e-cigarette use by young people in the UK is increasing with use among children aged 11-17 rising from 4% in 2020 to 7% in 2022. In July, we published our new Tobacco strategy *A smoke-free Wales* where we set out our ambition for Wales to become smoke-free by 2030. We have historically had a cautious approach to e-cigarettes products in Wales given that the evidence on their long-term effects is developing and their potential appeal to children and young people. We are clear that e-cigarettes should never be used by children, young people and non-smokers.

In taking forward our strategy, we have made it clear that we intend to work closely with those affected by tobacco, including young people, to understand their motivations for smoking or for using e-cigarettes and what interventions and communications methods will work, for example in education settings. We are currently looking at the messages we share with young people on smoking and e-cigarettes as part of the new curriculum and the JustB programme which is targeted at secondary school pupils in the areas with highest smoking prevalence.

Neurodivergence services (Autism services)

We continue to prioritise improvements in neurodivergence services, on 6 July I announced an additional £12m funding over three years up to March 2025, £4.5M is available in 2023-24 to deliver an improvement programme taking a whole systems approach focussing on early intervention, family support and sustainable assessment and support services. We will separately continue to support and develop the successful Integrated Autism Service and the National Autism Team which is supporting delivery of our improvement aims.

Patient Experience

We are committed to ensuring that the people of Wales have a say in the way their health and social services are designed and delivered. We are supporting this commitment by ensuring the newly established Citizen's Voice Body for Health and Social Services, Wales (Llais), is allocated an operating budget of £5.5m per annum to effectively establish the organisation to meet the aims of representing the interests of the public in respect of health services and social services. Llais will be expected to involve the full range of citizens of Wales, including children and young people, in its activities and in a way that best suits the need of those communities. In addition, Llais will provide a complaints advice and advocacy service directly to children and young people that wish to complain about NHS services (complaints about social services functions will continue to be provided by the Local Authorities pursuant to section 178 of the Social Services and Well-being (Wales) Act 2014). With the £5.5m operating budget is specific funding for additional training in the area of working with children and young people.

Programme for Government (PFG)

Our four main PFG commitments supporting children and young people are as follows:

- Fund childcare for more families where parents are in education and training.
- Continue to support our flagship Flying Start programmes.
- Roll out baby bundles to more families.
- Prioritise investment in mental health.

All of these commitments are referenced in this paper and all are benefitting from increased funding allocations as part of this Draft Budget. All have been protected from any budget cuts and further investment is being made in the expansion of Flying Start.

These PFG commitments all have extensive monitoring and evaluation arrangements in place, many in line with existing Welsh Government Grant monitoring arrangements. Childcare and Flying start especially, are well established programmes with embedded monitoring and reporting mechanisms already in place. Each PFG commitment has a Deputy Director allocated to lead on its implementation and delivery. There will also regular reporting requirements against the full PFG programme.

PfG - Early Years and Childcare

Within the HSS MEG allocation, the budget for Early Years and Childcare has been protected, with £10m additional funding in 2023-24 and 2024-25 for the expansion of Flying Start. Funding will be allocated to support our Programme for Government commitments on Early Years and Childcare, which includes supporting more families with the costs of childcare where parents are in education and training, and increasing early years provision to include all two year olds, with a particular emphasis on strengthening Welsh medium provision. Alongside the impacts on early years, we have also recognised the disproportionate effect on gender particularly linked to childcare. Our Childcare Offer already provides 30 hours of funded education and childcare to working parents of 3 and 4 year olds for 48 weeks a year.

5. Children's Social Care

- a. Children's and young people's rights and entitlements, including the UN Convention on the Rights of the Child
- b. Safeguarding, including any implications arising from the publication of the final report by the Independent Inquiry into Child Sexual Abuse and the Welsh Government's 2019 National Action Plan on preventing and responding to child sexual abuse
- c. Adoption and fostering services
- d. Children and young people's advocacy
- e. Early years, childcare and play, including the Childcare offer and workforce
- f. Early childhood education and care
- g. Flying Start for children 0-3
- h. Families First and play policies

Children's Rights

We are committed to the principles of the United Nations Convention on the Rights of the Child (UNCRC). Children's rights underpin our ambition for each and every child to have the best start in life and to fulfil their potential.

Early years, childcare and play, including the Childcare Offer and workforce

The **Childcare Offer for Wales** revenue budget in 2023-24 has been protected, including the PfG commitment on expanding funding Parents in Education and Training, improving take-up rates, and a rate rise from April 2022. This commitment recognises the value of education and training in supporting parents to improve their employment prospects. Findings from the latest evaluation report indicate that the Offer continues to have a positive impact, helping parents financially and enabling them to balance the demands of work and family life.

ESF funding will come to an end in 2023 but the need to support the **workforce** to upskill will continue, particularly given the expansion of government funded childcare to all 2 year olds planned for this Senedd Term. A replacement scheme will need to be developed to provide the same level of support to the sector during this period of

growth. The £2m for 2023-24 and for 2024-25 reflect this continuing need and the end of ESF funds.

The **CWLWM** consortium comprises five organisations representing different parts of the childcare and play sector in Wales. Along with **Play Wales**, they are key partners in terms of delivery of Welsh Government priorities and provide invaluable support to their members and non-members in the form of guidance, training and information on all matters relating to play, national standards for regulated childcare, registration and regulation and sustainability/setting management. Both received budgetary increases in 2022-23 which have been maintained to reflect their continuing importance.

Following a successful pilot, the Programme for Government includes a commitment to roll out of the **baby bundle** to more families in Wales. This project aims to provide a universal gift from the Welsh Government to expectant parents living in Wales of a bundle of key items for their new-born baby. The budget is £6m in 2023-24.

Safeguarding services

Funding for Safeguarding primarily supports the implementation of the Social Services and Well-being (Wales) Act 2014 and promotes a preventative agenda to improve well-being outcomes for children and adults at risk, reflecting the need to adopt a child-centred approach built on collaboration to meet the care and support needs of children, support them to stay with their families where it is safe to do so and to protect children from abuse and neglect. In order to promote these aims funding supports Safeguarding Policy Development and Implementation across a range of child protection areas including child sexual exploitation and child sexual abuse, Reducing Restrictive Practices, and continued work to support Covid-19 recovery through information, advice and support for children and young people, parents/carers, practitioners and the public.

Safeguarding funding also supports the work of the National Independent Safeguarding Board, which provides support to the Regional Safeguarding Boards and advice to Ministers about the effectiveness of safeguarding arrangements in Wales. Together, the operation of the regional and National boards secures that

measures are in place to support consistent evidence-based practice to safeguard children across agencies and across Wales.

Advocacy services

The National Approach to Statutory Advocacy (NASA) is a standardised approach to statutory advocacy services being delivered by the six Regional Social Services Collaboratives, reinforcing and securing a consistent offer and experience for children and practitioners. It has been in place since June 2017. The implementation of NASA is monitored by Regional Fora which follows the footprint of the Regional Safeguarding Boards, overseen by a National Forum chaired by Welsh Government and a Local Authority Head of Children's Services. The funding element from Welsh Government will continue (up to £550k each year).

MEIC is the national information, advice and advocacy helpline providing children and young people with a single point of contact via Freephone, instant messaging and text. The Welsh Government does not deliver this activity directly but contracts with Pro-Mo Cymru. Following a procurement exercise in June 2022, a new Contract was issued to Pro-Mo Cymru to cover the period 1 July 2022 to 30 June 2026.

Adoption services

Investment will be directed towards local authorities and third sector organisations to continue to strengthen the provision of adoption services in Wales. Providing effective and tailored adoption support to adoptive families is paramount in supporting the prevention of adoption disruptions and breakdowns, thus reducing the possibility of children re-entering the care system, as far as possible. Investment will also be directed at increasing the number of adopters, contact, keeping siblings together, enhancing matching and placement processes to ensure children who cannot return to live with birth families, are placed as soon as possible, with suitable 'permanent families' that meet their specific needs.

Fostering services

Funding will continue to be directed at supporting the fostering sector to deliver a programme of work which will empower the fostering community to improve well-being outcomes for looked after children and young people within the national well-being framework. Investment will also be directed to support the Programme for Government commitment to support the national fostering scheme in Wales - Foster Wales. Funding will be utilised to implement a number of recruitment campaigns which will be targeted to meet service needs, as well as further embedding the programme of work undertaken during 2021. The recruitment of foster carers is key to the success and development of local authority fostering and the brand will help local authorities to eliminate profit and improve on the quality of placement of choice for children in care.

Policy and oversight of the provision of all social service activities of Local Authorities in Wales

Local authority social service provision continues to be monitored on a monthly basis via the Social Services Checkpoint report. This provides data around the number of contacts, the number related to safeguarding, children receiving care and support, and children looked after.

In addition to this, the 'measuring activity and performance' data of the Performance and Improvement Framework for social services will be published on 21st December 2022. This data provides an annual summary of the activity of local authority social services across Wales.

Young carers and young adult carers

Both young carers and young adult carers will be able to benefit from the £1.245m of funding annually, which we are committing to support unpaid carers of all ages in 2023-24. This will support delivery of actions in the Unpaid Carers Strategy for Wales and its associated Delivery Plan, which was launched in 2021. This will be

alongside funds in the Sustainable Social Services Third Sector grant scheme (2020-25), and support via Regional Partnership boards and their funding streams.

Families First

Families First is designed to improve outcomes for children, young people and families. It places an emphasis on early intervention, prevention, and providing support for whole families, rather than individuals. The programme works with the whole family to stop problems from escalating towards crisis.

The programme promotes multi-agency working to ensure families receive joined-up support when they need it. This is known as the 'Team Around the Family' (TAF) approach. An evaluation of Families First showed that TAF was one of the key successes of the programme, enabling families to feel more empowered to take control to improve their family outcomes.

Families First is one of six programmes within the Children and Communities Grant (CCG) which focus upon early intervention and prevention (Flying Start is also included in the CCG).

Prior to the introduction of the CCG in April 2019, Families First received a dedicated annual financial award of £37.6m in 2018-19.

We have provided an additional £40m revenue up to 2024-25 for early help and support including for Families First recognising the importance of supporting more children and families across Wales.

Early Years Integration Transformation Programme

The Early Years Integration Transformation Programme is focussed on developing a more joined-up, responsive early years system that puts the unique needs of each child at its heart, which covers the period of life from pre-birth to the end of the Foundation Phase (0-7).

We have been working with PSBs across Wales to explore how to deliver early years services in a more systematic way, applying the lessons from our existing programmes such as Flying Start and Families First.

The majority of the PSBs are now engaged in the programme as pathfinders. We are investing £6m in 2023-24 to support PSBs across all Health Board regions in Wales, as they test the core components for an early years system and pilot different multi-agency delivery models and approaches, building on what works well in existing programmes such as Flying Start and Families First. The budget tapers in FY2024-25 in line with the work-programme for the pilot.

The learning from the work being taken forward by the pathfinders PSBs will help inform the development of a national framework, which will set out the key components for an early years system and will provide a solid foundation for the future delivery of all our early years programmes and policies.

Early Childhood Education and Care

Our **Early Childhood Education and Care (ECEC)** vision for Wales means removing the artificial divide between education and care settings, ensuring all settings which deliver ECEC contribute to a child's wellbeing and development on an equal basis – one single system with the child at the heart. This means looking at the quality of the provision, how we can ensure as many children as possible can access high quality provision and what we need to do to support our workforce. The Welsh Government is embarking upon a journey to adopt an Early Childhood Education and Care (ECEC) approach in Wales for children aged 0-5.

Flying Start for children under 4

Flying Start is a Programme for Government (PfG) Commitment. The Flying Start programme was developed based on evidence of 'what works' in providing children with the best start in life. There are four core components including funded, part-time, high-quality childcare, enhanced health visiting, parenting support and speech, language and communication support.

Our Programme for Government commits us to continue our support for our flagship Flying Start programme. And, in line with the Co-operation Agreement with Plaid Cymru, we have extended this commitment to deliver a phased expansion of early years provision to include all two-year-olds, with a particular emphasis on strengthening Welsh-medium provision

The roll out of phase one of the expansion has now started, and includes all Flying Start services being offered to around 2,500 additional children under four. This is the first step towards our ambitious commitment to expand funded childcare to all two-year-olds, as set out in the Co-operation Agreement between the Welsh Government and Plaid Cymru.

We expect Phase 2 to support thousands more additional 2-year-olds with access to high quality childcare. Draft guidance for Phase 2 has been shared with local authorities for comment. They will be required to share their plans for delivery with us in January 2023.

Speech, Language & Communication – Early Years

We know Speech, Language and Communication (SLC) development is an important predictor of later progress in literacy. Children’s poor SLC skills have an impact on a wide range of outcomes including behaviour and mental health, wellbeing and employability. That is why we have prioritised children’s speech, language and communication skills as they are essential for positive long term outcomes. The Talk With Me: Speech, Language and Communication (SLC) Delivery Plan, seeks to drive improvement in the way in which children in Wales are supported to develop their SLC skills.

We are protecting our investment in 2023-24 to support the commitments in Talk with me the Speech, Language and Communication Delivery Plan to deliver our overarching commitment to improve outcomes for children through a fresh approach to promoting and supporting children’s speech, language and communication needs.

6. Detailed information on allocations in respect of children looked after and associated prevention and support measures

The Committee requests detail information on the allocations within the overall Draft Budget 2023-24 as relevant to our recently launched inquiry Services for care experienced children: exploring radical reform, including:

- Before care: Safely reducing the number of children in the care system. Including allocations for family support, edge of care services and parental advocacy.
- In care: Quality services and support children in care. Including discussions with the Minister for Finance and Local Government about the potential rising costs of children's social care and mitigating any impact on children
- After care: On-going support when young people leave care including the latest position on the basic income pilot and on funding for When I am Ready in foster care.

The Social Care Reform Fund

The Social Care Reform Fund was introduced in April 2022 to support activity to promote reform and improvement in social care, to complement the funding provided in the Local Government settlement. The Social Care Reform Fund is used to support the reform of Social Care, to improve delivery and increase the sustainability of services across the social care sector. The funding will be used to help deliver the Programme for Government commitments to reform social care for looked after children and to protect, re-build and develop our services for vulnerable people.

Our Programme for Government contains a number of commitments that set out our vision for children's services in Wales. Our ambition is for whole system change and, at its heart, we want to see more children and young people being enabled to live with their families and in their home neighbourhoods with many fewer needing to enter care. We also want to ensure the period that young people are in care is as short as possible.

We are committed to keeping families together. Our vision is to redesign how we look after children and young people so we can do the best for our young people, their families, and communities by providing services that are locally based, locally

designed and locally accountable. It is about putting in place the right type of care for each child: reforming and joining up services for looked after children and care leavers, providing additional specialist support for children with complex needs and better supporting those who care for children.

The increase in the Social Care Reform Fund of £10m to £52m in 2023-24 and reallocation of the total available funding will be used to enhance the support provided to the Programme for Government Commitments to deliver our vision for children's services in Wales. Funding has been awarded to Local Authorities to support proposals to deliver these commitments.

Eliminating profit from the care of looked after children

As part of the Co-operation Agreement between the Welsh Government and Plaid Cymru, there is a clear commitment to 'eliminate private profit from the care of children looked after' as a key component of this radical agenda.

The allocation in the Social Care Reform Fund for eliminating profit from the care of looked after children has increased from £10m in 2022/23 to £16m in 2023/24.

Feedback from children and young people suggests they have strong feelings about being cared for by privately owned organisations that make a profit from their experience of being in care. The Welsh Government does not believe there should be a market for care for children, or that profits should be made from caring for children facing particular challenges in their lives and intends to bring forward legislation to end this. This means the future care of children that are looked after in Wales will be provided by public sector, charitable or not-for-profit organisations.

Our aim is to ensure that public money invested in the care of children looked after does not profit individuals or corporate entities, but instead is spent on children's services to deliver better experiences and outcomes for children and young people, addressing service development and improvement and further professional development for staff. We intend to focus, in the first instance, on children's residential care and foster care.

Over the remainder of this Senedd term we need to focus on working with care experienced children, local authorities and partners to increase public and not for profit provision so there is a strong foundation to make a transition to not-for-profit care that meets the needs and entitlements of children and young people

Radical Reform

The allocation in the Social Care Reform Fund for radical reform of children's services has increase from £3m in 2022/23 to £10m in 2023/24.

We have committed through our Programme for Government to explore radical reform of current services for looked after children and care leavers in order to deliver a new vision and ambition for children's services, based on consistent practice, less risk averse behaviours and national restorative approaches adopted across Wales. Achieving this vision is not solely the responsibility of local authorities; it requires partnership working across public services and third sector organisations.

The programme will deliver preventative interventions for families with children on the edge of care including parental advocacy services, family group conferencing, Family Justice reform and a national practice framework. It will also require greater intervention and support for local authorities who are not delivering on our ambition to substantially reduce the number of children in care and this has been the focus of recent Ministerial visits to local authorities and will continue to be so for the remainder of these visits.

Cross-government/sector working on prevention

Maintaining our flagship Flying Start programme is a Programme for Government (PfG) Commitment. The Flying Start programme was developed based on evidence of 'what works' in providing children with the best start in life. There are four core components including funded, part-time, high quality childcare, enhanced health visiting, parenting support and speech, language and communication support.

We are continuing to invest in our flagship Flying Start programme which reaches around 36,000 children under four, living in some of the most deprived areas across Wales. The evidence shows it is making a difference to those children who access the programme. Core revenue budgets have been protected for early help and support including for Flying Start, recognising the importance of supporting more children and families across Wales and to ensure we support our youngest children to have the best start in life. However, as planned we are seeing the end of additional funding for the Child Development Fund and our Early Help initiative. This funding was provided as a short term intense response to the pandemic and is ending in line with workplans.

Within the updated Programme for Government (PfG) and following the Co-operation Agreement the Welsh Government has committed to deliver a phased expansion of early years provision to include all two year olds, with a particular emphasis on strengthening Welsh medium provision. Phase 2 of the expansion will take place during 2023-24 and 2024-25. It will build on the expansion of Phase 1, where we are extending Flying Start provision to an additional 2,500 children, with the additional provision beginning in September 2022. Further expansion is planned within 2023-24.

Early Years Integration Transformation Programme

The Early Years Integration Transformation Programme is focussed on developing a more joined-up, responsive early years system that puts the unique needs of each child at its heart, which covers the period of life from pre-birth to the end of the Foundation Phase (0-7).

We have been working with PSBs across Wales to explore how to deliver early years services in a more systematic way, applying the lessons from our existing programmes such as Flying Start and Families First.

The majority of the PSBs are now engaged in the programme as pathfinders. We are investing £6m in 2023-24 to support PSBs across all Health Board regions in Wales, as they test the core components for an early years system and pilot different multi-agency delivery models and approaches, building on what works well in existing programmes such as Flying Start and Families First.

Speech, Language & Communication – Early Years

We know Speech, Language and Communication (SLC) development is an important predictor of later progress in literacy. Children's poor SLC skills have an impact on a wide range of outcomes including behaviour and mental health, wellbeing and employability. That is why we have prioritised children's speech, language and communication skills as they are essential for positive long term outcomes. The Talk With Me: Speech, Language and Communication (SLC)

Delivery Plan, seeks to drive improvement in the way in which children in Wales are supported to develop their SLC skills.

We are protecting our investment in 2023-24 to support the commitments in Talk with me the Speech, Language and Communication Delivery Plan to deliver our overarching commitment to improve outcomes for children through a fresh approach to promoting and supporting children's speech, language and communication needs.

Real Living Wage

The Real Living Wage allocation will be around £70m in 2023-24. The uplift will apply to registered workers in care homes and domiciliary care (both adults and children's services) and registered domiciliary care workers in supported living settings. It will also be received by all personal assistants funded through a local authority direct payment.

7. Costs of legislation

- Implementation of the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill in its first year in force and any adjustments to allocations made in light of the first year of implementation.

2022-23 update

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020, came into force on 21 March 2022.

During the 2022-23 financial year to date, the implementation work has focused on awareness raising; administration of the Out of Court Parenting Support Grant; and data collection, monitoring and social research to inform the post-implementation review of the legislation.

Awareness raising: As briefed for budget scrutiny last year, the budget allocation for the ending physical punishment campaign in 2022-23 is £400,000, and we expect to spend the full allocation. This is a significant reduction from the budget allocation for 2021-22, when a focus was required on extensive awareness raising, and

engagement with under-represented groups, before the law change came into force. Sustained awareness raising is still important to help deliver the policy objective of reduced incidence of physical punishment of children, and an increase in support for the principle that all physical punishment of children is unacceptable. We continued engagement with under-represented groups (which had been part of our engagement strategy for the previous three years) in the early part of the financial year, but have gradually reduced these engagement levels and will review the findings from our engagement to inform future activity.

In addition, £400,000 has been allocated to the *Parenting. Give it Time* campaign to increase the capacity to communicate messages about positive parenting and positive alternatives to physical punishment. The *Parenting. Give it Time* campaign has and continues to provide parenting information, advice and support through a dedicated website, digital advertising and social media channels. Following the lifting of Covid related restrictions, a *Parenting. Give it time* roadshow has also visited various locations across Wales, working with the local parenting workforce to reach and provide information and advice to parents and carers in the local area.

Out of Court Parenting Support: We worked closely with the police, local authorities and other key stakeholders to work up proposals for a diversion scheme which would enable the police to refer individuals to local authorities to offer tailored parenting support, as a condition of an out of court disposal. The Welsh Government has allocated £810,000 grant funding to enable local authorities to provide this support. Data is being collected to understand more about how the grant is utilised, including numbers of referrals through the scheme, and this will be published when available and quality assured. Comprehensive guidance was produced in consultation with local authorities and the police, and this can be found here:

[Out of Court Parenting Support Grant: guidance | GOV.WALES](#)

Data collection, monitoring and evaluation: Our arrangements for data collection and monitoring do not incur a budget cost, as data collections and analysis are being managed by Welsh Government staff, with input from our partners in local authorities, police forces and Crown Prosecution Service.

We have commissioned research to track awareness levels and attitudes towards physical punishment, through the Beaufort omnibus (fieldwork carried out November 2022); estimated cost of this survey and report is less than £10,000 in 2022-23.

2023-24 anticipated expenditure:

The forward work programme will continue to focus on awareness raising and engagement; out of court parenting support; and data collection, monitoring and evaluation.

The budget allocation for the implementation work in 2023-24 is up to £1,260,000, made up of:

- Up to £400,000 for awareness raising and engagement
- Up to £810,000 for out of court parenting support grant
- Up to £50,000 for research and evaluation, including the regular awareness tracking survey and report, and possible additional qualitative research which will explore the impact of the legislation on those potentially affected by it.

Awareness raising and engagement: Up to £400,000 has been allocated in recognition of the importance of ensuring that as many people as possible across Wales are aware of the law change.

Regular tracking of awareness levels carried out by our communications agency via omnibus survey, indicates that our *Ending Physical Punishment* has been successful in attaining high levels of awareness. In light of this, we are considering whether we can make some savings in funding earmarked for general awareness raising, but will continue to carry out targeted communications in specific areas and for specific groups. For example, we know from other countries that it is important to continue to ensure information and advice is available to new parents, and to newcomers to the country. It is possible, therefore, that the expenditure on awareness raising and engagement will be less than £400,000, as targeted communications generally costs less than mass communications, but we will be monitoring the situation carefully.

Out of court parenting support: Indicative funding of £810,000 per year has been allocated for out of court parenting support through to 2024-25, to enable us to

review whether the funding has been pitched at the right level to help make the diversion scheme successful.

It is too soon as yet to reach any conclusions about this. The scheme needs some time to bed down, and we need to collect a few years' data to assess the outcomes of the scheme.

It should be noted that if the additional parenting support procured through the grant is more than required to support the out of court parenting support delivered alongside an out of court disposal offered by the police, then that additional capacity is available to support the wider parenting support offered by the local authority. As such, the grant supports the policy objectives of the law change by promoting positive parenting, including how to provide guidance and discipline through positive alternatives to physical punishment.

Research: Up to £10,000 of the £50,000 budget allocation for research will be used for the annual omnibus tracking survey and report. The remainder will be available to support the possible procurement of qualitative research with practitioners to explore how the change in law has affected frontline delivery, if at all.

- Financial implications or anticipated in 2022-23 and 2023-34 of any subordinate legislation relevant to children and young people within the Minister's portfolio.
- Information on the financial impact of any relevant UK Parliament legislation.

8. Impact of the cost of living on Draft Budget 2023-24 allocations

Information on the anticipated impact of the cost of living on the Health and Social Services MEG in 2023-24 and the Minister's broader policy responsibilities for:

- The delivery of services to children and young people by the Health Boards in Wales and the impact of the rising costs of energy on this provision.
- Policy and oversight of the provision of all social service activities of Local Authorities in Wales and any associated discussions with the Minister for Finance and Local Government, specifically:

- The impact of the costs of living on children’s safeguarding services both in terms of potential increased needs and any increased costs associated with service delivery
- Impact of the costs of living in terms of the delivery of children’s social care, for example the increased costs of residential and foster care; the increased costs of living for households supporting Kinship Care arrangements or Special Guardianships.

Cost of Living

The Welsh Government recognise the impact of the cost-of-living crisis on the health and well-being of the population, and we are doing everything we can to support people through this cost-of-living crisis by providing targeted help to those who need it the most and through programmes and schemes which put money back in people’s pockets. In this financial year, this is worth some £1.6bn across the totality of the Welsh Government budget.

The draft budget allocations will continue to offer support to those in the most need, through a variety of gross government programmes and schemes. For example, we will continue to offer Healthy Start vouchers to provide extra support to purchase healthy fruit and vegetables during pregnancy and for parents of young children. We will also continue to invest in our whole system approach to improve mental well-being in schools and easy to access mental health support, for instance our CALL helpline and online therapy.

Cabinet have agreed in the draft budget to maintain funding for the Discretionary Assistance Fund at current levels for the next two financial years (£38.5million), providing an additional £18.8million per annum on to the baseline budget. The Minister for Social Justice is exploring policy options regarding the current flexibilities and the operation of the new contract beginning in April 2023 and will make an announcement when plans are finalised. Partners report this fund is an essential lifeline, particularly during the cost-of-living crisis. Since April 2022 it has provided nearly £20million of support to our most financially vulnerable, which includes support for off-grid fuel payments.

There will continue to be collective efforts to put money back into people's pockets, through programmes like the free childcare offer, universal free school meals as well as maintaining existing support, such as free prescriptions.

We recognise the impact being out of work can have on the well-being of the workforce, and our draft budget will enable us to provide continued In-Work Support until March 2025 that builds upon the current European funded In-Work Support Service to expand the support from its current delivery in North and Southwest Wales to all of Wales from April 2023. This will enable a greater number of people who are absent from work, or at risk of becoming absent due to their physical or mental ill-health, to receive free occupational health support to remain in work.

We are also providing continued employability support for people who are recovering from mental ill-health and/or substance misuse and who are out of work. This peer mentoring support is being provided until March 2025 and will help the most marginalised people furthest from the labour market into sustainable employment, raise household income and provide a route out of poverty bringing security to individuals, families and communities.

The draft budget provides for the continuation of our successful Carers Support Fund. Established in 2020, the fund aims to mitigate the financial impact of the rising cost of living on unpaid carers via direct grants and the development of local support services. The fund has proven successful in reducing immediate financial hardship whilst also linking more unpaid carers to ongoing support. Since its launch it has benefitted over 10,000 unpaid carers. In 2021- 22, 33 per cent of beneficiaries were previously unknown to services. In some areas this figure was as high as 70 per cent. Therefore, via this scheme, more unpaid carers are accessing preventative support to improve their mental health and well-being.

The cost-of-living crisis is having a real impact on the carers of our vulnerable families in Wales. There have been several press articles and a campaign by the Fostering Network outlining that many foster and kinship families could be forced to give up the children in their care up if they are not given extra support.

Welsh Government welcomes the Fostering Network research around the full costs of caring for a child in foster care. We believe that those who care for our care experienced children should be adequately resourced to cover the costs of the

children in their care. We commissioned a comprehensive review of the National Minimum Allowance, which is the basic core allowance that foster and kinship carers receive to cover the costs involved in looking after the children in their care. It is intended this will set a benchmark for payment rates to all foster and kinship carers. The review included looking at the actual costs associated with caring for a child, and the impact on a foster family's ability to earn or meet the needs of all children within the house. We are currently considering the findings from the review in order to determine future payment rates.

Working alongside Foster Wales we are looking at how we can harmonise the support available to foster and kinship carers so there is a consistent offer of support for carers across Wales. This will include looking at how local authorities can support some financial commitments such as providing council tax reductions and accessing leisure facilities to further support families.

We have recently undertaken a review of the core offer of support, including financial support, available to Special Guardianship families in Wales. We are currently reviewing these findings and will be setting up a Strategic Implementation Board to take the recommendations forward from 2023/24.

Real Living Wage

Introducing the Real Living Wage for social care workers has been a priority for the Welsh Government and a key commitment in our programme for government to build an economy based on the principles of fair work, sustainability and the industries and services of the future. Delivering improved pay through the uplift of the Real Living Wage included in our draft budget will help to address low pay associated with the sector, support the cost-of-living crisis and increase the attractiveness of social care work. The Real Living Wage makes a difference to lives and livelihoods and it is the difference that ensures work pays and living costs can be met.

Children, Young People & Education Committee - Date: 18th January 2023

Commentary on each of the Children's budgets Actions within the Health and Social Services MEG, including an analysis and explanation of changes between the Final Budget 2022-23 and the Draft Budget 2023-24.

Action: Delivery of Targeted NHS Services BEL 060 – AHW Early Years allocation					
Final Budget 2022 (2023-24) £m	Change £m	Draft Budget 2023-24 (2023-24) £m	Final Budget 2022 (2024-25) £m	Change £m	Draft Budget 2023-24 (2024-25) £m
7.1	-	7.1	3.8	-	3.8

BEL 60 in the Delivery of Targeted NHS Services Action contains the original funding allocation made to support A Healthier Wales (AHW).

As part of this budget provision there was a baseline of £7m to support the Early Years (as at 1st sup budget 2021).

As part of the £28m uplift in Draft budget for Childcare & Early Years set out in 22-23, £11.5m was initially allocated to BEL 60. There have been various budget transfers out to the Children & Communities Grant, now part of the HSS MEG, and the budget for 24-25 represents the balance remaining.

Action: Supporting Children					
Final Budget 2022 (2023-24) £m	Change £m	Draft Budget 2023-24 (2023-24) £m	Final Budget 2022 (2024-25) £m	Change £m	Draft Budget 2023-24 (2024-25) £m
111.256	170.235	281.491	112.106	177.685	289.791

The bulk of funding in this action supports the childcare offer (which is subject to scrutiny by the CYP&E Committee). This action also contains his action funding for the Looked after Children Transition Grant (LACTG) which provides funding for a number of initiatives which improve outcomes for looked after children so that all children in care have the same life chances as other children. It also contains the Vulnerable Children budget which supports children who have been adopted to ensure they and their family have the necessary access to support services to begin their family life.

Explanation of Changes to the Supporting Children Action

MEG to MEG transfers (Recurrent)

- **£160.235m (23-24) and £167.685m (24-25)** – Recurrent transfer of Children & Communities Grant funding into HSS MEG.

Budget adjustments within HSS MEG for 23-24 and 24-25

- **£10.000m** – Additional funding allocated to Flying Start to support expansion. Recurrent adjustment Action to Action within HSS MEG.

Action: CAF/CASS Cymru					
Final Budget 2022 (2023-24) £m	Change £m	Draft Budget 2023-24 (2023-24) £m	Final Budget 2022 (2024-25) £m	Change £m	Draft Budget 2023-24 (2024-25) £m
14.725	0.470	15.195	17.725	0.470	15.195

Cafcass Cymru is a demand-led operational service delivers a statutory service to the Family Court in Wales on behalf of Welsh Ministers. Cafcass Cymru practitioners work with nearly 11,200 of the most vulnerable children and young people in the family justice system, ensuring our interventions promote the voice of the child, is centred on their rights, welfare and best interests to achieve better outcomes for the child involved in the Family Justice System in Wales.

The organisation seeks to influence the family justice system and services for children in Wales, providing high quality advice to Ministers and ensuring the needs of Welsh families and children are reflected in process and policy developments. Aside from staffing and running costs for the organisation, the budget provides grant funding to support separated parents, when directed by the Family Court, to have contact with their children. The budget also funds the provision of the Working Together for Children programme which supports parents who have separated, or are separating, to better manage their own behaviour to ensure the emotional, practical and physical needs and best interest of their children are paramount.

Explanation of Changes to the CAF/CASS Cymru Action

Budget adjustments within HSS MEG for 23-24 and 24-25

- **£0.470m** – Budget increase for staff related costs. Recurrent technical adjustments Action to Action within HSS MEG (budget commitment realignment).

Children, Young People and Education Committee

Title: Scrutiny of the Welsh Government's draft budget 2023-24 Minister for Social Justice

Views on the Draft Budget

1. As a Welsh Government, we will continue to work to prioritise our budgets to shield the most vulnerable and maintain our commitment to create a stronger, fairer and greener Wales as we prepare our draft Budget 2023-24. There is no doubt, however, that this has been a challenging budget, the most challenging since devolution.
2. We have published our Strategic Integrated Impact Assessment (SIIA) of the Draft Budget which outlines the contextual evidence that has supported our spending decisions, including those related to children and young people. The SIIA is just one of a suite of documents published as part of our Draft Budget, with the impact of spending decisions outlined as part of the main narrative in chapter four, complemented by the SIIA at Annex A. Following publication of the Draft Budget we will publish an extensive summary of all Ministers' written evidence to Senedd scrutiny committees on allocations within each MEG; this will provide a more detailed account as to how Draft Budget decisions have impacted on different groups.
3. The Budget Improvement Impact Advisory Group (BIIAG) formerly the Budget Advisory Group Equality (BAGE), was set up in February 2022. The role of the Group is to provide advice, feedback and evidence from an equalities and inclusion perspective to ensure that budget and tax processes improve over the longer term, to better align funding to outcomes including. The Group is primarily intended to support delivery of the Welsh Government Budget Improvement Plan (BIP). The BIP is committed to exploring how we can better improve our approach to assessing the impact of Budget decisions. We are currently working with Children in Wales, Young Wales Project Board to co-produce a Young Person's version of the BIP which will be published in December 2023.
4. People across Wales are facing an uncertain future as a result of this unprecedented cost-of-living crisis. Families with children are more likely to be impacted than those without.
5. Those who will be most affected will be children from a household that has protected characteristics:
 - This includes children and young people who are disabled or live in a household with a disabled person
 - Black, Asian or minority ethnic children
 - Children in single parent households
6. In addition, families that are more at risk from the cost of living crisis include:
 - Households where the children are young
 - Children who live in larger families where there are more children
7. As part of this year's 2023-24 Draft Budget a number of allocations have been made respect relating to Children and Young People. This includes continuing our

commitment to support the Pupil Deprivation Grant with an additional allocation of £9m in 2023-24. This is designed to help children and young people from lower income households and looked after children overcome the additional barriers that prevent them from achieving their full potential.

8. Schools in Wales are directly funded by local authorities – funding for schools is mainly provided through the local government settlement. As a result of the decisions we are taking, we are providing an additional £227m in 2023-24 and £268m in 2024-25 to the local government settlement which will include support for schools; this builds on the £0.75bn we outlined up to 2024-25 as part of our 2022 – 2025 Spending Review.
9. In addition to funding we are providing for schools via the Local Government Settlement, we are providing extra funding through Education budgets with an additional £5.5m to support the continuation of the Recruit, Recover and Raise Standards (RRRS) Programme in line with our Programme for Government commitment and a further £4.5m to support implementation of the Additional Learning Needs Act as part of our long-term programme of education reform. In addition, we are providing an additional £9m to support post-16 provision, including a review of Renew and Reform funding and other distinct pressures for school sixth form and FE sector.
10. We have also been able to make an allocation of £18.8m for the Discretionary Assistance Scheme and an allocation of £2.2m for the Basic Income Pilot. Data suggests that 50% of DAF payments are made to households with children. The additional support will ensure that this funding continues to be in place when individuals and families across Wales are facing unprecedented costs for the most basic of things, such as food and fuel. The basic income pilot is a radical intervention, supporting a group of young care leavers with an income of £1,600 (before tax) every month. We continue to support the pilot, which will run for the next two years and are allocating an additional £2.2m in 2023-24.

Working across Cabinet to ensure budget advance equality and social justice

11. As a Cabinet we are committed to promoting equality and social justice; these issues are considered through the cost-of-living Cabinet Sub-Committee as well as the Programme for Government Cabinet Sub-Committee.
12. In March this year, I took a paper to Cabinet on cross-government measures for tackling poverty. My cabinet colleagues gave their unequivocal support. I held a series of follow up bilateral meetings to discuss what more we can do across government to tackle poverty and inequality. The Minister for Education and Welsh Language presented at the most recent Tackling Poverty and Cost of living Summit in November and the Minister for Climate Change and Minister for Finance and Local Government have also contributed at the Summits we have held in 2022. The Deputy Minister and Social Services and I have held a number of joint meetings with stakeholders as our commitment to improving outcomes for children and young people are inextricably linked.

Child Poverty

13. Ministers are committed to achieving the objectives which focus on reducing the number of children living in workless households, increasing the skills of parents and

young people, reducing inequalities in education, health, and economic outcomes, creating a strong economy and labour market and action to increase household income.

14. As you are aware, the Cost of Living Cabinet Sub-committee, which is chaired by the First Minister, provides strategic direction to our response to the cost of living crisis. The Committee is focusing Welsh Government efforts, and those of our partners, in improving outcomes for low income households and ensuring a joined-up approach across portfolios.
15. Our Child Poverty Strategy sets out the Welsh Government's objectives for tackling child poverty through a focus on what we know works well using the levers available.
16. We will report on progress in achieving our child poverty objectives before the new year. I have given a commitment to refresh the current strategy. While the objectives remain relevant, the strategy itself does not recognise the impact of the pandemic, our exit from the EU or the cost of living crisis on poverty.
17. The new strategy will set out the collective approach we are taking as a Government to tackle child poverty. I will be taking a paper to Cabinet in January which will provide an opportunity to discuss our approach further.
18. The costs associated with developing the refreshed strategy will be minimal. They will relate to stakeholder engagement and steps taken to ensure that stakeholders and organisations, people and communities and children and young people can have their say. Funding will be allocated to support us to take steps to ensure that the voices of those most disadvantaged by poverty, have their voices heard.

Educational outcomes, Pupil Development Grant and attainment gaps

19. Countering the effects of poverty on children and young people's attainment is central to our flagship Pupil Development Grant (PDG). Year on year we have extended the PDG to reflect the increase in eFSM learners, with funding for 2022-23 at over £130m. This includes the Early Years PDG (EYPDG).
20. The current cost of living crisis and economic downturn is having an impact on lower income households. Building on the additional £20m allocated as part of last year's Spending Review, we are allocating a further £9m to the PDG from 2023-24 to support our most economically vulnerable learners.
21. We continue to work closely with PDG regional representatives to identify those areas where funding can have most impact, particularly in the context of the recommendations from the Review of School Spending in Wales report; prioritising additional funding for more deprived schools; and working with local authorities on ensuring more consistent and transparent school funding formulae.
22. We have made it clear that tackling the impact of poverty on attainment is at the heart of our national mission in education. The PDG has a key part to play in achieving this and we will build upon existing effective practice by ensuring that we target the funding as well as possible. Whilst ultimately the use of the PDG should be decided by schools, these decisions need to be more strategically influenced, better grounded in evidence and rigorously monitored for impact. To that end, we

have updated the terms and conditions of the grant and will be producing new guidance for schools on the use of the PDG working closely with the Education Endowment Foundation.

23. We are working with Bangor University who are undertaking research on the Effective Targeting of School Deprivation Funding in Wales. The key aims of the research project are to:
- Review how PDG is used in Wales and how similar grants are used in other parts of the UK.
 - Review the main indicators schools use to target funds and design interventions.
 - Evaluate how reporting impacts on learners, school staff and learner outcomes.
 - Review and make recommendations on appropriate measures and evidence of outcomes.
 - Identify what further work is required to ensure future policy making, resource allocation and targeting of resources at school level are fully optimised and evidence based.
24. Looked After Children are among our most vulnerable children and young people. In addition to support via the PDG, since 2021-22 we have provided start-up grant funding to a number of local authorities across Wales to implement a Virtual Schools model which aims to improve the educational experiences and outcomes of both looked after children and previously looked after children. The budget for 2022-23 is £1.1m and this is an ongoing pilot which will continue into its final year in 2023-24.
25. We have identified a small group of leaders to work as Attainment Champions who will provide focused peer to peer support to headteachers in schools involved in the pilot, attend round table discussions on lessons learnt, provide insights on their experience and advocate for this important policy area. This is a supportive and self-selecting pilot, working with headteachers who have demonstrated sustained progress addressing the impact of poverty on educational attainment, have experience of mentoring and capacity building and insight into the increasing pressures of the cost of living on parents and families. The pilot will see system leadership in action and is focussed on what we can learn about this supportive approach to inform future policy and practice. The pilot is being delivered by the National Academy for Educational Leadership and we are providing £157,600 for this work
26. The Programme for Government 2021-2026 commits the Welsh Government to: *Invest in the learning environment of Community Focused Schools, co-locating key services, and securing stronger engagement with parents and carers outside traditional hours.* This is a key part of delivering educational equality through our policy for tackling the impact of poverty on educational attainment. It is equally part of our aim to build communities that are thriving, empowered, and connected.
27. Our ambition is for all schools in Wales to be Community Focused Schools - responding to the needs of their community, building a strong partnership with families, and collaborating effectively with other services.
28. In 2022-23 we have invested:
- £3.84m in increasing the number of family engagement officers employed by schools, with part of their role to be focused on improving pupil attendance;
 - £660k to trial the appointment of community focused schools managers; and

- £20m of capital investment to allow schools to develop further as community assets, making the school more accessible and open to its local community.

Minority Ethnic, Gypsy, Roma, Traveller Grant (MEGRT)

29. We understand the particular language and cultural barriers children from ethnic minority and Gypsy, Roma and Traveller backgrounds can face, which is why it is crucial they receive support to reach their full potential.
30. We have provided a total of £11m to local authorities in 2022-23 via the Minority Ethnic, Gypsy, Roma Traveller (MEGRT) grant to fund local authority support services, with funding being maintained for 2023-24. This funding supports the educational needs of all children and young people from ethnic minority communities, including Refugees and Asylum Seekers. This funding recognises the important role local authority services provide in supporting children and young people, and the sustained increase in numbers of minority ethnic learners with English or Welsh as an additional language, who need support.

Digital Inclusion in schools

31. As part of our 'Stay safe. Stay learning' programme, Wales was well positioned to support all learners with remote learning and quickly established support for digitally excluded learners in maintained schools through the foundations established by the Hwb EdTech programme.
32. The Education Policy Institute recognised the Welsh Government's digital strategy, existing infrastructure and collaboration with local authorities as key enablers for schools across Wales to deliver digital learning, particularly during the pandemic.
33. Digital equity is of paramount importance and the Welsh Government is committed to identifying new opportunities to support schools and local authorities to improve standards and reduce the impact of education on households, such as providing the all Wales Microsoft Education licensing agreement to allow all learners and teachers to download Microsoft Office at home **for free**.
34. Welsh Ministers are also fully committed to maintaining support for the Hwb EdTech programme to ensure that all maintained schools have equitable access to online tools and resources which can be accessed anytime, anywhere. The Welsh Government has invested over £180 million, including a further £10million this financial year, to future proof education technology infrastructure; provided over 230,000 end user devices, with significant work underway to refresh the teaching and learning tools and peripherals across Wales to help deliver the Curriculum for Wales.
35. Schools across Wales can also benefit from the Hwb digital learning platform, which is helping to improve the use of digital technology for teaching and learning. Hwb provides all learners and teachers in maintained schools, as well as other education stakeholders, such as trainee and supply teachers, with access to a range of bilingual digital infrastructure, tools and resources that are helping to transform digital teaching and learning in Wales. The Hwb digital learning platform has been designed to ensure the resources, tools and services can be accessed anywhere, anytime from an internet connected device.

36. Through these initiatives the Welsh Government have provided national foundations capable of supporting and delivering real transformation to the Education sector. It also ensures digital is at the heart of the Curriculum for Wales and provides support to schools to inspire our teachers and learners to create a culture which embeds digital practices.

Financial inclusion and its link with the new curriculum

37. Financial Inclusion and the Financial Wellbeing Delivery Plan for Wales aligns closely with the new curriculum in delivering learning for children from 3 to 16 years of age.

38. [The Delivery Plan for Wales](#) provides activities that aims to help 90,000 more children and young people in Wales getting a meaningful financial education and was co-produced by Welsh Government and Money and Pensions Service (MaPS).

39. Financial education is any activity that helps children and young people develop the knowledge, skills, and attitudes they need to manage their money well in later life. Financial education has very strong links to most aspects of future/adult financial wellbeing. The Well-being of Future Generations Act 2015 gives Wales the ambition, permission, and legal obligation to improve social, cultural, environmental, and economic wellbeing.

40. The following actions are contained in the Financial Foundations section of the Plan:

- supporting credit unions to provide school savings schemes to increase the number of school-age children saving regularly supporting financial resilience. Welsh Government is currently supporting four credit unions to deliver school savers projects within Merthyr Tydfil, Swansea, Neath and Port Talbot, Cardiff, and Bridgend. Different delivery methods are used – some schemes are children led maximising the learning opportunities, some teacher/volunteer led and others run by a dedicated school's officer;
- delivers the bilingual Your Money Matters textbook to all secondary schools in Wales and will evaluate its impact; and
- Financial education in the home, in government training programmes and in other youth settings is also a priority. Talk, Learn, Do (TLD) was developed and piloted in Wales. It helps parents/carers have conversations with children about money with the aim of improving financial capability. The TLD programme will also be expanded to include content for teenagers and young people, enabling parents of older children to support their transition into adulthood. Digitise Talk, Learn, Do (TLD) content Scope and engage a digital agency to create and publish TLD content digitally.

41. The teacher training pathfinder being delivered by Young Money in partnership with the Welsh Government addresses the limited support for teachers in delivering financial education. The aim is to continue to promote the learning in Wales and

encourage more uptake for teachers to enhance teacher knowledge, skills, and confidence in teaching about money, and improve young people's financial capability. Findings from the Wales pathfinder were published in Spring 2022 with, E-Learning being delivered in Wales (research evaluation <https://maps.org.uk/2022/05/11/financial-education-professional-learning-for-teachers-in-wales-pathfinder-evaluation/>)

42. The aim is to launch in other three nations by the end of 2022, with teacher training to commence in Spring 2023, ready for evaluation and next steps planning by Autumn 2024.
43. Officials are working with the MaPS and the steering group to continually monitor the roll out of these actions given the landscape change post Covid, and in the context of the cost-of-living crisis.
44. The Delivery Plan is supported with input from over 90 stakeholders in Wales including banks, building societies, educational institutions, government departments and this joint working with MaPS is vital to its success. We continue to work in partnership on this delivery.

Higher education

45. We provide the most progressive student finance system in the UK by providing living costs grants to support to those who need it most. The highest levels of grant are targeted to those students from households with the lowest incomes. Ensuring all eligible students have access to the same maximum amount of funding creates parity of opportunity for Welsh students.
46. Support is available to those wishing to study a designated higher education course at a university or further education institute in the UK and covers study at undergraduate through to postgraduate.
47. We provide additional support for disabled students to ensure they benefit from the same higher education opportunities and study experiences as their non-disabled peers. A non-repayable grant of over £32,000 per academic year is available for non-medical help, mobility assistance, equipment and where necessary, upgrades to living accommodation. The grant is non-means tested and available to eligible undergraduate, postgraduate, full-time, part-time and distance learning students without reduction; support is based on the student's needs.
48. Eligible care leavers aged under 25 are not means tested and automatically receive the maximum maintenance grant available. Universities in Wales also support care leavers through various projects, bursaries, and work with specialist charities. This work is expected to continue.
49. Welsh Government listened to young carers and has worked with the Student Loans Company to improve guidance to practitioners. As a result, greater discretion in attendance management for carers was agreed, ensuring they were not unnecessarily penalised for absences while caring.

50. We also have grants available for those in higher education with caring responsibilities, including a Childcare Grant, a Parents' Learning Allowance and an Adult Dependents' Grant.
51. Students with dependants can also apply for additional means-tested grants (known as Grants for Dependants) to support them with any additional costs they incur. This includes childcare. Furthermore, in academic year 2022/23, we removed the restriction preventing students on distance learning courses accessing these grants in recognition of the increase in blended learning and students seeking part-time study to help balance study and existing commitments. This is now available to new and continuing students.
52. We recognise that many students studying in Wales will not have access to our generous package of student support but the funding we have provided, to bolster hardship funds and mental health services and other support during the pandemic, and other emergency support being offered to students during the current crisis is available to all students, including our international students.
53. Widening access to higher education and beyond makes a significant contribution to society and the economy of Wales, supports our efforts to tackle inequality, social justice, social mobility, economic upskilling and institutions' civic mission activities such as working with schools.
54. HEFCW's Widening Access Programme of Action sets out how it delivers its approach to widening access under a number of strategic themes. Carers feature as an under-represented cohort and one of HEFCW's strategic priorities is to: 'prioritise carers, looked after children and care leavers in Widening Access strategy development and implementation'. Actions towards this priority include:
- Reaching Wider Programme strategies and plans to demonstrate partnership working with FE, schools and other organisations to prioritise carers, looked after children and care leaver activities; and
 - publish fee and access plan guidance to encourage support for carers, looked after children and care leavers.
55. The Programme of Action is supported by HEFCW's Reaching Wider Programme (RWP). By working with priority schools, colleges and communities the RWP aims to increase higher education participation from priority groups and communities in Wales by raising educational aspirations and skills and creating innovative study opportunities and learning pathways to higher education.
56. Over the current strategy period (2022/23 to 2024/25) HEFCW plan to invest £2m annually to support RW Partnership strategies. In addition, higher education institutions fund their contribution to the RW Programme through fee and access plan investment of £1.7m annually, giving a total investment over the period of £3.7m annually from 2022/23.
57. The aim of the programme is to engage with primary and secondary schools; young people up to the age of 18; adults aged 21 and over with no HE qualifications, from the bottom two quintiles of the Welsh Index of Multiple Deprivation. The project also works with care experienced individuals and carers; people with disabilities; and people from ethnic minority backgrounds to help reduce barriers to education faced by these groups.

58. HEFCW have been remitted to continue to support institutions in achieving rapid and sustained progress in tackling racism and improving the experience of staff and students in HE regardless of their racial background. This includes institutions working towards the achievement of a charter mark as a demonstration of their commitment to eradicating racism and racial inequality at all levels within the sector
59. HEFCW has allocated funding for universities in Wales to support race equality in higher education. The purpose of the funding is to prevent inequality, tackle anti-racism, support culture change and contribute to delivering the Welsh Government's Anti-racism Wales action plan.
60. Our Anti-Racist Wales Action Plan, which was published following extensive consultation, includes specific actions for HE. The goals and actions we have set for HE build on the good work already being done within the sector and support their work to improve the experience of staff and students in HE regardless of their racial background.
61. All universities in Wales have hardship funds in place to support students in financial difficulty. Information about what support is available is provided on their websites and promoted through a range of channels.
62. Our universities have been taking steps to support their staff and students in dealing with the impacts of increased cost of living and other financial pressures. Measures being put in place include increased hardship funds, means-tested bursary schemes, short-term loans and crisis grants; warm study spaces; free or low-cost food and hot meals; on campus food banks; free period products; free online money and financial advice; free access to sporting and other activities; as well as increased mileage allowances for students on placements.
63. The steps being taking by our institutions, in addition to supporting their mental health and well-being, will help students to stay well and continue to engage with their studies, ensuring they able to succeed and achieve their ambitions and get the most out of their university experience.
64. Recognising the particular difficulties and challenges posed by the pandemic we allocated additional funding of £50m to HEFCW in 2020-21 to bolster support for students, particularly those facing financial, emotional or mental health difficulties. £10m was provided specifically for student mental health and well-being services and £40m to boost support for students facing financial hardship.

Allocations for the work of the office of the Children's Commissioner

65. Within a very challenging financial context, we are pleased to be able to provide the Children's Commissioner for Wales with an uplift to her budget.
66. This will enable the Children's Commissioner to carry out her important work as an independent human rights organisation in support of children's rights and entitlements and enabling their voices to be heard.

67. This funding will enable the new Commissioner to plan her work in line with the priorities shared with her by children and young people via her Ambitions for Wales survey. The results of that survey will be published in the new year. From the Committee's recent scrutiny of the Commissioner's Annual Report, the Committee is already aware of some of those concerns which are centred on children having enough money for the things they need.
68. We are pleased to be able to maintain the financial position of the Commissioner's office so that it can continue with its casework, participation activity, training and supporting the needs of all children in Wales.

CYPE(6)-02-23 – Paper to note 1

Y Pwyllgor Iechyd a Gofal Cymdeithasol

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Care Inspectorate Wales

8 December 2022

Dear Gillian

Many thanks to you and Vicky for attending our meeting on 30 November to discuss issues facing social care and social services. Members found the discussion interesting and informative.

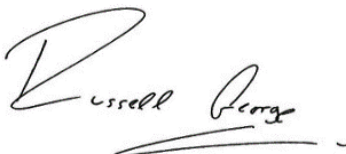
During the meeting, you agreed to provide the following information:

- The process followed by local authorities on receipt of CIW care reports of children's homes, and whether you receive any feedback on actions taken as a result of your reports.
- A link to the data tool used to monitor provision of Welsh-speaking services.
- Details of the work being undertaken to improve leadership and management in the social care sector.

We also noted there had been an increase in adult safeguarding referrals. Could you provide us with more information on the nature of these referrals, and in particular what the specific safeguarding issues are.

We will be considering our forward work programme early in the new year, and it would be helpful therefore to receive your response by 27 January 2023.

Yours sincerely



Russell George MS
Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

cc Jayne Bryant, Chair, Children, Young People and Education Committee

Agenda Item 3.2

CYPE(6)-02-23 – Paper to note 2



Russell George MS
Chair, Health and Social Care Committee
SeneddHealth@senedd.wales

Dyddiad / Date: 5 January 2023

Dear Russell George MS

Care Inspectorate Wales evidence session – 30 November 2022

Thank you for inviting Care Inspectorate Wales (CIW) to take part in the Health and Social Care Committee's horizon scanning session to explore key issues affecting social care and social services.

As set out in your letter of 8 December 2022, please find attached further information which I trust will be of assistance to the Committee:

1. The process followed by local authorities on receipt of CIW care reports of children's homes, and whether CIW receive any feedback on actions taken as a result of our reports.

We would expect every local authority children's services to be well sighted on all children looked after, whether they are being cared for locally or out of county. There are statutory duties on social services to do this. In addition, the local authority is a Corporate Parent and as such the Corporate Parenting Board should scrutinise performance of all aspects of children's services.

When we carry out inspection activity of a local authority, whilst we cannot dictate how the local authority disseminates the report, our published code of practice for review of social services states: *"The inspection report will be published to our website within 25 working days of receipt of the local authority's comments. The local authority will be expected to present the report to elected members and subject the report to public scrutiny through a formal and open committee meeting at the earliest opportunity. An invite should also be extended to CIW to attend the meeting"*

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

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

We will always follow up on the areas for improvement identified in our inspection reports. How we do this will depend on the balance of strengths and areas for improvement as well as the seriousness of issues we identified. If we identify serious or serious and significant issues, we will closely monitor progress and may carry out a follow up inspection. We are currently revising our code of practice and are happy to share it with the committee once this is finalised.

In relation to inspection reports on registered care homes for children, we share these with the local authority where the care home is located and with Children's Commissioning Consortium Cymru (4Cs). CIW's senior manager for the children's services inspection team meets regularly with 4Cs manager and more generally we have regular meetings with local authority commissioners to share intelligence and concerns about regulated services. We are unable to comment on issues taken by individual local authorities as this varies across Wales.

2. CIW data tool

On 1 March 2022, CIW launched an interactive tool providing information on the number and geographical spread of care home services, domiciliary support services and childcare and play services across Wales. It includes a breakdown and mapping of the number of places available, the main operating language and any enforcement activity at a local authority or local health board level. The information is updated monthly. The data tool is available on the CIW website via the following link: [Data Tool | Care Inspectorate Wales](#).

3. Details of the work being undertaken to improve leadership and management in the social care sector

We know it is rare for social care services and local authority social services to fail when there is strong and effective leadership and management. A vital aspect of leadership is establishing a positive culture. Therefore, we have been working with Social Care Wales (SCW) and the Social Care Institute of Excellence (SCIE) to look at the evidence on the core components of positive cultures. Alongside this we are working with SCW to promote the model of Compassionate Leadership which is being adopted by health and care services across Wales.

I have enclosed examples of positive practice shared by our inspectors illustrating how little things can make a big difference to people's lives.

4. Adult safeguarding referrals

Unfortunately, we are unable to provide details of the types and themes of safeguarding referrals being managed by local authorities. CIW is only directly involved in a small number of these, where they relate to safeguarding concerns in a regulated service.

Last year, local authorities were reporting an increase in safeguarding which may have been in part due to the opening up of society as COVID-19 restrictions relaxed. Reports of adults at risk of harm or abuse can come from many sources and may include issues such as unsafe hospital discharge, excessive waits for an ambulance or domestic abuse.

Thank you for giving CIW the opportunity to share this additional information with the Committee. I hope the information is helpful in informing the Committee's work but please do not hesitate to contact us if we can be of further assistance.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'G. Baranski'.

Gillian Baranski
Chief Inspector
Care Inspectorate Wales

Positive practice examples – it's the little things

The following examples, shared by CIW inspectors, are testament to the daily work of care professionals working in the services we inspect.

1. The domiciliary support service providing care and support for people in supported living, who has a creative approach to engaging people with complex needs in activities by setting up a social enterprise scheme to grow and sell produce whilst learning on a practical level about environmental matters.
2. A care home that, during Covid, converted a vacant bedroom into a model railway for two people who loved that sort of thing – complete with paper-mâché mountains, farms and rivers etc. It was amazing.
3. A manager who took a lady, who was living with advanced dementia, to her granddaughters wedding, in her own time. The staff and the family made sure the lady had something nice to wear and had her hair done. I was told it meant such a lot to the family and made the day special.
4. I was inspecting a supported living service on Monday and they showed me their new E:Care Planning system. A really nice feature is the video recording system, which they use in reviews. The review can take place as normal and everyone can discuss the plans and outcomes and at the end they add a video clip. In this case it was a young person who attends a voluntary job and the video showed him in the workshop doing his thing. What I enjoyed was the interactions he was having with people and the smile on his face. The simple 30 second clip made all the talking points real for him.
5. I saw a man of Chinese origin being cared for in a local home, the staff had worked with the family to create a poster with day-to-day Chinese phrases, such as, “would you like a drink?” that staff were using with him. The family said this had helped him to settle into the home.
6. I saw a lady in a residential home who was Welsh first language, her personal plan was detailed and said she liked to listen to Radio Cymru in the afternoon and appreciated her own space. I saw she had an armchair in a quiet corner and was happily listening to the radio.
7. I saw a person who had not been able to attend their mother’s funeral during the pandemic. The home had purchased a bench in the garden and flower pots in her mother’s memory. The person appreciated this and said it helped them grieve.
8. In one care home people living with dementia help with the gardening, also, there is an old car outside that people can “tinker” with.
9. A person with learning disabilities who uses parts from old wheelchairs to make new and useable ones. These are then transported to Africa. The staff made it

possible for him to travel to where the wheelchairs were sent and was able to see how they were used. It was his first time travelling overseas.

10. Staff being cheerful, and despite having their own problems, leaving these at home in order to make a positive difference to the lives of people they care for in the home. (This was an observation of a person living in a care home).
11. Staff having time to listen and hold a hand.
12. A 'cwtch' or hug, and staff members going around to say 'nos da/ good night' before they go off shift.
13. People with dementia supported to go into the community, with one care home helping people to go to a singing group every week. When this is not possible, impromptu choir practice and singing throughout the home.
14. Helping people stay in touch with families, making sure the home phone is answered and people get to speak to their loved ones when they want.
15. Helping people to maintain independence and not prevent some activities through over risk assessing. For example, one care home has a kettle and hot drink making facilities available in large kitchenette / dining areas where people make themselves or their visitors a drink.
16. Family members able to have a meal with their loved one.
17. People and their life experience valued. For example, one person helped a trainee chef so they could improve the gravy, which in turn pleased everyone in the home.
18. People helped to follow their own interest, with an example of one person supported to purchase art materials so they could continue their passion of watercolour painting. The resulting art was then displayed.
19. Staff doing something 'daft' like wearing a pink sparkly wig, promoting smiles and conversation.
20. "The bag lady", a well-being coordinator visiting every single person in the morning with her special bag of 'goodies', bringing a nice snack or useful gift such as a packet of tissues, but more importantly, five minutes of joy, that everyone talks about and looks forward to.
21. Younger people assisted to access the community and take up challenges such as the Duke of Edinburgh Award.
22. A phone call to someone who is waiting for their care worker to visit them in their own home, to let them know they may be five minutes late.

23. People receiving care in their own homes receive a schedule/ rota, showing who will be supporting them during the coming week.
24. People or their families always being able to contact a manager, we were told by one person about a domiciliary support manager “They’re brilliant, you can pick up the phone and they will always answer.”
25. A person receiving a weekly Welsh language magazine and staff from very different cultural backgrounds giving Welsh a go with the odd word, ‘dim siarad Cymraeg’ went down well.
26. Personalised musical playlists that family/friends have helped put together that support really positive interaction and conversation starters.
27. Lifestyle teams recreated missed experiences -e.g. one lady had never experienced the Ballet - the team recreated the event on the big screen in their cinema room and she received a proper invite and people dressed up to attend.
28. Breakfast club - Chef cooks fresh to order in the community kitchen gives that full greasy spoon café experience.
29. Staff with a talent such as music and singing breaking into song for people in the lounge (operatic) it was very impressive.
30. Staff recognising someone’s loss of a parent and that person being able to plant a rose in the garden and have a memorial bench she can use in her own garden.
31. Care workers having meals with residents - some residents started lunch being assisted to eat however by the end of the meal were managing to do this themselves.
32. Residents being part of the upkeep of the home- folding laundry, washing dishes, dusting and polishing- just as they would if they were home! and outside tending to the garden etc (all risk assessed).
33. Residents sharing their skills with younger staff members – knitting / crochet classes.
34. Social evenings – beer and footie, Christmas wreath making with mulled wine etc, nice to see evening activities arranged and people were dressing up smart to attend.
35. A married couple who moved to the same home eventually - he is devoted to her and he feels integral to her care as she has dementia, and when they are together she eats and drinks better and he has seen a huge improvement in her well-being, they get to spend their day together, and he likes to get up early so he is ready when she has finished her routine with the carers. I met them both

having a cuppa and biscuit in his room while they watched the news, and she couldn't take her eyes off him. True love. He is 96 years young.

36. Using the outdoor space available creatively. One of provider has the 'Budding Minds' initiative where they use the garden to extend children's learning experiences. The home has a good deal of land, and they have polytunnels and fruit trees. The children have in the past made their own jams and preserves, which they have sold at a local farmers' market. Other homes have also used their gardens creatively even though they are much smaller, with one having a sensory garden and some raised beds for veg and fruit. The other home had a hedgehog visitor, and during the last inspection, one of the children was researching what foods a hedgehog could eat.
37. I inspected a children's home, and since my last visit they have acquired two cats. This has been lovely for the children who are clearly very fond of them and the cats are very affectionate (one decided to fall asleep in my bag and the other on the desk I was using). Supporting children to have pets is a really good way to show them they are trusted to care and gives them some choice, control and responsibility. They are really proud to show inspectors their fish/lizards/snakes/hens etc.
38. Since early in my inspecting career (over 30 years), I have encouraged providers of care homes, particularly for older people, to ask during assessment/admission 'What would you like to achieve?'. I think this simple question can help to change a person's and/their relatives' attitudes to more positive ones when someone needs a care home. I think all too often people see entering a care home as just somewhere to go to spend the rest of their days, and not somewhere to start a new, different, life where they could maybe be helped to try new things. In one home (not one of mine and possibly not in Wales) this question led to someone going on a hot air balloon ride. It was also filmed and shared with the other residents as part of an evening's entertainment.
39. There was another home where they were about to ask the family of someone with dementia to move him as he kept going into another resident's room during the night. He never did anything, just stood there. A caring member of staff went the extra mile and by observing him discovered he was going in to look at her clock for the time as he didn't have one. They got him a clock and it didn't happen again.
40. I think the best thing I have seen is the practice of service users being part of recruitment processes and being on interview panels when new staff are recruited.
41. This was a care home for people with learning disabilities and mental health needs. A person using the service told the inspector one of the support workers was taking her to visit their Mum's grave to lay flowers on her Mum's birthday. They would travel a three hour return trip to do this.

42. One person had slept on a sofa in her lounge her whole life, when she moved into the service, she wanted this to continue. We all have individual ideas about our home and home life and basic needs and requirements. It would have been so easy for a service to just expect this lady to 'conform to a standard bedroom and to sleep in a bed'. But they didn't do this and after a risk assessments furniture was obtained by the service to allow her to continue to do this safely. Her bedroom resembled a lounge, with the 'bed' being made up on the sofa each evening by support staff and then packed away daily too. Demonstrates such an understanding of her right to have an adequate standard of living and what this standard meant to her as an individual.
43. Another example, a person with quite a significant cognitive impairment wanted to remain independent and cater for herself in her own space. Staff looked at how this could be facilitated safely and made a small kitchenette with a fridge, toaster, microwave and instant water boiler in the room. The person was able to receive support when needed to help with preparing her own meals. I thought this was an excellent example of both upholding someone's rights but also her independence and skills for everyday living.
44. One resident is a published author/poet. Whilst they are no longer able to write they still recognise their past work and are very proud of what they have achieved. The activities coordinator arranged poetry sessions for people to read the books together with books on display around the home. Staff were also planning a 'book signing' where the person could sign copies and talk about their work. I was really impressed how the staff acknowledge the importance of this person's life work to them, celebrated and respected it.
45. On an inspection, a person living with advanced dementia was experiencing periods of being unsettled. The family had bought an animatronic dog which they had responded positively to, provided companionship and reassurance during periods of anxiety or frustration. Staff ensured that the dog "Rex" was with its owner wherever they were in the home and engaged with the dog as a way of communicating with the person. I spoke to the person on my visit and struggled to engage them in an exchange until I brought Rex into the conversation, asking if he was a good dog and was he happy living at the home, did he have nice food to eat, etc. I observed the person talking to the dog through the day and saw in records that staff used it as a way to de-escalate situations and provide reassurance for the person.
46. Arranging a 'goodbye' party for a younger person at end of life (at their request) where friends and family socially distanced but gathered to play favourite music live in the garden. The person listened from the balcony and was able to enjoy a pint and have a memorable evening.
47. One service linked with the local primary school and created a pen pal scheme so that children wrote to older people who weren't having visitors. At the lifting of restrictions, the children finally met with residents. Increasing use of intergenerational links in lots of services now.

48. Domiciliary care provider who hired an aeroplane hangar to bring together people and their primary carers for a socially distanced tea party, so that the carers didn't feel so isolated during the pandemic.
49. Staff from a care home attending hospital to encourage people to eat – they were reluctant to eat because of fear of 'strangers' or cognitive impairment.
50. Replicating the layout of bedroom furniture of people with visual impairment to mirror that in the homes they lived in prior to going to live in a service.
51. A care plan created by a person who was unable to read. They cut out pictures of foods they were encouraged to eat and food to avoid to help them to lose weight, be healthy and to be able to go swimming. The review of the plan included certificates from a weight watching group they attended.....and a photo of the person, eventually, in their local swimming pool having lost 12 stone and reversed life-threatening health conditions.
52. Encouraging the inclusion of pets – either owned by staff and attending the home with their owner – or owned by the service or enabled to be owned by individuals. There have been at least two care homes where older people have been able to spend time with horses. One service has visiting donkeys and lots of examples of mobile zoos with exotic creatures as well as pet a dog schemes. Also some instances of animal husbandry being used therapeutically – chickens.
53. People being enabled to say goodbye. Sometimes people move to a care home following the death of their spouse or primary carer. Many people are not able to attend a funeral and so being helped to visit a grave or place of significance is a huge comfort.
54. Younger adult and children service providers often try to promote dignity by providing individuals with proper luggage - ditching the black bags and carrier bags for belongings that stigmatise when they have to move elsewhere or are admitted to hospital.
55. Introducing regular phone calls/texts to family members to report happy days and achievements, not just contacting to inform of illness or accidents.
56. Social media to video message or Facebook updates for families to remain in touch with residents
57. Having a room to accommodate visitors overnight when they are spending the last days of life with a loved one.
58. Being able to speak in first language, particularly when going for hospital appointments or in times of distress.

59. Storybook Records – taking down accounts of people’s memories and sharing these as legacy gifts with loved ones when the person passes. Can act as an aid to ‘anchor’ distressed and disorientated people, to provide talking points and comfort but also hugely valuable for families to celebrate the life of someone once they are no longer alive.
60. There are so many examples that happen every day, from staff stopping off on their way to work to get a person a newspaper to sitting with someone who is dying, when their shift has finished, so the person is not alone.

Agenda Item 3.3

CYPE(6)-02-23 – Paper to note 3

**Y Pwyllgor Iechyd a
Gofal Cymdeithasol**

**Health and Social Care
Committee**

Dr Chris Llewelyn
Chief Executive
Welsh Local Government Association

8 December 2022

Dear Chris

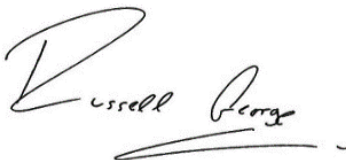
At its meeting on 30 November, the Health and Social Care Committee held an horizon-scanning session with Care Inspectorate Wales (CIW) to explore the key issues affecting social care and social services.

We discussed the issue of CIW reports, for example inspection reports on children's homes, and what happens to them once they have been submitted to the relevant local authority. Members are keen to understand the process and would be grateful if you could clarify:

1. What happens to the report after publication, for example is it formally considered by the relevant scrutiny committee.
2. How is action taken forward.
3. How are actions monitored and by whom.

We will be considering our forward work programme early in the new year, and it would be helpful therefore to receive your response by 27 January 2023.

Yours sincerely



Russell George MS
Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

cc Jayne Bryant, Chair, Children, Young People and Education Committee



**Senedd Cymru
Welsh Parliament**

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CYPE(6)-02-23 – Paper to note 4

Y Pwyllgor Iechyd a Gofal Cymdeithasol

Health and Social Care Committee

Julie Morgan MS
Deputy Minister for Social Services
Welsh Government

16 December 2022

Dear Julie

At its meeting on 30 November, the Health and Social Care Committee held an horizon-scanning session with the Chief Inspector and Deputy Chief Inspector of Care Inspectorate Wales (CIW) to explore the key issues affecting social care and social services.

A transcript of the meeting is available on our [website](#) but there were some very clear and stark messages around the fragility of the social care sector the Committee wanted to bring to your attention.

Increasing demand for services

The Chief Inspector told us there has been an unprecedented increase in demand for social care:

"...what we are faced with at the moment is a recruitment and, as seriously, a retention crisis for social workers and for social care workers, which is leading to significant fragility for services, and particularly in homecare and domiciliary support."

When we took evidence earlier this year for our inquiry into [hospital discharge and its impact on patient flow through hospitals](#), we were told that the situation in social care had been pressured for many years, and the pandemic had exacerbated what was already a very challenging situation. On 30 November, the Chief Inspector described a recruitment and retention crisis for social workers and social care workers, which is leading to significant fragility for care services, particularly in homecare and domiciliary support. The Chief Inspector told us:

"...what we see is essentially a health and care system that is gridlocked. Many social care leaders are describing it in terms of crisis, and we don't use that word lightly."

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Workforce

As the Chief Inspector pointed out, this will be the third winter that's been significantly pressured for the social care sector. The workforce is very tired and it is depleted, and existing staff are working longer shifts and more hours (due to shortages) which is not sustainable. There is therefore considerable concern about the resilience of the workforce.

The need for parity between social care workers and their NHS counterparts, in relation to both pay and terms and conditions, is a longstanding issue and has been called for by successive Senedd Committees. It had been hoped that the spotlight shone on social care through the pandemic would help to raise the profile of social care, and the need to address some of the issues that have been endemic for many years would be dealt with. It was therefore disappointing to hear from the Chief Inspector that the increased profile seems to have been short-lived for social care.

There is still a perception that social care work is a low pay and low skill workforce. If we are going to develop the workforce, parity of esteem and parity of terms and conditions is essential to dispel this myth and recruit and retain sufficient numbers of social care staff. CIW told us that if the staffing situation is not urgently addressed at a national level, local authorities and social care providers risk not meeting their statutory and regulatory duties.

Pressure on unpaid carers

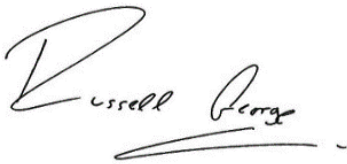
During our inquiry into hospital discharge, we heard concerns about the pressure being placed on family and unpaid carers to fill the gaps in care provision.

The Chief Inspector told us that not only are too many people waiting for an assessment of their needs, too often there is not enough capacity in the system to meet those needs following an assessment. In addition, people's care and support plans are not being reviewed in line with the Social Services and Well-being (Wales) Act 2014. This means when people's needs change and they may require more care, this is not being provided. She also highlighted the untenable pressure being placed on unpaid carers to fill in the gaps in care.

We also share CIW's concerns that people are still being discharged from hospital to a care home when their choice is to return home but this is not possible because suitable care packages are not available. The Chief Inspector described this as "the least worst option". CIW told us that where there is no alternative to being discharged from hospital into a care home, it is important people receive the right support to maximise their independence whilst living at the care home. This means 'in reach' reablement services should be provided or care staff in care homes be supported to develop additional reablement skills.

None of these issues are new. Indeed, you acknowledged many of them in your response to our hospital discharge report recommendations. However, we are not yet assured that work is being progressed with the pace and urgency needed to address these issues, and bring about real change in the sector. We note the Social Care Fair Work Forum was due to publish a progress update by the end of 2022. We await this report with interest and are eager to see further action taken to improve the pay and working conditions for the social care workforce and address the shortages to “unlock” our health and care systems.

Yours sincerely

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style with a long horizontal stroke underneath.

Russell George MS
Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Agenda Item 3.5

CYPE(6)-02-23 - Paper to note 5

Comisiynydd
Plant Cymru

Children's
Commissioner
for Wales

To:

Jayne Bryant MS
Chair
Children, Young People
and Education
Committee
Senedd Cymru

Via email only

Date: 12th January
2023

Dear Jayne

Re: Annual scrutiny follow-up

Thank you for your letter dated 14th December. I would also like to thank you and the committee members and clerks for your time and questions in the scrutiny session for my 2021-22 Annual Report and Accounts. I look forward to working with you all during my term as Commissioner.

I will answer each of the requests in your letter in turn.

- 1) *Provide more information about whether, and to what extent, young people were involved in and consulted about the move of the Children's Commissioner's office from Swansea to Port Talbot.*

Our young person's advisory panel were kept updated throughout the process of planning for and completing our office move, with quarterly updates provided through our regular meetings. In 2018, when we began the process of seeking new accommodation with the expiry of our lease at Oystermouth House, Swansea, we consulted our young person's advisory panel.

Of the responses we received, the following priorities were identified:

- *more important for people to be aware of the existence of the Children's Commissioner, rather than where the office is located*
- *the location of the office cannot simply be deemed more 'convenient' in one location or another, as you represent all children and young people in Wales*
- *most important thing that your office could offer is accessibility, as perhaps the most likely children and young people who need to access your services may have accessibility requirements*



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- *the priority should be to ensure Welsh children are aware of the Children's Commissioner and what the Children's Commissioner does*
- *perhaps this is an opportunity to consider the possibility of having an appropriate centre to raise awareness of the Commissioner and her work. It would be great to have 'The Children's Commissioner for Wales Centre' - where there would be offices for staff, an exhibition of the Commissioner's work so far, meeting rooms (that could be used by the Advisory Panels potentially) and rooms for workshops and school visits and members of the public.*
- *It's accessible to children in Wales*
- *Appropriate facilities that you can make full use of A safe and affirmative atmosphere for children in Wales to be able to share their opinions and feelings if they visited*

These views were taken into account in our approach to the office move.

Critically for us, with a Wales-wide remit, our focus is spending our limited resource on ensuring children across Wales are aware of their rights and our work via various methods including our participation work instead of occupying physical bases, which would need to be scattered across Wales for us to be equitable. What we did want to ensure was that our office base was sustainable and accessible and our premises in Port Talbot meets those requirements. In terms of accessibility to children and young people, a key consideration was that our previous office was around 30 minutes' walk from the nearest train station, and nearly 1 hour walk from the nearest mainline station. The new office is only 5 minutes' walk from the nearest mainline train station.

- 2) *Share with us the child rights impact assessment template you have recently shared with the Welsh Government for their work on eliminating profit from the care of children looked after, and your detailed response to the Government's consultation on that issue.*

I attach my office's response to the Welsh Government's consultation; which includes suggestions for what our office feels a children's rights impact assessment should include for these policy considerations.

- 3) *You also agreed to respond in writing to any questions that we were unable to ask you during the session itself. These are as follows:*

Financial management



▪ *In the Annual Report, your Audit and Risk Assurance Committee noted a risk relating to your office being included in the Government of Wales Act (Budget Motions and Designated Bodies) Order 2018. Can you explain this risk, the measures you had to put in place because of the designation and how it impacts the organisation's budgetary and financial management arrangements?*

We do not object to the principles behind the Order: to simplify systems, improve the consistency and transparency of Welsh Government finance and to provide clearer accountability to the Senedd and public. However, the inclusion of our office in the Order does present a risk as there are potential unintended consequences of these changes in relation to the independence of the office, which we have highlighted to Welsh Government on a number of occasions.

In particular, the new limit to the general fund which can be carried over from year to year to 5% of our annual grant (equivalent to c.£86k) has created an increased risk of us not being able to deliver our statutory function and our ability to act swiftly to undertake urgent additional work (as seen by the office during the Covid 19 pandemic with the 'Coronavirus and Us' work) due to lack of funding.

While we have the ability to draw down additional funds if necessary, to enable us to undertake statutory functions, including the Commissioner's ability to undertake statutory reviews or examinations of Welsh Government, the Order sees us having to request these additional funds from Welsh Government. There is still a lack of clarity about the method by which this may be requested or the rationale for it being granted or how, and I know that my predecessor Sally Holland also expressed her concern about the lack of an agreed method that would enable the draw-down of additional funds that may be necessary to undertake statutory reviews or examinations. This consequently has the potential to compromise the independence of my office.

I concur with my predecessor that this risk could be mitigated if plans were put in place to make my office fully accountable to Senedd Cymru.

As a reminder, the Paris Principles¹ - which establish the minimum standards required for the independence and effective functioning of national human rights institutions - require that a national institution such as the Children's Commissioner for Wales: "Shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence."

Child poverty

- *Given that some of the financial levers to tackle child poverty are not devolved, which policy areas would you want to see Welsh Government focus its resources in order to deliver change for children living in low income households?*

Without a detailed child poverty action plan, we do not currently have the evidence of which levers, within Welsh Government's gift, are having greatest effect on children's lives in Wales. As such, I would argue that no-one can answer with absolute confidence your question about where resources should be focused, without details of the effectiveness of current Welsh Government-led work. Therefore, I would like to see Welsh Government produce a Child Poverty Action Plan which would enable Welsh Government to focus efforts and resources on achieving measurable targets and outcomes through specific and time-bound actions. This would also enable Welsh Government itself as well as stakeholders like myself to measure and track progress towards these outcomes and therefore to hold Welsh Government to account. Whilst I am pleased to hear that Welsh Government have committed to engaging with stakeholders in developing their refreshed child poverty strategy, in my view this process should also set out a clear and detailed Action Plan for the delivery of the strategy. It is also crucial that this process occurs in a timely way, in order that delivery can commence, and I will be watching progress very closely.

Audit Wales estimate in their recent report² that over £1bn is spent by Welsh Government every year on funding aimed at tackling and mitigating the effects of poverty in Wales, and that it is the "single major challenge" facing public bodies in Wales. The report argues that the existing strategy to tackle poverty in

¹ https://www.equalityhumanrights.com/sites/default/files/paris_principles.pdf

² <https://www.audit.wales/publication/time-change-poverty-wales>



Wales is out of date and lacks meaningful targets; and that while the Welsh Government, councils and others have prioritised work on poverty, “the mix of approaches and a complicated delivery landscape mean that ambitions, focus, actions and prioritisation vary widely”. It concludes that there needs to be a refreshed strategy with SMART targets and regular evaluation. I entirely agree with Audit Wales’ conclusions and believe an Action Plan aligned to the refreshed child poverty strategy which reflects and responds to these recommendations is essential.

In terms of specific policy areas, it is fair to say that it is a multi-faceted, complex picture and requires a coordinated approach. However, some key elements to tackling child poverty must be:

- Food Poverty and Child Hunger. Whilst there has been notable progress by Welsh Government on this including the commitment for universal free school meals to primary school children by 2024, this must go further. No child in Wales should go hungry at school and I urge Welsh Government to both accelerate the roll out of universal free school meals in primary schools and expand this into secondary schools. The findings of my national survey *Ambitions for Wales* starkly illustrate the extent to which children are experiencing hunger and worrying about not having enough food.
- Costs of the school day. While there has been some welcome developments in recent years including additional funding for the PDG Access grant, and the upcoming guidance on school uniforms for schools, these must also go further. As my office has previously argued, Welsh government should ensure that all elements of expense related to schools are mitigated, or ‘poverty proofed’ by schools. My office has developed resources³ as part of the 2019 *Charter for Change* report, which includes an assessment tool for schools to run as a lesson plan for learners to engage on costs of the school day and suggest changes the school could make; and materials to inform children about the environmental benefits of recycling uniforms and encourage the use of ‘swap shops’. In the recent consultation on school uniform costs, we responded to urge Welsh government to include these resources in their upcoming guidance.
- A Welsh Benefits System. Another priority must be streamlining access to support, under a Welsh benefits system. To give one example, families in different local authorities within Wales have very different experiences if

³ <https://www.childcomwales.org.uk/a-charter-for-change-resources/>



they are eligible for support through their school for free school meals and the PDG Access Grant. Some local authorities will operate automatic entitlement / enrolment, while others will require families to fill out multiple forms. We understand the situation has improved more recently, but reducing inconsistencies and sharing best practice between local authority provision must be a priority. Again, setting an expectation of the delivery of a single Welsh benefits system as part of a Child Poverty Action Plan would enable us and others to better hold Welsh Government to account.

- Transport. As the cost of living crisis progresses and fuel costs continue to rise, there is growing evidence from families and young people that the cost of getting to school when they are ineligible for free transport or require transport by car can prevent and be a barrier to school attendance. The costs of transport also affect children's enjoyment of their other human rights including the right to play, leisure and socialisation (article 31). I would like Welsh Government to commit to reviewing the Learner Travel Measure within this Senedd term, and also to properly consider a free public transport for under 18s pilot project as an immediate mitigating action.
- Educational Maintenance Allowance – this vital allowance should be reviewed and increased in line with inflation (see <https://www.bevanfoundation.org/views/a-welsh-learning-allowance/>)

Clearly, the cost of living crisis has required and continues to require an immediate response from government. The impact upon children must be a core consideration of Welsh Government's response. That is why I, along with Llamau, Children in Wales and Welsh Government officials worked to ensure young people's voices were heard directly by Ministers in a recent Welsh Government cabinet sub-committee. I continue to urge Welsh Ministers to ensure children's voices are heard directly when considering policy responding to the cost of living crisis.

- *What is your view on the likely impact of the rise in energy prices and costs of living on the delivery of core public services for children such as education and social care? Have you had any discussions to date with Welsh Ministers or Local Authorities about the impact of this on children?*

I am highly concerned about the impact of the rise in energy prices and cost of living on the delivery of core public services for children. We are sadly seeing the impact across our public services, including schools facing extreme pressure on their budgets. I met with teaching unions in November and they shared with me their concerns over the impacts on school budgets, including the possibility of redundancies, particularly of roles such as teaching assistants. Teaching assistants are of course so vital to children with the most educational need.

I was due to meet with the Education Minister in December, but the meeting was postponed by the Minister to the end of January, where we will be discussing these issues. I have, however, discussed these issues with the Director of Education in Welsh Government, on 6th January and my team and I will continue to raise in meetings with officials.

I and my predecessor have repeatedly called for a comprehensive children's rights impact assessment to inform the decision making on the draft budget. I was pleased that in the recent Strategic Integrated Impact Assessment⁴, published in the budget narrative document alongside the draft budget, it was recognised that:

Some of the key impacts that underpinned our considerations included doing all we can to protect frontline services in health, schools and in local authorities. This was on the basis that negative impacts to these services would have a disproportionate effect on some of the most vulnerable in our communities, including children and young people, older people, people with impairments and long-term health conditions. Negative impacts in these services would most likely increase pre-existing health and education inequalities and these would have a disproportionately negative impact on people with intersecting characteristics.

However, a detailed Children's Rights Impact Assessment (CRIA) which considered all relevant decisions against the specific article of the UNCRC would have provided the detail required for us and others to analyse the considerations made.

In addition, I am sure that sadly Local Authorities will be faced with cutting many services which are well used and loved by children. However at the moment the duty imposed by the Children's Measure to have due regard to the UNCRC and

⁴ <https://www.gov.wales/sites/default/files/publications/2022-12/2023-2024-draft-budget-narrative-v1.pdf>



to undertake a Children's Rights Impact Assessment in making any new policy decisions applies only to Welsh Government Ministers and not to Local Authorities. Further incorporation of the UNCRC to expand this duty to Local Authorities would be one welcome way of mitigating the negative impact on children's rights.

I trust that this information is helpful to the committee. Please let me know if you require further information.

Yours sincerely,



Rocio Cifuentes MBE
Comisiynydd Plant Cymru
Children's Commissioner for Wales

Rydym yn croesawu gohebiaeth a galwadau yn Gymraeg. Byddwn yn ateb gohebiaeth a gwladau a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd cysylltu yn Gymraeg yn arwain at oedi | We welcome receiving correspondence and calls in Welsh. We will respond to correspondence and calls in Welsh, and contacting us in Welsh will not lead to delay.

Consultation Response Form

Your name: Rocio Cifuentes MBE , the Children's Commissioner for Wales

Organisation (if applicable): The Office of the Children's Commissioner for Wales

Email / Telephone number: post@childcomwales.org.uk

Your address: The Office of the Children's Commissioner for Wales, Llewellyn House, Harbourside Business Park, Port Talbot

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please place a tick in the box:

Please tell us who you are responding on behalf of. For example is this your own response or is it sent on behalf of an organisation?

This is a response from the Children's Commissioner for Wales, Rocio Cifuentes MBE.

If you want to receive a receipt of your response, please confirm your email address, here:

post@childcomwales.org.uk

Questions on Chapter 1: Eliminating profit from the care of children looked after

There are 12 questions about this chapter.

Question 1.1: Do you think that introducing provision in legislation that only allows 'not-for-profit' providers to register with CIW will support delivery of the Programme for Government commitment to eliminate profit from the care of children looked after?

As the Children's Commissioner for Wales (CCFW), I support the proposal to introduce legislation that will prohibit the ability for profits to be generated from the care of vulnerable children and young people.

This position is firmly grounded in children's rights. I want confidence that Wales' care system is rights based, with children's best interests – as set out in Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) – being the lead consideration for any decisions made about a child's life and care.¹

Whilst the ability to profit from the care of vulnerable children remains possible in our care system, we can never satisfactorily rule out that financial decisions are not a driver in the decisions made about how or where a child is cared for.

Therefore, introducing legislation that moves away from the current approach to deliver a 'not for profit' service landscape is something I support. This approach would build upon the unique commitments we have in Wales already to upholding children's rights, such as the Rights of Children and Young Persons (Wales) Measure 2011 – which puts a duty on Government Minister's to pay due regard to and uphold the UNCRC, and, in the Social Services and Well-being (Wales) Act which places a duty on all those delivering functions of the Act (eg – any responsibilities relating to the care and support of children) to pay due regard to children's rights.

The Office of the Children's Commissioner for Wales has long been supportive of initiatives to explore how profit making can be removed from Wales' children's care services and have made several recommendations to Ministers on this issue. Under the leadership of my predecessor, Professor Sally Holland, the Office made a call in our Annual Report, 2016/17², for;

¹<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

² <https://www.childcomwales.org.uk/wp-content/uploads/2017/10/A-Year-of-Change-CCFW-Annual-Report.pdf>

“Welsh Government to ensure that local authorities deliver their duties under the Social Services and Well-being (Wales) Act 2014 to involve children and young people in the design and delivery of services, and, increase the range of not for profit services so that money invested in social care services can be spent on improving outcomes for children rather than providing returns for shareholders”.

Despite acceptance of this recommendation, little action was taken to deliver this commitment at the time.

In 2018, the Public Accounts Committee undertook an inquiry³ into the care of looked after children, with concerns about the profit-making ability of some providers being raised by those giving evidence. Whilst strengths were identified in this inquiry, such as the 4C’s Commissioning Framework, concerns were raised in evidence that local authorities were paying high prices for placements for some of the most complex young people in for-profit making settings. This highlighted concerns that finite resources for the care of vulnerable young people were being redirected and not reinvested in to care services. The inquiry also highlighted the commissioning challenges faced by local authorities, with those giving evidence highlighting the struggles they had faced to find placements that suit the needs of the children in their care.

(NB: My Office has undertaken significant work to put forward proposals on how Wales can develop regionally commissioned services for children with the most complex needs through a ‘No Wrong Door’ approach)⁴.

The Office continued to make calls to address profit making in children’s care services in subsequent Annual Reports to Welsh Government, all of which were accepted by Welsh Government Ministers. In summary, these recommendations set out the following;

- In 2018/19 - Welsh Government must commit to taking concrete actions within the next year towards reducing and ultimately ending profit making in children’s care services, without detriment to children and young people’s current care arrangements.⁵*
- In 2019/20 – [The Commissioner] will be asking all political parties to make a commitment to removing profit from children’s social care services in their manifestos for the May 2021 Senedd elections.⁶*

³ <https://senedd.wales/laid%20documents/cr-ld11857/cr-ld11857-e.pdf>

⁴ <https://www.childcomwales.org.uk/publications/no-wrong-door-bringing-services-together-to-meet-childrens-needs/>

⁵ <https://www.childcomwales.org.uk/wp-content/uploads/2019/10/Annual-Report-2018-19.pdf>

⁶ <https://www.childcomwales.org.uk/wp-content/uploads/2020/10/Annual-Report-2019-20.pdf>

- *In 2020 – We published a Manifesto for Children and Young People. We wanted political parties to support calls to stop private companies making a profit from children’s homes and foster care.⁷*
- *In 2020/21 - The Welsh Government must bring forward a roadmap by 1st April 2022 setting out the timescale and actions they will take to safely phase profit out of children’s social care provision.⁸*

In 2020/21, the recommendation formed part of Welsh Government’s Programme for Government. In 2022, the Competitions and Market Authority⁹ study into the functioning of children’s care services further evidenced the need for a shift in approach to the way care services are delivered and commissioned for children in Wales. The CMA report highlighted a poor functioning market for children, where excessive profits were being generated against a back-drop of poor outcomes for children, bringing to light the follow issues;

- *“It is clear that the placements market, particularly in England and Wales, is failing to provide sufficient supply of the right type so that looked-after children can consistently access placements that properly meet their needs, when and where they require them.”*

The report highlighted how many children are living far from where they would call home without a clear child protection reason for this. In Wales 31% of looked after children are placed outside of their LA.

Concerns were raised that children were unable to access therapies or facilities that they need;

- *“While the amount of provision has been increasing in Wales, primarily driven by private providers, this has not been effective in reducing difficulties local authorities face in finding appropriate placements, in the right locations, for children as they need them. That means, in tangible terms, children being placed far from their established communities, or placements failing to meet the needs of children, to a greater extent than should be the case.”*

Despite these poor outcomes and lack of choice of suitable provision, private providers demonstrated significant and steady profit margins, particularly the largest providers. Independent Fostering Agencies demonstrated profit margins of 19.4% and children’s homes (across 3 nation data-set) averaged 22.6%.

⁷https://www.childcomwales.org.uk/wpcontent/uploads/2020/09/CCfWSeneddElectionManifesto2021_FINAL_EN.pdf

⁸ <https://www.childcomwales.org.uk/publications/annual-report-20-21/>

⁹ <https://www.gov.uk/cma-cases/childrens-social-care-study>

Question 1.2: What in your view are the likely impacts of the proposal? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical matters such as cross-border issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

The role of the Children’s Commissioner for Wales is to protect and promote the rights of all children and young people in Wales, therefore I will set out how I believe children and young people’s rights and entitlements may be impacted by the proposal, using the Children’s Rights Impact Assessment (CRIA) Approach that my office promotes with public bodies and schools across Wales¹⁰. This is based on the five principles of a children’s rights approach; embedding, equality and non-discrimination, empowerment, participation, and accountability, which was developed with support from Professor Simon Hoffman and Dr Rhian Croke at the Swansea Observatory on Human Rights of Children.

Whilst I acknowledge that a CRIA has been completed as part of the Integrated Impact Assessment, in its draft form it fails to acknowledge any conflicts with children’s rights. Whilst I am supportive of the proposals, as set out above, my Office has always advocated transition to a not-for-profit care system, that places children, and their rights and needs, at the centre. Whilst I agree this policy and change in law will have many benefits for children’s rights (as set out below) remaining live to potential infringements or conflicts is critical. I would urge Welsh Government Officials to revisit the CRIA after this consultation exercise and seek to elaborate on the impacts this policy may have for children’s rights.

<p><i>Embedding Children’s Rights</i></p> <p><i>This links to Wales’ wider commitment to children’s rights, such the Rights of Children and Young Persons (Wales) Measure – which puts a duty on Government Minister</i></p>	<p><i>This proposal has the potential to further embed the due regard duty and support its practical implementation, by working to eliminate profit-making as a factor in the delivery of children’s care services. It has an ambition to ensure children are cared for closer to home, in a care system that retains and reinvests funding for continual improvement, delivering better outcomes for children.</i></p> <p><u><i>Potential positive impacts on the following rights:</i></u></p>
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¹⁰ <https://www.childcomwales.org.uk/wp-content/uploads/2017/04/The-Right-Way.pdf>

to uphold the UNCRC, and also, in the Social Services and Well-being (Wales) Act.

Article 3 – adults should work in the best interests of children. Removing profit making capabilities can further ensure decisions are made on the basis of best interest not profit.

Article 4 – government's do all they can to ensure that children receive their rights. Welsh Government using their devolved competence to deliver for children in Wales.

Article 9 – rights to family life – when a child has been separated from their birth family, contact should be maintained with parents and siblings if in the child's best interest. Supporting children to remain within their communities can support this right, as well as focussing on developing suitable provision for sibling groups.

Article 20 – children should be awarded special protections if they cannot live with parents. These proposals seek to strengthen existing rights commitment to this group, as set out in SSWBA. This also links to the Programme for Government commitment to explore radical reform of children's care services.

Article 25 – the right to regular review of placement when in care. Ensuring children stay closer to home and in regular contact with Social Workers and Corporate Parents can strengthen this right.

Article 27 – to ensure looked after children can access an adequate standard of living to help them reach their potential. Reinvesting and innovating in services can continue to strengthen this right.

Article 39 – the right to recover from trauma. This should be an underpinning principle of the proposal, to deliver a robust care system that can meet the needs of vulnerable young people.

Potential negative impacts:

As stated in the CMA report, there could be a disorderly exit from the placement market. It is therefore critical that Welsh Government and Local Authorities remain live to trends in registrations and closures, and can respond

	<p><i>promptly to concerns. Failure to do some could impact on Article 27 and Article 20.</i></p> <p><i>Children should also be protected from placement moves wherever possible to protect the Article 25 right and rights to education and healthcare (Articles 24, 28 and 27). This is where Welsh Government should list what mitigations will be put in place to address these potential negative impacts.</i></p>
<p><i>Equality and Non-discrimination – how does this impact children with protected characteristics? Will it affect some children differently?</i></p> <p><i>This policy has the potential to lead to the development of a care placement landscape that is developed solely in response to children’s needs.</i></p>	<p><u><i>Potential positive impacts;</i></u></p> <p><i>Article 2 – non-discrimination - all looked after children will have equal rights to be looked after in a way which does not profit from their care. No looked after child should be looked after differently. All placements/homes will be modelled on the same principles.</i></p> <p><i>Services will meet a range of needs, developing services for those with disabilities, promoting access to Article 23 – the right to enjoy the best possible life in society and to remove obstacles for children with disabilities and Article 39 – the right to recover from trauma and neglect.</i></p> <p><u><i>Potential negative impacts;</i></u></p> <p><i>Failure to develop or commission provision under the new model to meet a range of young people’s needs could mean that some children are more adversely affected than others.</i></p> <p><i>Welsh Government and Local Authority risk registers must be live to this and take account of the risks to ensure any impacts can be mitigated.</i></p>

Empowerment – How will this proposal help children take up their rights?

Potential positive impacts

Focus needs to be given to how children will be empowered to share their views at a strategic level on this policy, but also on an individual level, such as ensuring all eligible children and young people are empowered to take up the offer of independent advocacy, should they wish to share any views on proposals. This is an important safeguard for children but also a means of empowerment for children, to become more involved in the decisions that impact their lives and supported to participate.

TGP Cymru have long raised concerns about access to independent advocacy in private residential homes. Through their ‘Out of Sight – Out of Rights’ research, they found that 100% of local authority children’s homes commissioned a visiting advocacy service, in comparison to 5-10% of children’s homes in the independent sector.¹¹ Following this research, TGP Cymru have called for visiting advocacy arrangements to be a requirement for Registration and Inspection with Care Inspectorate Wales, to further embed this entitlement into services for vulnerable children. This is a recommendation I support and believe strengthening access to advocacy should be something that is delivered in tandem with these proposals, acting as a means of ensuring children can reach out to a regular independent adult. With proposals to amend the Regulation and Inspection of Social Care (Act) Wales being set out in later chapters – this provides a good opportunity to explore this change.

Failure to ensure children can share their views strategically and on an individual level will have a negative impact on children’s Article 12 right to have their voices heard and taken seriously in matters which affect them.

¹¹ <https://www.tgpcymru.org.uk/evaluation-of-covid-19-residential-visiting-advocacy-project/>

<p><i>Participation of children – how will children be included in the development of this policy?</i></p>	<p><i>I am aware that plans were in place in September 2022 to engage with children and young people on a range of topics, including the not-for-profit policy proposal, but this was postponed due to the State Funeral. My Office has been clear that it is keen offer support on the day to facilitate conversations.</i></p> <p><i>Ensuring children are involved in the development of this proposal supports their Article 12 right to share their views on issues that affect them and their Article 17 right to access information in a way they can understand.</i></p> <p><i>I am aware that the 4C’s Young Commissioners have undertaken excellent work on developing commissioning principles and values, setting out what they expect and want to see from a children’s home or foster placement.¹² My Office has also supported a range of organisations to develop Charters, coproduced with young people – to set out clearly to children how services will act for children and how they will support their UNCRC rights. There is a clear space here for children and young people to shape expectations on providers going forward.</i></p> <p><i>Failure to involve children would impact their right to participate and share their views as discussed above.</i></p>
<p><i>Accountability – how will you be accountable to children on this policy? How will you report on progress? Is there a mechanism for children to hold us to account for progress?</i></p>	<p><i>It is important that those affected by this decision have an opportunity to engage in discussions around this and to hold decision makers to account. Whilst the Programme Board is supported to do this, I think a focus should be given to how the complex issue can be communicated to young people and where they can go to share views, for example, with the development of resources in accessible language, which can support conversations on the topic. This could support those working in settings to explain, if asked, about the policy.</i></p> <p><i>Consideration should be given to this during the transition but also, post 2026 when the new models have been developed. This would support children’s Article 12 and Article 17 rights – to share views and to receive information in age appropriate ways.</i></p>

¹² <https://www.childcomwales.org.uk/wp-content/uploads/2021/04/Specification-Statement-poster-002.pdf>

Question 1.3: One approach could be for the legislation to define 'not-for-profit' in terms of the types of organisation that would qualify. Do you consider that the restriction should also be expressed in terms of the way that any trading surplus is expended? What would be the effects and implications of this?

A key principle underpinning my Office's call in this area is to ensure that the money that is currently diverted away from services in the form of profits or dividends, is, under the new approach, re-invested into our services for children and young people. Ensuring there is transparency and traceability of costs is essential, therefore I would be supportive of exploring, via the Programme Board, what models or approaches could be proposed as a means of achieving this.

Question 1.4: Do you think the primary legislation should include a power for Welsh Ministers to amend the definition of 'not-for-profit' through subordinate legislation?

Whilst I am supportive of a flexible approach enabling Welsh Ministers to remain live to alter definitions, I do believe there needs to be certainty for providers. Any definition must be clear and unambiguous to avoid misinterpretation. Support should be offered to providers with interpretation when required.

Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

This is an ambitious timeframe, but the need for change is imminent. Confidence in delivery would be aided if Welsh Government could publish greater details on its plan for implementation. As called for by my predecessor, a roadmap of delivery to demonstrate the safe, phasing out of profit from children's care services should be developed to support this change. This would aid the Programme Board in their scrutiny and support of this policy's delivery. It would also support providers in preparing for this change.

Question 1.6: Are there any issues in relation to transition for children looked after, local authorities and service providers you would like to draw our attention to?

Whilst I am in support of the proposals to remove profit, it is critical that focus is placed on developing provision that will meet the new not-for-profit-model. It's hugely important this is communicated early on to providers in order to support a smooth as possible transition. It is also key that resources are directed towards local authorities to develop new in-house provision, working regionally in some regards to offer placements that meet a range of needs. The CMA report highlighted the challenges in commissioning some local authorities face, so it is important that action is taken to minimise any challenges arising or worsening. The most recent data from Stats

Wales indicates that whilst 135 children are placed in residential homes in the LA boundary, 345 are in homes outside of the LA boundary.¹³ Without individual level data we cannot determine the reasons why these children are placed outside of their LA but, it highlights the need for local authorities to work collaboratively, to develop provision on a regional basis to support the breadth of needs if we are to offer homes to children nearer to their communities.

We know that at times, due a lack of appropriate or available placements, children are placed in unregistered settings – these are settings or placements that are operating without registration. They are often services that should be registered in line with the Regulation and Inspection of Social Care (Wales) Act (RISCA) and inspected by Care Inspectorate Wales (CIW) as they are offering ‘care’ and ‘support’ to children. I have raised concerns about the usage of unregistered placements in my annual report, calling on Welsh Government to establish a working group to explore the issue of unregistered placements and unregulated accommodation.¹⁴

Whilst often used as a last resort, children placed in unregistered accommodation lack the protection of the safeguards that a registered placement can offer.

Therefore I welcome the proposals set out in Chapter 4 to strengthen the powers of CIW to identify unregistered services (more is set out on this proposal in Chapter 4).

My predecessor and I have urged for a review to be taken of RISCA to explore how this can be addressed. I urge that this work be progressed in tandem with this policy and legislative proposal to ensure that all children are placed in safe, registered placements, and the proposal to remove profit does not exacerbate this issue. This must involve working closely with local authorities and Care Inspectorate Wales to ensure any trends of this nature are monitored and promptly addressed. Whilst a Practice Direction¹⁵ is in place for placements in unregistered children’s homes, I am mindful that more action needs to be taken to limit the prospects for use, as failure to do so may undermine the policy intention to ensure all children and young people in Wales, who are looked after, are looked after in a setting that is with a registered, not for profit, provider. We would not want to find that children were being placed in unregistered ‘for-profit’ provision, as alternative provision that fits the new model of care hasn’t been developed. New provision does take time to develop, which is why Welsh Government must work closely with the sector to explore transitional support to those who are keen to adapt their models and to continue delivering care.

¹³ <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-placementtype>

¹⁴ <https://www.childcomwales.org.uk/wp-content/uploads/2022/10/Annual-Report-and-Accounts-2021-22-v2.pdf>

¹⁵ <https://www.judiciary.uk/wp-content/uploads/2019/11/PG-Placements-in-unregistered-childrens-homes-in-Eng-or-unregistered-care-home-services-in-Wales-NOV-2019.pdf>

Advocacy:

As mentioned above, I would like to see RISCA amended to strengthen requirements on children's homes to offer visiting advocacy provision. This can act as an important safeguard and participation method for children during the transition phase and ensure that children are being provided with independent advice and support.

Leaving care arrangements:

Developing suitable provision must be a focus of this work. I would not like to see children or young people moved on from placements where they are doing well, to create capacity. Particularly for older young people, who can live independently from the age of 16.

This will be discussed more below in regards to the consultation section on the Regulation and Inspection of Social Care (Wales) Act 2016 and proposals to amend section 3 of the Act.

Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

I support this proposal to help communicate expectations and requirements of providers and those commissioning their services. It will also help reiterate young people's entitlements under this new legislation.

Question 1.8: What are your views on using legislation to place a restriction on local authorities to commission placements from 'not-for-profit' organisations only? In particular:

- Do you think it would support us to deliver the commitment to eliminate profit from the care of children looked after in Wales?
- What would be the benefits, disbenefits and other implications of such an approach?
- What would be an appropriate timescale for implementing such an approach, if it were to be adopted in Wales?

Above I have set out my concerns about a potential increase in the use of unregistered placements, if the transition to not-for-profit- services is not managed effectively.

Local authorities need to be well resourced to be able to offer and commission a range of not-for-profit placements to the children within their care. I am aware that some funding has been allocated to deliver this, but no details are available yet to understand what provision will be developed.

I would urge the focus to remain on strengthening and developing local provision. I would not want to see children placed further afield as placements are not available locally. Therefore I am supportive of exploring with the Programme Board any proposals that could restrict the commissioning from providers that do not meet the not-for-profit models.

Question 1.9: What are your views on the possibility of approaches being taken in response to these legislative proposals which would undermine the intention to eliminate profit from the care of children looked after in Wales? Are there any actions which would guard against such activity?

It's hugely important a robust commissioning framework is developed to support the embedding of this policy, giving local authority commissioners confidence in acting in line with the new requirements.

I would also be supportive of Welsh Government developing spaces to have on-going conversations with the sector as this policy embeds, as well as maintaining a risk-register to monitor trends. I am aware that as part of the Basic Income Pilot scheme, officials have remained tuned in with those delivering the new approach, ensuring issues are monitored and responded to promptly. Adopting a similar open style of communication with commissioners and providers may be welcomed.

I have set out above my concerns that failure to address the use of unregistered accommodation for some of the most vulnerable children could lead to an increase in its usage by LA's commissioning placements from de-registered for-profit-providers.

Question 1.10: We would like to know your views on the effects that the legislative changes to eliminate profit from the care of children looked after will have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

I believe this policy is likely to have a positive impact on the Welsh language, as more children will be supported to remain in placements in Wales and within their local authority. As highlighted by the Welsh Language Commissioner and others, there is a need to increase Welsh speaking within the workforce so that children can

access services through the language of their choice (in line with their Article 30 right under the UNCRC). Work developing new provision should ensure alignment with the actions of the More Than Just Words 5 year plan¹⁶.

Question 1.11: Please also explain how you believe the legislative changes to support delivery of eliminating profit from the care of children looked after could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

As above.

Question 1.12: This chapter has focused on how we can achieve the commitment to eliminate profit in the care of children looked after, and we have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

There are a number of recommended legislative changes that Welsh Government have accepted in response to my Office's previous Annual reports, which are not set out in this consultation. They include;

- 1. Introducing new legislation that would ensure Personal Advisor support is available for care leavers up to the age of 25.** Whilst I recognise that direction has been given by Welsh Government ministers for leaving care teams to deliver this extension, the Social Services and Wellbeing Act (Wales) 2014 has not been amended to secure this extension. Therefore, it is currently an expectation and not a statutory entitlement for care leavers. My office takes an active role through the Investigation and Advice service to uphold this extension but are eager to see relevant legislation amended to secure this right. I have continued to raise this issue in my Annual Report for 2020/21. As this has been accepted by Welsh Government, I would like to receive greater assurances that this legislative change will be timetabled.
- 2. Proposals to extend Corporate Parenting duties.** A key part of reforming children's social care services is to strengthen public bodies' roles and expand Corporate Parenting duties to other important services, such as health, education and housing. I would have expected to see proposals to strengthen these duties included in this consultation, as this is a key commitment of the Programme for Government. My office has expressed

¹⁶ <https://gov.wales/sites/default/files/publications/2022-07/more-than-just-words-action-plan-2022-2027.pdf>

concern that a voluntary approach to strengthening duties will not deliver the change we wish to see. Legislative change to impose new duties to share the responsibilities as Corporate Parents is required.

Questions on Chapter 2: Introducing direct payments for Continuing NHS healthcare

There are 8 questions about this chapter.

Question 2.1: We have outlined our proposals to introduce further voice and control for adults receiving Continuing Health Care (CHC) in Wales. Do you agree or disagree with these proposals? Please explain your reasoning.

I would expect to see consideration given to children and young people becoming eligible for Continuing NHS Healthcare arrangements as they reach adulthood to be involved at the earliest appropriate opportunity. Young people have rights to information (Article 17), to share their views (Article 12) rights to the best possible health care (Article 23) and rights as a disabled young people to be involved in society and have government's remove structural barriers to promote their inclusion (Article 23). These arrangements should meet the requirements of the Welsh Government's Transition and Handover Guidance¹⁷ for health boards, so that they are properly supported well in advance and throughout their transition to Continuing NHS Healthcare arrangements.

I have not responded to the further questions in this chapter because they do not apply directly to children and young people.

¹⁷ <https://gov.wales/transition-and-handover-childrens-adult-health-services>

Questions on Chapter 3: Mandatory reporting of children and adults at risk

There are 11 questions about this chapter.

Question 3.1: What are your views on the principle of imposing a duty to report a child at risk (as defined in section 130(4) of the Social Services and Well-being (Wales) Act 2014 directly on individuals within relevant bodies?

I am supportive of exploring the implications of imposing a duty to report a child at risk directly on individuals within relevant bodies. It is every body's duty to act in a child's best interest (Article 3) and adults have a duty to pay due regard to children's rights under Article 34 to be protected from sexual exploitation and abuse.

As evidenced in the final report from the Independent Inquiry in to Child Sexual Abuse, many victims of CSA/E do not disclose what has happened to them, and this proposal may be a way to further strengthen confidence in our reporting system.

In my annual report I made a recommendation to Welsh Government that, following the final publication of the Independent Inquiry in to Child Sexual Abuse, Welsh Government must coordinate and publish a Welsh Implementation Plan to ensure its learning and recommendations are implemented by Welsh Government and other public bodies in Wales. Young people themselves should be participants in this work. This will need to be done safely and sensitively.

Before coming to a final position on imposing a duty, I would like further details on the Welsh Implementation Plan to reflect on how a range of measures will be used to strengthen our response to identifying and preventing child sexual abuse. With the final IICSA report published just this October, I am aware that organisations, as well as my own, will still be reflecting on the breadth of the recommendations. Therefore whilst I support the notion of exploring the duty to report, I am keen for further considerations to take place across the sectors on this proposal.

Steps have been taken in Wales to promote the early identification of abuse, such as with the publication of the All-Wales Practice Guides and the CSA Centre for Excellence 'signs and indicators' resources.¹⁸ Building on this practice is essential to give confidence that all those working with children are confident in delivering in line with the All-Wales Safeguarding Procedures. Strengthening existing preventative practice, as set out in the Procedures, can support a move away from placing an onus on children to disclose, towards an approach that identifies early warning signs.

¹⁸ <https://www.csacentre.org.uk/knowledge-in-practice/practice-improvement/signs-indicators-template/>

Therefore in the interim of developing an Implementation Plan, building consistency in practice should remain a focus for Welsh Government.

The new RSE Code being rolled out across Welsh schools provides an important opportunity to communicate messages around safeguarding. Children will be learning in an age appropriate way about bodily autonomy, safe and healthy relationships and privacy. It is likely that children may be more likely to disclose concerns or incidences of abuse, so those supporting children must be confident in their understanding to act on these disclosures.

Therefore, I am of the view that greater consultation will be needed surrounding this proposal to understand its breadth and implications. Nevertheless, I agree with the principle to explore this proposal with the sector.

Question 3.2: What are your views on the principle of imposing a duty to report an adult at risk (as defined in section 126(1) of the 2014 Act) directly on individuals within relevant bodies?

N/A

Question 3.3: What in your view would be the likely benefits, disbenefits, risks, costs, savings and equality impacts of such an approach?

Please explain your reasoning.

My office will respond in more detail should a separate consultation with further details on this proposal be published. I am aware that work has been commissioned by Welsh Government to explore with the sector the potential implications of the IICSA recommendations, as well as exploring what has been achieved through Welsh Government's National Action. I am keen to see this issue consulted on in more detail once this work has been completed.

Questions on Chapter 4: Amendments to regulation of service providers and responsible individuals

Part 2 and Schedule 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act') provides the basis on which Care Inspectorate Wales ('CIW') – on behalf of the Welsh Ministers – undertakes functions relating to the registration, regulation and inspection of 'regulated services'.

This chapter of the consultation focuses on proposed amendments to the regulatory regime for regulated services, service providers and their designated responsible individuals. These relate to a range of matters provided for within the 2016 Act, including:

- a) Identifying unregistered services
- b) Publication of annual returns
- c) Publication of inspection reports
- d) Improvement notices and cancellation of registration
- e) Responsible individuals
- f) Definition of 'Care' for children and young people

Questions on proposed amendments relating to each of these matters follow.

There are 21 questions about this chapter.

Question 4.1: *(a) Identifying unregistered services - power to obtain information:* Do you agree with the proposal to amend the 2016 Act to enable the Welsh Ministers (CIW) to require information from any person where there is reasonable cause to believe that they are providing a service which should be regulated?

Yes – I have growing concerns about the use of unregistered placements and am keen to see action taken to support regulators to respond to any concerns relating to its usage. In my annual report I put forward a recommendation setting out what I would like to see:

Welsh Government must establish a working group in 2022/23 to explore the issue of Unregulated Accommodation and Unregistered Placements. The aims of this work must be:

- *To collect data to build an understanding of its usage in Wales;*
- *To consider the needs of affected young people to identify where there are shortfalls in suitable accommodation; and*

- *To explore whether changes are needed in the regulation system in Wales to award young people stronger protections. Work needs to be concluded within this Senedd term including any regulatory changes that are required.*

I believe this recommendation and associated actions should be delivered in tandem with the proposals set out in this consultation, to help identify gaps in current provision, which leads local authorities to use unregistered placements.

I was recently alerted to a concerning case, regarding the use of agency staff to staff unregistered placements. The provider is operating in England and Wales. The provider was operating without registration and using agency staff to staff the placements. This creates a double safeguarding concern, that some of the most vulnerable children are being looked after by staff who may not have been subject to thorough checks and registration with Social Care Wales, and, are not in a placement that is registered as a care home by Care Inspectorate Wales, with the oversight of a Registered Manager. I am aware that CIW have notified local authorities that they are aware of this practice but far more needs to be done to prevent this circumstance arising. In this circumstance, both CIW and myself had limited powers to act. Therefore, any proposal to strengthen CIW's powers are supported by myself and Office.

The case above also raised concerns about my Office's own remit to act and reach children subjected to these types of placements. Unlike the Children's Commissioner for England and the Older Peoples Commissioner for Wales, I do not have a power of entry for the purposes of interviewing a person in relation to their powers to review organisations' discharge of their functions. In addition to these proposals I would recommend consideration being given to how the Children's Commissioner for Wales' remit may be extended to include power of entry into any premises other than a private dwelling at any reasonable time, for the purposes of speaking with a child or young person in relation to their powers to review organisations' discharge of their functions.

In 2021, my predecessor wrote to Welsh Government Ministers and the Children and Young Peoples Branch within Welsh Government, setting out where the Children's Commissioners remit and legal powers could be strengthened in this regard, setting out suggested areas which could be strengthened, such as through the power to access institutions and documentation to support in the investigating of concerns.

Question 4.2: *(a) Identifying unregistered services - power to obtain information: Do you agree with the proposal to extend the offence of failing to provide information when required to do so, to include these persons?*

Yes – we have a clear regulatory framework in Wales. Those offering placements outside of this should be required to provide information on their service and be held to account. Regulated placements are an important safeguard for children, therefore

I am supportive of measures to ensure the regulator is able to access accurate information on a service which is suspected to be operating without registration. As set out above my own remit could be strengthened in this regard.

Question 4.3: *(a) Identifying unregistered services - power of entry:* Do you agree with the proposal to amend the 2016 Act to remove ambiguity and make it clear that the Welsh Ministers (CIW) have the power to enter and inspect any premises which they have reasonable cause to believe is (or has been) used as a place at or from which a service is (or has been) provided, or which is (or has been) used in connection with the provision of a regulated service?

Yes – I support this proposal to strengthen CIW's powers.

As mentioned above, a review of my own powers in relation to entry for the purposes of investigation and delivery of functions would be welcome.

Question 4.4: *(a) Identifying unregistered services - power of entry:* Do you agree with the proposal to extend the offence of obstructing an inspector or failing to comply with a requirement imposed by an inspector, to include these circumstances?

Yes – as above I support strengthening measures powers of the regulator to help ensure all children who require a care placement are cared for in a registered placement. Any setting offering care and support to young people should be transparent in their operations and be accountable to the regulator for the delivery of those services.

Question 4.17: *(f) Definition of 'Care' for children and young people:* Do you agree with the proposal to adjust the definition of 'care' in section 3 of the 2016 Act in order to place beyond doubt that the provision of parental-type care is recognised as being 'care' within the meaning of the 2016 Act?

Yes – this has been a long standing issue for my Office. I have concerns that the current definition is too adult focussed and may be contributing to some young people being placed in unregulated accommodation from the age of 16, as they are assessed as not needing 'care' but just 'support' under the current definition.

My office is concerned that some young people from the age of 16, are required to live independently at a much earlier age than their peers and this can put that at great disadvantage for their future.

As set out in my Annual Report, under RISCA, all children needing care under the age of 16 must be in a regulated and registered placement, although as discussed above, we know at times this does not always happen. However, some 16 and 17 year olds do not necessarily have to live in regulated accommodation, as from 16 some can begin the process of leaving care. Young people can be assessed as needing just 'support' and not 'care and support'. This means young people can live

in accommodation that does not provide care, and therefore isn't required to register with CIW as this falls outside of CIW's remit. The accommodation options can vary greatly, from 'When I'm Ready' placements, supported lodgings placements, semi-independent living arrangements or completely independent accommodation, and even places like hostels and B&B's. These come under the umbrella term of 'unregulated placements'. We are concerned that the quality and standards of accommodation can vary greatly, as there is currently no guiding standards or regulations to govern this area of accommodation. Whilst we know of some excellent supportive settings, some young people can become very vulnerable if living in poor accommodation with limited support.

Under this proposal, this may result is those more nurturing settings being required to register, but may leave some of the more concerning types of provisions falling outside of the new definition. This is why I would like to see Welsh Government take a lead on understanding the various types of accommodation options local authorities utilise to support care leavers, as recommended in my Annual Report.

I would urge that young people are consulted on any proposals relating to this issue, as I am aware that young people will have different views on when they are ready to leave care and be viewed as capable of living without parental guidance.

For example, recently I met with young women living in temporary accommodation. Despite many elements of the provision being complimented, they felt that they were not prepared at all for the transition of living independently and were eager to leave the provision to end being what they felt was 'watched over'. I do feel that this group of young people are very likely to share different views, depending on their circumstances and past experiences as to what 'parental type care' looks and feels like at this age.

Questions on Chapter 6: Extending the definition of social care worker to include childcare and play workers

There are 5 questions about this chapter.

Question 6.1: We would like to know your views on the proposal to extend the definition of 'social care worker' to include both childcare and play workers. In particular, are you in favour of extending the role of Social Care Wales to cover childcare and play workers working in the childcare sector?

Please explain your reasoning.

Yes – I am supportive of this proposal to register child care and play workers with Social Care Wales. This is another important step in safeguarding children and further strengthening the workforce.

CYPE(6)-02-23 - Paper to note 6

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair
Children, Young People Education
Committee Senedd Cymru

SeneddClimate@senedd.wales

13 January 2023

Dear Chair,

Outcome of the 9 December 2022 Education Ministers Council meeting

In accordance with the inter-institutional relations agreement, I can report I chaired the third meeting of the UK Education Ministers Council (UKEMC) on Friday 9 December at the Welsh Government Buildings in Cathays Park, Cardiff.

Shirley-Anne Somerville MSP, Cabinet Secretary for Education and Skills attended for the Scottish Government. The Rt. Hon. Gillian Keegan, Secretary of State for Education attended for the UK Government and Mark Browne, Permanent Secretary to the Department for Education and Mark Lee, Director Tertiary Education represented Northern Ireland via video link.

Further information on what was discussed during the meeting can be found [here](#).

Yours sincerely

Jeremy Miles AS/MS
Gweinidog y Gymraeg ac Addysg
Minister for Education and Welsh Language

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

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

Agenda Item 6

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted