

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: 9 March 2023	0300 200 6565
Meeting time: 09.00	SeneddChildren@senedd.wales

At its meeting on 2 March, the Committee agreed a motion under Standing Order 17.42(ix) to exclude the public from item 1 of today's meeting

- 1 Education access for disabled children and young people – consideration of the scope and approach**
(09.00 – 09.35) (Pages 1 – 15)
Attached Documents:
Scoping Paper – CYPE(6)–08–23 – Private paper 1
- 2 Introductions, apologies, substitutions and declarations of interest**
(09.35)
- 3 Services for care experienced children: exploring radical reform – evidence session 13**
(09.35 – 10.35) (Pages 16 – 84)
Jan Coles, Head of Children and Families Services at Carmarthenshire County Council and the incoming Chair of the All Wales Heads of Children’s Services (AWHOCs)



Taryn Stephens, Head of Children's Service, Merthyr Tydfil County Borough Council; and Incoming Vice Chair of the All Wales Heads of Children's Services (AWHOCs)

Sally Jenkins, Strategic Director of Social Services, Newport City Council

[Video evidence](#) from ADSS

Attached Documents:

Research Brief

Association of Directors of Social Services Cymru (ADSS) – CYPE(6)-08-23 – Paper 1

4 Motion under Standing Order 17.42(ix) to resolve to exclude the public from items 5, 8 and 9 of this meeting and for the whole of the meeting on 14th, and 22nd March
(10.35)

5 Services for care experienced children: exploring radical reform – consideration of the evidence
(10.35 – 10.45)

Break

(10.45 – 11.00)

6 Services for care experienced children: exploring radical reform – evidence session 14

(11.00 – 12.30)

(Pages 85 – 106)

Julie Morgan MS, Deputy Minister for Social Services

Albert Heaney, Chief Social Care Officer for Wales, Welsh Government

Alistair Davey, Deputy Director Social Services Enabling, Welsh Government

Attached Documents:

Welsh Government – CYPE(6)–08–23 – Paper 2

Cafcass Cymru – CYPE(6)–08–23 – Paper 3

7 Papers to note

(12.30)

7.1 Services for care experienced children: exploring radical reform

(Pages 107 – 109)

Attached Documents:

Letter from the Chair of the Children, Young People and Education

Committee to the Chair of the Local Government and Housing Committee –
CYPE(6)–08–23 – Paper to note 1

7.2 Services for care experienced children: exploring radical reform

(Pages 110 – 112)

Attached Documents:

Letter from the Chair of the Children, Young People and Education

Committee to the Chair of the Health and Social Care Committee – CYPE(6)–
08–23 – Paper to note 2

7.3 Services for care experienced children: exploring radical reform

(Pages 113 – 114)

Attached Documents:

Letter from the Chair of the Children, Young People and Education

Committee to the First Minister and the Deputy Minister for Social Services –
CYPE(6)–08–23 – Paper to note 3

7.4 Peer on peer sexual harassment among learners

(Pages 115 – 117)

Attached Documents:

Letter from the Chair of the Children, Young People and Education

Committee to the Minister for Education and Welsh Language – CYPE(6)–08–
23 – Paper to note 4

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

(12.30 – 12.45)

9 Consideration of the invitation to the Joint Ministerial Delivery and Oversight Board

(12.45 – 12.50)

(Pages 118 – 125)

Attached Documents:

CYPE(6)-08-23 – Private paper 2

Document is Restricted

Agenda Item 3

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

Document is Restricted

Senedd Cymru | Welsh Parliament

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

Gwasanaethau i blant sydd wedi bod mewn gofal: archwilio diwygio radical | Services for care experienced children: exploring radical reform

Ymateb gan Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol | Evidence from Association of Directors of Social Services (ADSS)



Background

The Association of Directors of Social Services (ADSS) Cymru is the professional and strategic leadership organisation for social services in Wales and is composed of statutory directors of social services, the All Wales Heads of Children's Service (AWHOCs), the All Wales Adult Service Heads (AWASH) and tier three managers who support them in delivering statutory responsibilities: a group which consists of over 300 social services leaders across the 22 local authorities in Wales.

The role of ADSS Cymru is to represent the collective, authoritative voice of senior social care leaders who support vulnerable adults and children, their families, and communities, on a range of national and regional issues in relation to social care policy, practice, and resourcing. It is the only national body that articulates the view of those professionals who lead our social care services.

As a member-led organisation, ADSS Cymru is committed to using the wealth of its members' experience and expertise. We work in partnership with a wide range of partners and stakeholders to influence the important strategic decisions around the development of health, social care, and public service delivery. Ultimately, our aim is to benefit the people our services support and the people who work within those services.

General Comment

ADSS Cymru welcomes the opportunity to contribute to the inquiry initiated by the Senedd's Children, Young People and Education Committee into services for care experienced children: exploring radical reform.

To accompany this written evidence, we have produced a short video to highlight and contextualise the excellent professional practice that local authority Children's Services are delivering every single day to support children, young people and their families. The video is only intended for the purposes of evidencing the work of social services to the Committee and to protect the individuals involved, is not for sharing or public consumption.

As a leadership organisation based within the Welsh local government sector, we want to work with Welsh Government and other key partners to ensure there are high-quality, consistent, person-centred services delivered right across Wales, that support children, young people and their families to stay together in their communities.

We would expect any service or model of support to be designed around core principles that:
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- reflect individual voices and lived experience
- intervene early
- build on family's strengths and are also responsive to parents' needs
- are outcome focused
- improve well-being and reduce risk
- are attuned to unique personal circumstances and settings
- are integrated with other services, reducing the number of professionals individual children and families need to get to know and trust

The Context

Achieving an impact on the child's outcomes that is both positive and enduring requires their needs to be prioritised by all agencies while they are looked after and, in some circumstances, afterwards. For some children this will be regardless of whether they return home, remain looked after or are placed permanently elsewhere through adoption, special guardianship or residence.ⁱ

We welcome Welsh Government's commitment to Children Looked After and Care Leavers in its Programme for Governmentⁱⁱ, published in 2021 and look forward to every opportunity to be involved in leading the changes that will transform services. Aligned systemic change across systems is an essential basis to reforms.

Heads of Children's Services across Wales are leading services transformation that is achieving great outcomes, some of which is included in the video evidence. Committee Members are invited to visit any of those initiatives to witness that work and meet the young people and families. In particular, services have focused upon looking for new and better ways of safely keeping families together and avoiding the looked after system where possible or improving well-being outcomes for care experienced young people whilst continuing to manage the many meanwhile risks associated with our current operating environment.

In the video, for example, we include a case study of one local authority's transformative Family Network Project, which began as a pilot in 2020. The case follows the story of a mother of two children, one of whom has complex physical and mental disabilities. Social services had to intervene when the mother began experiencing Complex PTSD and anxiety during the Covid-19 Pandemic and was struggling to provide a safe home environment for her children.

The individual interviewed in the video was invited to take part in the new project, which uses the 'family finding model' to help families develop their natural networks. The project team facilitated in-depth conversations with the parent, her children and her family and friends,

which helped her to share her experiences and struggles at her own pace and allowed her to take control of developing her own support system. At the end of the process, the mother and her children had experienced a deep transformation: she had built confidence, and a support system of people who understood her struggles and were able to provide clear lines of support and connection for her and her children. The parent was able to provide a safe, stable home for her family, which meant that social services no longer needed to be involved.

To put this evidence into context, at the end of March 2022:

- Over 7000 childrenⁱⁱⁱ in Wales were looked after away from their home, mostly living with:
 - Extended family members (Kinship care arrangements) or friends (16%)
 - Foster carers (69%)
 - Residential child care (including residential schooling) (8%)
 - Adopters (3%)^{iv}
 - Independently (with support) (2%)
- 650 children previously looked-after returned to family or special guardian (other than previous foster carers); 285 had an adoption order granted and 145 moved to independent living.^v
- 380 young people left the care system due to either reaching the age of 18, moving to independent living settings, transitioning to adult services or living with a foster carer in a When I'm Ready arrangement.^{vi}
- As of the end of March 2021, there were over 17,000 children receiving care and support from local authorities in Wales – of this figure 2,275 were aged 16 years and over. Of the total figure, 9,815 were not looked after.^{vii}

There are approximately 3,800 foster families in Wales - 71% are foster carers with their local authority.^{viii} Around 2700 foster carers, as well as family and friends carers, are part of Foster Wales.^{ix} The reasons why children become looked after are many and complex.^x Children who are looked after will have experienced forms of loss, abuse and neglect prior to entering the care system and these experiences will often stay with them for the entire lives. Ensuring that care experienced children and young people can achieve their full potential and lead happy childhoods and then transition to experience enriched adult lives, requires resources and care from all agencies beyond that provided routinely to their peers.^{xi}



The Workforce – the video provides insights into what our people can deliver. We asked Family Support Workers in Swansea and RCT what the best and most challenging parts of their roles are. Their passion and dedication in helping the families and young people they work with is clear, despite the extreme pressures of their roles. The video also displays several moving examples of social workers who have drawn on their creativity to initiate innovative projects that make an immeasurable long-term impact on children and young people’s lives.

We hear from the residential care home manager who founded ‘Budding Minds’, for example, which has provided routes into further education and career paths for young people who struggle in mainstream education by setting up opportunities to learn horticultural skills such as growing vegetables in a polytunnel. Social workers talk about wanting to provide the same level of support and opportunities for the young people in their care as they would their own children. The young people who speak in the video express deep gratitude for the care and dedication shown to them by their social workers, which has allowed them to achieve their educational goals.

Our workforce is our greatest asset in the context of transforming service and the potential is significant. There is much in Wales to build upon. However, for now, many local authorities are putting out fires linked to vacancy rates, increased demand with increased caseloads and budget cuts^{xii}, and if these remain unresolved there is the potential to eclipse reform. We believe the scope for radical reform in this area is a concerted national effort, by all parts of the system, to allow us to staff services effectively whilst growing skills, knowledge, confidence, and trust. This requires change of us all at many levels.

Making voices and experiences count – radical reform involves establishing trusted and objective systems that means that voices are heard. The Children’s Commissioning Consortium Cymru co-produces children’s services across Wales with the 22 local authorities, over 60 service providers, and crucially, with children looked after through their Young Commissioners Programme. In the video clip about the Consortium, one young person interviewed talks about how, ‘it helps young people in care to express their feelings and views, and... know what other people in care are going through.’ Rather than children looked after feeling like they are ‘the only one’, as one foster parent comments, the Consortium ensures there is meaningful, regular connection, which supports the collective voice of children and young people looked after to be heard and have an impact on service provision. There are other examples of excellent engagement and co-production across Wales including through the Adopted Children and Young people’s Youth Councils.

We support the Welsh Government’s endeavour to consider a range of perspectives to be able to form an objective, and representational view of current experiences and would welcome the opportunity to explore how this is achieved. Wales greatest strength is the

potential that can be delivered by coordinated, solution focused work with stakeholders, and accountability that is closer to people with experiences of services. For example, we welcome the development of the good-practice Charter for Supporting Parents In and Leaving Care.^{xiii}

Early Help Systems – Our early help systems are the first line in supporting vulnerable families but are yet to be supported by stable and sufficient funding. One local authority’s Family Network Project, which features in the video and was referred to earlier, proves the efficacy of early help systems. The person-centred approach taken by the team, supporting families to feel heard and be in control of developing their own systems of support within their communities, prevents children from becoming accommodated. What is needed is a coordinated national effort to build trust and diminish the stigma of individuals and families asking for help. We need to promote self-help systems and, wherever possible, offer service choice that focus on family strengths, not weaknesses. The scope for radical reform here is:

- a. sustainable funding that reflects the scale of the demand in Wales, with population data that points to need which is well evidenced;
- b. systems that evaluate evidence of effectiveness and help predict need;
- c. an infrastructure to help services scale up and adapt as families require us to;
- d. connectivity and integration with statutory services to promote better step up / down support, with minimum disruption.

Evidence-based family support – we welcome the underpinning principles in a Programme for Government that looks to protect, re-build and develop services for vulnerable children and their families, namely – more advocacy for parents on the edge of care, additional specialist support and the funding of regional care services for children with complex needs, the elimination of profit from the care of children looked after and strengthening public bodies in their role as corporate parents.

AWHOCs are working hard with Welsh Government and other partners to realise these commitments. We are pleased that Government is now addressing these matters in a systematic way, making clear the important role of partners in tackling the challenges that families face. Addressing the mental health services for children gap referred to as the ‘missing middle’ is key here alongside ensuring that trauma informed services that effectively tackle the impact of the underlying factors that lead to risk of child parent separation such as poverty, substance misuses, domestic abuse and poor mental health including mitigating these effects for care experienced children and young people. The introduction of a Family Drug and Alcohol Courts (FDAC) in Cardiff, is a promising development that might be considered for roll out as part of radical reform following evaluation.



While we know there will always be a focus on the overall headline number of children looked after by public bodies, it is equally important to examine trend data and rates at which children with a care and support plan remain with their families. Strength-based practice is key to this, and we look forward to building on what exists in Wales, including the Wales Safeguarding procedures via the National Practice Framework. It is our chief professional duty to work in a strength-based way.

The most radical reform that could be realised in this area is a reduction in workload for our social workers, coupled with an investment in services that can support reflective practice, including within partner organisations. There are many opportunities to take a 'Once for Wales' approach to support this, including digital transformation in the way that we communicate our best work in Wales.

Supporting parents and carers – we believe this is where partner agencies can truly come into their own. Relationship based work is essential, and whilst trauma, re-trauma and complex trauma makes for a complicated relationship-making environment, it is not insurmountable. To allow Foster Wales to inspire and drive change we need investment that ensures there is no distinction between the support afforded to foster carers, Special Guardians and adoptive families; one national way of providing financial support, although this may need to be tailored to the specific legal requirements for each. Therapeutic support is essential too in helping carers look after young people and managing the impact of secondary trauma.

Improving outcomes for children looked after and care leavers – we know that outcomes for children looked after and care leavers do not compare favourably with other children, and reform is required to close this gap.^{xiv} Reform is required to embed and develop systemic trauma informed services highlighted above are equally essential in this area.

An excellent example of the positive impact that trauma informed services can have for children looked after is happening at a residential care home, which is featured in the video. A therapist at the home explains how therapy, care and education are provided holistically in the care home setting. 'Therapy is really important for the boys to achieve educationally,' she says, 'because the trauma that the young people in care have experienced can make it extremely difficult for them to learn in a conventional setting.' One of the boys living at the care home comments, 'I think I will look back on [what I have achieved] and say, "wow, I did that". I never would have been in a healthy enough or suitable enough environment to be able to [achieve my educational goals] if I hadn't come to [this care home], to the people who spent hours of their time trying to change the education system to help me.'

For years, many authorities have struggled to access sufficient quality accommodation for those young people with the most complex needs. ADSS Cymru and AWHOCS would like to invite committee members to meet some local authority foster families and view some of the newly registered children's homes that demonstrate the essence of what good practice looks like for a reformed provision. The video features two residential care homes that are leading the way in terms of good practice. Both demonstrate how person-centred, holistic care, achieves positive outcomes for young people.

The improvements made in adoption support through our National Adoption Service arrangements has increased adoptive family satisfaction and is contributing to improved outcomes for the children placed alongside the introduction of these changes. Many of the services are low cost but high impact services which respond to the ongoing, often lifelong, implications of early trauma. The service models which include trauma informed, psychology-based approaches may work equally well for other care experienced children and young people in other post looked after permanence placements.

Sufficiency continues to be a struggle for many authorities and plans are in place to tackle this. Those plans will take time to come to fruition both in relation to fostering sufficiency and residential care. We took up the opportunity to respond to the Welsh Government's consultation in relation to Eliminate Profit and that can be found [here](#).^{xv} Whilst wholeheartedly supporting the objective of eliminate profit, a re-balance first approach is recommended. The current approach has contributed to an exacerbation of sufficiency challenges with our most vulnerable young people, with the public purse paying the price. For example, one local authority has seen a 25% increase in the average cost of placements in the last 12 months; a second authority reported a placement costing £19k a week compared with £12.5k in the previous year; whilst a third authority has seen £772k of additional pressure due to increasingly complex needs of children in residential care requiring additional support.^{xvi}

There is a more widely applicable salutary lesson here for future reforms; changes should take account of the risks for children and costs for services fully bearing in mind the context.

Turning to education, reform would do well to strengthen the implantation of virtual schools for looked after young people and to take account of the inspirational outcomes of care experienced employment schemes.

Matching ambition and investments – it is vital that sufficient, sustainable resources are in place to ensure capacity can meet the current considerable wave in demand.

We know from recent survey work we conducted with the Welsh Local Government Association (WLGA) and the Society of Welsh Treasurers (SWT) that just for social services, local authorities identified that they were facing an overall financial pressure of £95.2m in the current financial year (with £20m of that pressure due to children’s residential placements), with both adults and children’s services facing inflationary and demand pressures and an estimated total cumulative pressure of £407.8m for 2023-24 and 2024-25.^{xvii} Despite our ambition and vision for social services, it should be noted that these financial pressures are just to ‘stand still’, significant investment will be required if we want to truly place social care on a sustainable footing for the future.

Local authorities across Wales continue to highlight challenges finding appropriate placements for children and young people. In particular, a lack of provision for children with complex needs in fostering and residential placement settings, with this driving up costs. Our members report that because children and young people are presenting with more complex and challenging behaviour, it is leading to increased demand for residential care placements.

There must be a greater focus on the further development and expansion of preventative services to meet need at the earliest possible point. We believe that a significant percentage increase in preventative services for vulnerable children should be made available. For example, for every £1 spent to meet immediate statutory demand an additional £2 should be spent on preventative services to reverse the current position. We would need to realise what that true cost would be based on current and future demand, which also takes into consideration how the market will change as we transition to a not-for-profit model for children’s services.

It is evident that year on year grant funding is not sustainable to meet the challenge, neither is a match-funding approach, which is heavily prevalent in the Health and Social Care Regional Integration Fund. Time-limited funding, accompanied by business processes that increase authorities’ workload are disproportionate to the numbers of children and families that are presenting and requiring support. Radical reform in this space would be Welsh Government properly resourcing local government to allow it to undertake its work of intervene with families earlier and prevent problems from escalating.

Conclusion

ADSS Cymru does recognise that there are significantly more children in local authority care than a decade ago. Yet, it must be emphasised that social workers across Wales support thousands of children and families, on a daily basis, to happily and positively remain together. The decision to place a child into care, is not made solely by local authorities, as there are



often a range of interrelated and complex factors that contribute to the decision-making process. Nevertheless, our duty is always to safeguard children at risk in line with our statutory duties.

We entirely support the incredible work being shaped and delivered by local government Children's Services in Wales. We see fabulous examples of best practice every day that prevent children from entering the care system. However, this is against a backdrop of a system that is fragmenting on a daily basis. A robust and supported social care workforce is the foundation to making the changes required.

ADSS Cymru recognise that there is still more to do to achieve radical reform and we remain committed, as sector leaders, to working alongside stakeholders to realise that endeavour. In the first instance, we look forward to working with the Welsh Government to co-produce meaningful definitions of what radical systemic reform should look like in the current landscape, to ensure we continue to make a positive difference to the lives of children and families living in Wales.

References

- ⁱ Rahilly, T. and E. Hendry, *Promoting the Wellbeing of Children in Care: Messages from Research*, NSPCC, 2014. <http://clok.uclan.ac.uk/14634/1/promoting-wellbeing-children-in-care-messages-from-research.pdf> (As accessed on 14 February 2023).
- ⁱⁱ Welsh Government, *Programme for Government – Update*, 2021. <https://www.gov.wales/sites/default/files/publications/2022-01/programme-for-government-update-december-2021.pdf> (As accessed on 14 February 2023).
- ⁱⁱⁱ Welsh Government, *Children looked after at 31 March by local authority and placement type*, Stats Wales, 2022. <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/childrenlookedafterat31march-by-localauthority-placementtype> (As accessed on 14 February 2023).
- ^{iv} National Adoption Service have submitted their own evidence to the inquiry which we would recommend and support, as considerable reform has taken place in this space.
- ^v Welsh Government, *Episodes finishing for children looked after during year to 31 March by local authority and reason for finishing*, StatsWales, 2022. <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Children-Looked-After/episodesfinishingforchildrenlookedafterduringyearto31march-by-localauthority-reasonforfinishing> (As accessed on 14 February 2023).
- ^{vi} Ibid. (2022).
- ^{vii} Welsh Government, *Children receiving care and support by local authority and looked after status*, Stats Wales, 2021. <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/children-receiving-care-and-support/childrenreceivingcareandsupport-by-localauthority-lookedafterstatus> (As accessed on 14 February 2023).
- ^{viii} The Fostering Network, *Fostering statistics for the UK*, 2022. <https://www.thefosteringnetwork.org.uk/advice-information/all-about-fostering/fostering-statistics> (As accessed on 14 February 2023).
- ^{ix} Foster Wales, *Fostering Statistics Wales*, 2022. <https://fosterwales.gov.wales/fostering-statistics-wales/> (As accessed on 14 February 2023).
- ^x Stein M., *Resilience and young people leaving care: Overcoming the Odds*, Joseph Rowntree Foundation, 2005. <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/185935369x.pdf> (As accessed on 14 February 2023).
- ^{xi} Marion, E. and V. Paulsen, "The transition to adulthood from care: A review of current research", in Mann-Feder, V. and M. Goyette (eds.), *Leaving Care and the Transition to Adulthood: International Contributions to Theory, Research, and Practice*, Oxford University Press, Oxford, 2019.
- ^{xii} British Association of Social Workers (BASW), *Annual Survey of Social Workers and Social Work: 2021, 2022*. <https://www.basw.co.uk/resources/basw-annual-survey-social-workers-and-social-work-2021> (As accessed on 14 February 2023).
- ^{xiii} CASCADE, *Supporting Parents in and Leaving Care: #MessagestoCorporateParents*, 2021. <https://cascadewales.org/research/supporting-parents-in-and-leaving-care-messagestocorporateparents/> (As accessed on 14 February 2023).
- ^{xiv} Mannay, D. and R. Evans et al., *The consequences of being labelled 'looked-after': Exploring the educational experiences of looked-after children and young people in Wales*, British educational Research Journal, 2017. <https://doi.org/10.1002/berj.3283> (As accessed on 14 February 2023).
- ^{xv} ADSS Cymru, WLGA, 4C's and Foster Wales, *Legislative proposals for eliminating profit from the care of children*, 2022. <https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=3680> (As accessed on 14 February 2023).
- ^{xvi} Ibid. (2023).
- ^{xvii} ADSS Cymru, *Evidence to the Senedd's Finance Committee's Inquiry into the Welsh Government Draft Budget 2023-24, 2023*. <https://business.senedd.wales/documents/s132911/Written%20evidence%20from%20The%20Association%20of%20Directors%20of%20Social%20Services%20ADSS%20Cymru%20-%20January%202023.pdf> (As accessed on 14 February 2023).

CYPE(6)-08-23 - Paper 2

Evidence Paper from Julie Morgan MS, Deputy Minister for Social Services, Welsh Government

Date: Thursday 9 March 2023

Time: 11:00am – 12:30pm

Title: Evidence paper for inquiry into services for care experienced children: exploring radical reform

Purpose

The purpose of this paper is to provide the Children, Young People and Education Committee with an update on the work being taken forward to deliver the Welsh Government's commitment to transform children's services across Wales.

The Vision for Children's Services in Wales

Our vision for children's services in Wales is that:

- We want to see fewer children and young people entering care, by providing the right support at the right time to families going through difficult times.
- For those children who are in care, we want them to remain close to home so they can continue to be part of their community. This means 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. We want these services to be locally based, locally designed and locally accountable.
- We want those young people leaving care to feel supported to start to live independently when they are ready and to plan for their future.

Our Programme for Government contains 8 commitments, which taken together provide the framework for our vision to radically transform Children's Services. The delivery of these commitments will effect change across the whole system in Wales and align to our [Children and Young People's Plan](#). This work will consider the Wellbeing and Future Generations Act, to ensure we improve provision for all Children and Young People (CYP) so they can fulfil their potential no matter what their background or circumstances and the publication of the revised Child Poverty Strategy planned for the end of the year. The voice and rights of CYP are the heart of all we do. Both these commitments and the Plan will be delivered over this whole Senedd term.

Programme for Government commitments for Children's Services:

1. Explore radical reform of current services for looked after children and care leavers.
2. Eliminate private profit from the care of looked after children during the next Senedd term.
3. Fund regional residential services for children with complex needs ensuring their needs are met as close to home as possible and in Wales wherever practicable.
4. Strengthen public bodies in their role as 'corporate parent'.
5. Prevent families breaking up by funding advocacy services for parents whose children are at risk of coming into care.
6. Provide additional specialist support for children with complex needs who may be on the edge of care.
7. Continue to support and uphold the rights of unaccompanied asylum-seeking children and young people.
8. Support our national Fostering Wales scheme.

Delivery of a Transformation Programme

We know that the changes needed to deliver our Vision and the 8 Programme for Government Commitments will take time, but we do know that things can change quickly when everyone works together. We can for example learn from and build on good examples of services already being provided to care experienced children and young people in Wales. A Shared Learning event is planned for the Spring. We have now developed a Transformation Programme and the work being taken forward in this Programme are grouped under three headings – voice of CYP, supporting children to remain with families and needs and Value-Based provision. Key examples of work being taken forward under these three headings include:

Voice of Children and Young People

It is critical that this vision is informed by those who have experience of using these services. That is why on 3 December last year the Inaugural Care Experience Summit took place between 50 young people either currently in care or recent care leavers ('Young Ambassadors') and the First Minister, Minister for Social Justice, Minister for Education and the Welsh Language, Deputy Minister for Mental Health and Wellbeing and myself. The purpose of the Summit was for young people to convey directly to Ministers their experiences and to share their ideas for how jointly, our aim to radically transform children's services could be achieved.

The key outcome from the summit has been the development of a Declaration with care experienced children and young people; ensuring their voices remain at the heart of what we do. The Declaration will be formally agreed between the Young Ambassadors, standing in for care experienced young people in Wales and the Welsh Government and signed by Welsh Government Ministers in March.

The Declaration includes a vision of what transformed services for children and young people would mean in reality. The vision will be developed further over time to reflect changing circumstances. The second part of the Declaration includes a set of commitments that will help achieve the joint vision.

These commitments will specifically address issues highlighted by young people at the Summit including the need for continuity and consistency of support and issues around the stigma of being in care.

We are committed to holding a similar Summit event on the anniversary of the Declaration being made to review progress against its commitments, and a series of Practitioner and Regional events during 2023.

Strengthening public bodies in their role as 'corporate parent'

One of our Children's Services Programme for Government commitments is to 'Strengthen public bodies in their role as 'corporate parent'. Delivering this commitment will help improve outcomes for children who are looked after and care leavers by helping embed a stronger sense of vision and responsibility towards the children who are looked after and care leavers as a priority for everyone who interacts with these children and young people. This work is instrumental to the delivery of the declaration from the Inaugural Care Leavers Summit.

The key deliverables for this work are the development of a corporate parenting charter this year alongside drafting statutory guidance which we aim to complete in 2024. Organisations and senior leaders signing up to the Charter will be making a clear public commitment stating their support of care experienced young people and by so doing be held accountable to ensure a better offer of support is provided to care experienced young people by all parts of the public sector.

Supporting children to remain with families

National Practice Framework

As part of our work to transform children's services in Wales we are developing a National Practice Framework. The Framework will set out how we work in Wales in a strengths-based way to ensure the best outcomes for our most vulnerable children and young people.

The National Practice Framework will be a mix of mandatory requirements and practice pointers, rooted in strengths-based relational practice. Key aspects of practice must be consistent across Wales if every child and family is to receive a similar service at a common threshold. This will help us to achieve greater commonality and more seamless working at local, regional and national level building on the good work to date.

The National Practice Framework will add value to local practice and be an enabler for consistency whilst allowing for crucial local variation in its context.

Social Care Wales has already conducted a review of practice frameworks, their strengths and limitations and work is now being undertaken to develop the National Practice Framework in collaboration with the sector. Work began on this at the beginning of September 2022 in co-production with key stakeholders and practitioners and the expectation is that this work will be completed before the end of 2023.

We will shortly convene an Expert Group to agree the scope, format and content of the Framework alongside a project plan.

Parental Advocacy

The role of parental advocacy is to support parents to positively engage with social workers, third sector organisations, the family courts and other professionals to resolve issues that are negatively impacting their family. Parents with experience of child welfare experience can often work as advocates for other parents to provide support to help them with their engagement and understanding.

We are investing a minimum of £1.5 million of funding over the next 3 years, through the Care Experienced Children Change Fund. This funding will be used to scale up existing Parental Advocacy projects on a regional basis and to ensure new services are established in each of the seven regions in Wales as part of a national roll-out.

Parental advocacy services are currently operating on a limited scale in some areas, and we are working with existing third sector providers (National Youth Advocacy Service (NYAS), TGP Cymru and the Parent Advocacy Network) to help scale up their local services on a regional footprint, ahead of spreading into other areas of Wales, as part of the national roll-out.

To support consistent service delivery across Wales as part of a national roll out, we are developing a National Framework for Parental Advocacy with third sector partners. This describes the core service criteria that all regions must have in place, ensuring consistent service delivery throughout Wales

Family Drug and Alcohol Court pilot programme

We have provided £450,000 to support a Family Drug and Alcohol Court pilot programme over a two-year period. The Court offers an alternative approach to families where there are concerns about substance misuse by providing access to intensive treatment and support.

The pilot formally launched on 25 November 2021. The scheme is available to families referred by Cardiff and the Vale of Glamorgan local authorities, operating from the Cardiff Family Court. The aim of the court will be to break the cycle of children being taken in and out of the care system and help parents become free from substance misuse so they can be safely reunited with their children and avoid children being placed in care.

The pilot will be evaluated, and the findings will be used to inform future roll-out of Family Drug and Alcohol Courts in Wales.

Needs and Value-Based provision

Eliminating private profit from the care of looked after children.

Eliminating profit from care is one of the 46 policy areas highlighted within the Co-Operation Agreement between the Welsh Government and Plaid Cymru.

Our view is that there should not be a market for children's services where private companies make any profit from the children they care for. We will ensure the duties

on local authorities concerning children who are looked after, are not contracted out to for-profit companies but remain with local authorities or providers who have converted to not-for-profit models, such as third sector providers or those established via the social enterprises, co-operatives and user-led provisions contained in the 2014 Act.

Ministers have clarified the scope of the work is to remove profit from the care of looked after children with an initial focus on children in residential care and foster care. Later, work will focus on home care for children with complex needs and supported accommodation provision. Policy and legislative work will be structured in such a way as to cover all elements.

Over the course of this Senedd Term, we will manage this transition to not-for-profit foster and residential care services in Wales. A key principle is public money invested in accommodation for care experienced children is not taken out as profit, but instead reinvested into the service to deliver better outcomes for children, service improvement and workforce development.

By 'not for profit status' we mean a form of ownership and management where any surpluses made, after operational and other agreed outgoings, will be reinvested into the service or held as reserves for charitable purposes. Operational costs are not expected to include any payments for management or other fees paid to third parties. There are a range of not-for-profit models available that we are exploring including charitable status, social enterprises and co-operatives. Officials are working with partners to define suitable models, which in due course, will be set out in legislation. The policy intent is that for profit providers will not be able to operate in Wales nor provide for children who not ordinarily resident in Wales.

A formal public consultation on primary legislative proposals for social care took place, over twelve weeks, between 17 August and 7 November 2022. This consultation included several questions on how primary legislation could support our plans to eliminate profit.

Of the 200 responses received, 153 related to the questions on eliminating profit. These have now been analysed and considered. A wide range of views were expressed – by individuals, practitioners, providers, public/statutory, independent, third/voluntary sector and representative organisations – in response to the questions asked. A summary of the responses will be published in March 2023.

Given the scale of work required to deliver the commitment to eliminate private profit from the care of children, a Programme Board has been established, chaired by the Chief Social Care Officer for Wales. A key role of this Board is to ensure a safe transition, enabling local authorities to meet their statutory duties and avoid disruption to placements, build their resilience and enable existing for profit providers, who wish to do so, to adopt not for profit models of ownership. The Board's membership includes private foster care and residential care providers, local authorities, Children's Commissioner, Care Inspectorate Wales. The Board will guide the transition to not-for-profit care in a careful and controlled way. The next three years will 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 safe transition to not-for-profit care.

Funding of £68m (over the next three years) has been provided to local authorities to expand inhouse and not-for-profit provision.

Funding regional residential services for children with complex needs ensuring their needs are met as close to home as possible and in Wales wherever practicable.

Six of the seven Regional Partnership Boards (RPB) were provided with funding of £4.8m from the Integrated Care Fund in 2021-22 to develop this type of provision. Funding is currently being agreed for the remaining RPB in Powys, with provision expected to be in place towards the end of 2023. In total over 20 new beds have been provided. In addition, our new Regional Integration Fund provides regions with on-going financial means to ensure sustainability of this provision.

Providing additional specialist support for children with complex needs who may be on the edge of care.

Through the Regional Integration Fund and via Regional Partnership Boards we have identified 13 projects totalling £14m and new approaches across Wales that benefit children with complex needs, such as disability and emotional/behavioural needs, which will enable children to remain in the care of their families.

We are currently reviewing their progress to ensure learning is spread. Greater joint commissioning and planning of provision is critical, alongside clear pathways around eligibility.

Mental Health Support

We recognise that care experienced children and young people will at times require support for their mental health, this was discussed as part of the Summit in December last year. We are working closely with mental health colleagues looking at different models of care this includes opportunities to share best practice around areas such as safe suitable accommodation. Mental Health, Children's Services and other partners (e.g. the Police and Youth Justice Services) are working closely together to improve outcomes for all young people with complex needs who don't meet the thresholds to benefit from sCAMHS but need a multi-agency response.

There are number of examples of best practice happening in Wales already to address these challenges. For example: regional Implementation funded safe accommodation proposals which will provide longer-term beds for these CYP which will benefit from multi-disciplinary H&SS support to meet their needs; Windmill Farm which provides medium-term accommodation until the longer-term safe accommodation is in place – this is a model which could potentially be replicated across Wales; and roll-out of the NEST framework. We are also rolling out a number of pilot projects across Wales which provide 'sanctuary' provision and multidisciplinary support for CYP in crisis.

Supporting Foster Wales to increase the number and diversity of foster carers.

Foster Wales has been established as a collaborative national network of all the not-for-profit Local Authority fostering teams in Wales. Foster Wales works as a team with foster carers to build better futures for local children by helping them stay in their local area when it's right for them. Foster Wales has undertaken high profile marketing

campaigns and we are continuing to support the infrastructure of Foster Wales through annual funding arrangements.

Harmonisation of fees and allowances for foster carers

A key element of the Foster Wales work programme is to provide a consistent offer of support to all foster carers known as the “National Commitment”. This includes financial support. In Wales all 22 local authorities currently provide different levels of payments to their foster carers. Work to harmonise the fees and allowances made to foster carers is therefore a priority.

The National Minimum Allowance (NMA) is the basic core allowance that foster carers receive to cover the costs involved in looking after any fostered child. It is intended to set a benchmark for payment rates to all foster carers. The allowance ensures that the basic costs of caring for a looked after child are adequately covered. The actual level that any foster carer will receive will depend on a number of factors, in particular the specific needs of the individual child.

In 2020 the Welsh Government commissioned a comprehensive review of the NMA as part of the wider work being undertaken on harmonisation. It is intended that the outcome of this review will set a benchmark for future payment rates to all foster carers. This 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.

Making a change to the levels and structure of the NMA will impact the sector, therefore careful consideration needs to be given to any proposed changes, their impact, how they will be implemented and most importantly how the changes fit into the timelines associated with the wider work on harmonisation of all payments for foster carers.

Foster Wales is currently undertaking a specific piece of modelling work to assist Welsh Government in its decision about a new structure and payment levels for the NMA. It is also developing the financial modelling for the additional allowances (fees) so that the costs of moving from the current payment arrangements to a new set of harmonised arrangements can be calculated.

Special Guardianship Orders

A special guardianship order is a court order appointing a person or persons to be a child’s special guardian. It grants the special guardian parental responsibility for virtually all decisions affecting the child and limits the rights of birth parents to intervene or challenge the order without leave of the court. Special guardianship provides a legal status that offers greater security than long term fostering, but without the absolute legal break with the child’s birth family that is associated with adoption.

The need to reduce the number of children who become and remain looked after unnecessarily in Wales compels Welsh Government to look at how special guardianship can become a safer and more supported outcome for children and their families, thus making the order an option which can properly be considered in a welfare evaluation exercise.

The provision of special guardianship support services varies across the country. Some local authorities are providing a full support package, including peer support, access to therapeutic services and an imaginative approach to helping children with keeping in touch or spending time with family members (contact). Other local authorities are only at the start of creating a more tailored system of support for special guardianship families, separate from the usual access through the 'front door' of the local authority social services department, available to all eligible families through the Social Services and Well-being (Wales) Act 2014.

In March 2020, the Welsh Government launched a framework of support for Special Guardians which sets out an all Wales 'offer' of special guardianship support services. It outlines the minimum that each local authority should make available to support Special Guardians in order to comply with the regulatory framework.

During 2021-22, the Welsh Government undertook a review to establish how local authorities have embedded the guide and to see if there were any further suggestions as to how the guide can be implemented to ensure there is a consistent offer of support provided to Special Guardians across Wales. The review showed there is further work required to ensure that Special Guardians are fully supported both financially and practically, so they are able to provide for the children they care for.

An Expert Group is currently being established to consider the recommendations stemming from the report and to produce a programme of work to address the key areas of concerns, ensuring there is a consistent offer of care and support for Special Guardians which includes financial support so that families are properly looked after and able to stay together.

Virtual Schools Model

The Virtual School approach aims to work with children who are looked after (and, in some cases, young people in post-16 provision) across a local authority as if they were in a single school, to raise educational attainment, improve attendance and improve educational stability. A Virtual School is an organisational tool which has been created for the effective co-ordination of support for this group at a strategic and operational level.

The Welsh Government is currently funding a three-year pilot of the Virtual Schools Model across Wales, from 2021-2024. Local authorities have been invited to apply for funding of up to £100,000 per local authority, split over a two-year period, to implement this integrated approach to improve educational outcomes for looked after children (and previously looked after children).

Over the next year, an evaluation of the Virtual Schools Model will take place, looking at the implementation, impact and value for money of the pilot.

Basic Income for Care Leavers in Wales Pilot

On 28 June 2022, the Welsh Government formally launched its Basic Income pilot scheme for care leavers in Wales. From 1 July 2022, more than 500 people leaving care in Wales, who reach their 18th birthday between 1 July 2022 and 30 June 2023, will be offered £1,600 each month (before tax) for two years to support them as they make the transition to adult life. After tax, the amount each recipient will receive per

month is £1,280. Care leavers taking part in the pilot can also access financial advice and support to ensure they are supported to make informed decisions about the pilot, their finances and their futures.

The pilot is currently running at around 98% sign up rate (based on estimates of those eligible from local authorities).

The Welsh Government involved care leavers directly in the development of the pilot, as well as working with professionals in local authorities and also established a Technical Advisory Group, chaired by Professor Sir Michael Marmot, bringing together experts in basic income and support for care leavers to inform the development and evaluation of the pilot.

The main evaluator for the pilot is Cardiff University led by the University's Children's Social Care Research and Development Centre (CASCADE). The evaluation team has expertise in care leaving, poverty and welfare, homelessness, health, epidemiology, basic income, economic evaluation, data linking, econometrics and creative qualitative methodologies. The evaluation will look at the implementation, impact and value for money of the pilot. Participatory and co-creation with young people and the participants are central to the evaluation design.

Learning from the pilot, a clear review and set of recommendations will be prepared. This will allow lessons to be learned, benefitting both care leavers and the wider Welsh population.

Family Justice Reform

Many of the issues relating to family justice are directly relevant to our Children's Services transformation agenda for example cases where a local authority intervenes to protect children who have or are suspected to have been subjected to significant harm or abuse.

The Welsh Government therefore works with UK Government Departments and UK Government agencies to help ensure that policies are developed and delivered appropriately in Wales taking account the Welsh context. The pilot of the Family Drug and Alcohol Courts is an example of effective working with England.

Other examples include Welsh representation on the Public Law Working Group (PLWG). The PLWG was formed, prior to the COVID-19 pandemic, to investigate the steep rise in public law cases coming to the Family Court and to offer recommendations for improving the system's ability to address the needs of the children and families at the centre of these important cases.

The work of the Family Justice Network in Wales by focusing on whether children and young people can be safely diverted away from becoming subjects of public law proceedings (and so removing the prospect that they be placed into care), and the timeliness of decisions once they are subject to proceedings is aligned with the objectives of the PLWG.

In respect of private law, a Private Law Working Group was established to advise the Family Justice Board on proposals for significant private law reform, which Wales is

engaging with through the Family Justice Network in Wales. The main aim of the Working Group has been to promote non-adversarial/problem-solving approaches. As part of this plan, North Wales Family Justice area is one of two pathfinder sites (alongside Dorset) to test and evaluate a revised Child Arrangements Programme.

The purpose of the Pathfinder pilot (Integrated Domestic Abuse Court (IDAC)) is to test the benefits of intervention much earlier in the legal cycle, place children at the centre of the process, prioritise a safety-first approach including survivors of domestic abuse, and to diverting families away from court where possible, while acknowledging some families will need further involvement of the family court.

Transformation Programme - Governance

To deliver such a vital programme we need to put in place the right level of governance. We have taken a three-tiered approach to provide the right direction and scrutiny to achieve our aims. The structure has three key groups:

- i. A **Ministerial Oversight Board** to oversee the Transformation Programme, providing political leadership and direction to be chaired by the First Minister and myself
- ii. A **Transformation Delivery Group** to lead work to drive forward the delivery of the Transformation Programme by 2026. Jonathan Griffiths, the Transformation Director for Children and Adults, chairs this Group.
- iii. The **Eliminating Profit from the Care of Looked After Children Programme Board** will continue to provide additional expertise as we consider evidence, legislate and develop practical programmes for implementing this commitment.

Establishment of a National Team

Jonathan Griffiths, previously the President of ADSSC and Director of Social Services in Pembrokeshire, has been appointed Transformation Director for Children and Adults. Alongside Jonathan, Anthony Douglas, former chief executive of CAF/CASS England, as Children's Transformation Implementation lead will be driving the implementation of strengths-based practice working alongside local authorities and key partners not least health, providing additional capacity to bring about key changes and consistency in practice.

Investment

We understand that to take forward this Programme of change and to respond to the challenges of increasing numbers of children looked after investment is required.

We have a revenue budget of £68m over the next 3 years (£46m for the Eliminate commitment and £22m for our Radical Reform commitment). There is also capital funding available from the Integration and Rebalancing Capital Fund (IRCF). £35m is available in 23/24 and £60m in 24/25 to directly support the eliminating profit agenda alongside the development of integrated health and social care hubs and the rebalancing of the adult residential care market

Below are examples of the social services funding agreed to take forward our work in this area.

Eliminating Profit	£46m over three years 2022/23 – 2024/25 Capital – access to £35m in 23/24 and £60m in 24/25 from the IRCF.
Radical Reform	£22m over three years 2022/23 – 2024/25
Parental Advocacy	£1.5m over three years 2023/24 – 2025/26
Support for Foster Wales	£0.5m recurrent core funding. Additional funding currently being considered for 3 years 2022/23-2024/25
Corporate Parenting Charter	£15,000 per year – 2022/23 – 2024/25
Children with Complex Needs	£14m over 3 years through the Regional Integration Fund

Workforce

It will be challenging to take any of this work forward without additional support for the social care workforce and especially social workers. Social Care Wales last year published the Social Work Workforce Plan: 2022 to 2025. The workforce plan addresses issues such as attraction and recruitment, education and learning, leadership and wellbeing, and reflects work already taking place, such as the importance of looking at terms and conditions and the changes that are being made to the post-qualification framework.

Supported with funding from Social Care Wales, ADSS Cymru is leading work to review the costs of agency workers in children's services, bringing together the thinking around agency work into a series of recommendations for local authorities to consider, and linked to a memorandum of cooperation.

In addition, Welsh Government has also recently introduced an uplift to the social work bursary, to encourage more people to train as social workers. The social work bursary uplift amounts to a package of almost £10 million in financial support for social work students over three years. The increased bursary was available to new and existing students from September 2022 and raised the undergraduate bursary by £1,250 (+50%), and the postgraduate bursary by £6,075 (+91%).

We continue to provide significant funds, over £7.1m, to the sector for training and development, through the Social Care Wales Workforce Development Programme, managed by Social Care Wales.

Also, the national attraction and recruitment campaign for social care, We Care Wales, has highlighted the role of a social worker by sharing inspiring real-life stories on its website and social media channels with the aim of attracting more people to the profession.

Transformation Road Map – timelines

Attached at Annex A is a Road Map setting out current anticipated timelines for progress with and delivery of our Children’s Services Programme for Government commitments.

Milestones in our Transformation Programme

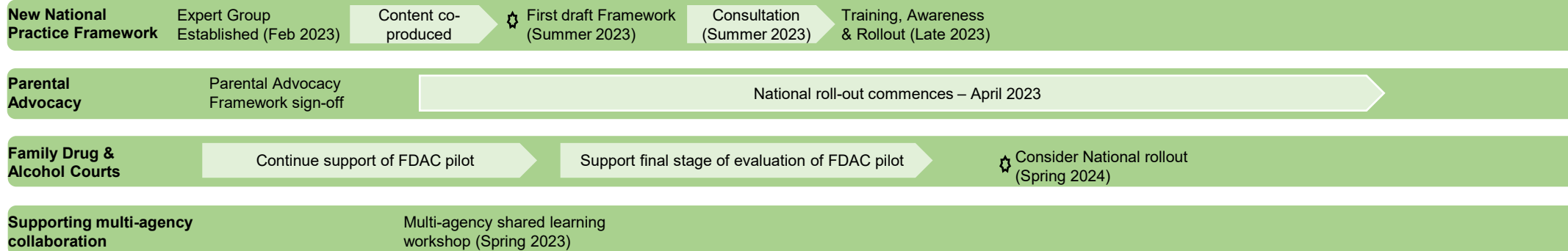
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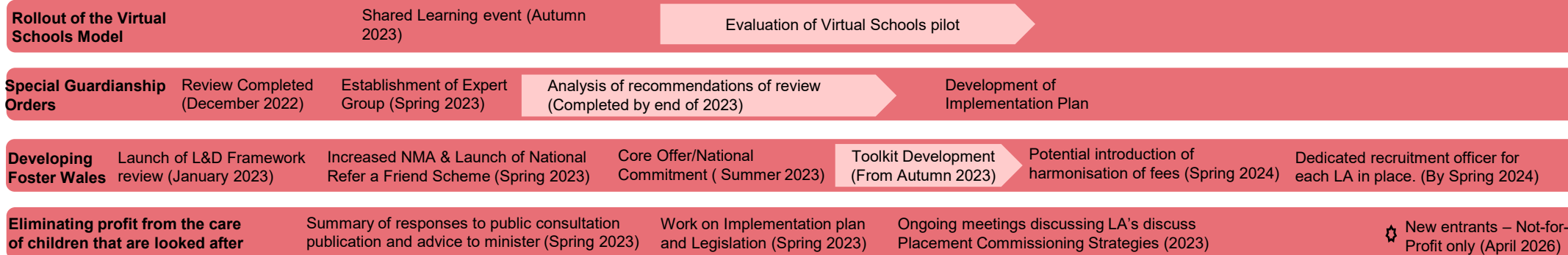
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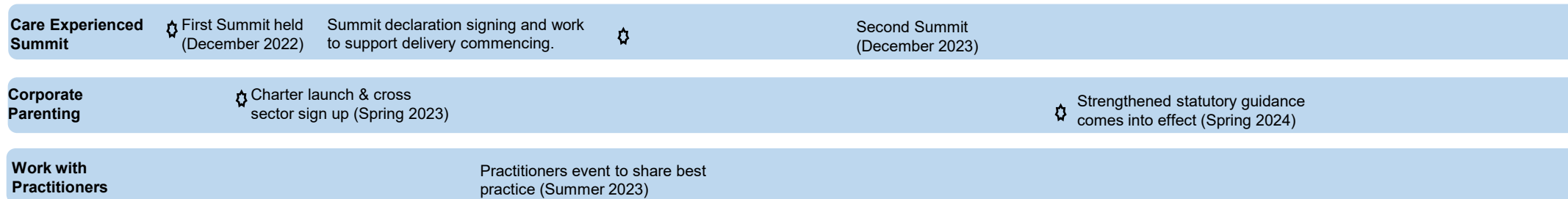
Supporting children to remain with families



Needs and values-based provision



Voice of the CYP



Senedd Cymru | Welsh Parliament

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

Gwasanaethau i blant sydd wedi bod mewn gofal: archwilio diwygio radical | Services for care experienced children: exploring radical reform

Ymateb gan Cafcass Cymru | Evidence from Cafcass Cymru

Cafcass Cymru provides a statutory service on behalf of Welsh Ministers in the non-devolved family justice system in Wales through The Children Act 2004. The service is located in the Health and Social Services Group of the Welsh Government. We only become involved in the lives of children and young people when ordered to do so by the court and we provide expert child-focused advice and support to safeguard children. An integral part of our role is to ensure the voices of children and young people are heard in the family courts and their wishes and feelings are clearly communicated so that decisions can be made to promote their welfare interests throughout their minority.

Variation in care rates

CYPE comment: *We are interested in the reasons behind the varying care rates between Welsh local authorities, even when deprivation is accounted for. We are also interested in the significant difference in the care rates between England and Wales and note the higher rates of children in Wales that remain placed with the family but on a care order. How the ‘threshold criteria’ of significant harm is being evidenced.*

Cafcass Cymru response

Cafcass Cymru practitioners work across the 22 local authority areas in Wales and our knowledge and experience reflects only those cases that come before the court and not those that remain managed by local authorities. Our practitioners report that cases coming before the court meet the threshold of significant harm as set out in legislation. If this threshold is not met, the matter will not remain before the court, although in our experience there are very few cases that come before the court that do not meet the threshold. Our practitioners have a duty to consider all the viable options available to the court and make welfare recommendations on each child and young person’s individual circumstances considering their current and future needs and whether and how the plan before the court can meet those needs.

We fully support the ongoing work programme of the President of the Family Division and the Public Law Working Group of which we are actively involved in, enabling us to be strong advocates for the children and young people of Wales. As a result, our practitioners are mindful of all guidance issued and how this should be implemented when making recommendations to the court in respect of children and young people. Of relevance to this enquiry is the Public Law Working Group final report (March 2021) where there is a clear message:

‘Court proceedings must be necessary and proportionate, an option of last resort, be clear why this application, why now’.

‘where threshold is met, it is not always right or proportionate to arrange a legal gateways/planning meeting’.

Local authorities are expected to consider how this risk can be managed in an alternative way to court proceedings.

- Cafcass Cymru recognises there is a variable approach by local authorities regarding how their resources are managed. This can lead to a variation in the provision of pre-proceedings services and in the implementation of the Public Law Outline (PLO) process.
- The variations and approaches in PLO implementation are widely recognised. We understand Care Inspectorate Wales (CIW) is undertaking a thematic review of several local authorities in Wales to provide external scrutiny, assurance and to promote improvement regarding the quality of practice in relation to the care planning for children and young people subject to the PLO pre-proceedings. Following completion of the reviews, we understand CIW will publish an overall report on its findings.
- A thematic audit of public law cases undertaken by Cafcass Cymru in November 2020 looked at 75 care applications (in which we were involved) made during March 2020 and considered in depth the experience of 131 children before, during, and at the conclusion of proceedings. It considered any emerging

themes before concluding with recommendations to improve practice and consider what could be done differently to enable children to be safely diverted away from court.

- Our key findings indicated 38 applications (51%) were made where the local authority had not initiated the PLO process. We concluded that 31% of those children not subject to PLO may have benefited from being protected at an earlier opportunity. The lost opportunities to protect them mainly stemmed from families who had been known to the local authority for more than two years with repeated referrals and closures and no apparent oversight or analysis of the impact on the children of the ongoing neglect / abuse.
- We believe that robust PLO pre-proceedings work is essential in ensuring good and timely decision making for the lives of children and young people.
- Where there is a plan for a child or young person to remain or return home under an order / no order, our practitioners would expect to see an evaluation of all the options available to the court undertaken by local authority social workers. This should include a thorough analysis and a balancing exercise of all the options. Our practitioners are required to provide an analysis of the realistic plans and make subsequent recommendations to the court.
- The Public Law Working Group issued clear guidance about the “*mis-use of care orders at home*” the reasons must be “*exceptional*”. Our practitioners report there has been a reduction in the practice where children are placed at home on care orders, and such plans are now subject to more scrutiny by the court. We hope the launch of the best practice guidance developed by the Public Law Working Group on supervision orders (*Recommendations to achieve best practice in the child protection and family justice systems: Supervision orders October 2022*) alongside Care and Support Plans under the Social Services and Wellbeing (Wales) Act 2014 further reduces placement of children at home on care orders.
- Working with local authorities and the judiciary, we developed the protocol across Wales for the accelerated discharge of care orders. This has enabled the length of court proceedings to be shortened, reduced the number of court hearings, and achieve more timely outcomes for the child/young person.

- Our practitioners report an increase in the use of family group conferencing and have experience of this being used positively, impacting on better outcomes for families with the development of robust care and support plans leading to less orders being sought and made. This is encouraging but it is not consistent across Wales.

Public Law proceedings

CYPE comment: *The Public Law Outline (PLO) and the quality of pre-proceedings work undertaken with families, the statutory requirement to complete public law cases within 26 weeks, the impact of the relaunch of the PLO and whether it impacts on the sufficiency of time to complete complex parenting assessments with some families.*

Cafcass Cymru response

Cafcass Cymru welcomes the President of the Family Division's re-launch of the PLO and the drive for right and timely outcomes for children and young people. We also recognise cases can be complex and multi-faceted involving external factors that impact on the speed in which cases can be concluded. Whilst some cases may rightly take longer, these should be appropriately timetabled by the court and be focussed on achieving the right outcome for each individual child and young person even if this takes longer than 26 weeks.

- Cafcass Cymru is acutely aware of the current difficulties faced by some local authorities in Wales with recruiting and retaining social workers and this can impact on the timely completion of assessments. This can also result in some local authorities having to rely on independent social workers undertaking assessments on their behalf, which can incur further delays.
- Our practitioners report some excellent examples in the quality of pre-proceedings work undertaken within the PLO across Wales but also note inconsistencies in practice between, and within, local authorities.
- In June 2022 we and Cafcass (England) undertook a parallel audit of care proceedings cases in Wales and England respectively that were over 48 weeks long. We identified 42 cases in which we were involved that met this criteria: a

relatively small number compared to the 1414 in England. The findings provided a brief snapshot of what was causing the delay and highlighted the complexity of the cases before the court and the acute issues that impact on the lives of children in public law proceedings. The findings of the Wales audit showed:

- **19 cases (45%) listed assessment outcomes outstanding**
 - **15 cases (36%) listed awaiting final placement**
 - **5 cases (12%) listed international complexities**
 - **3 cases (7%) listed parallel criminal proceedings.**
- The recent re-launch of the PLO emphasises that expert assessments should only be considered if they are ‘absolutely necessary’ and are required to resolve the case justly. This re-focus should help to rebalance the status of local authority social workers and guardians being considered as ‘*experts*’ within the family court.
 - Our practitioners recognise the impact external factors have on any assessor’s ability to properly consider all risk factors and information. For example, information from health professionals, the police, the probation service, as well as increasingly the social media records of parents, are often relied upon to reach conclusions and recommendations, but this information can be delayed or excessive in volume, thus impacting on timescales.
 - The re-launch of the PLO highlights the importance of compliance with court timetables to ensure timescales are maintained for the best interests of children and young people awaiting permanency decisions about their futures. At the re-launch of the PLO, members of the Family Justice Young People’s Board challenged all professionals working in the sector to not carry-on accepting delays but to know the impact it has on children, their families, services, and the courts.
 - We recognise the delicate balance in making sure sufficient time is given to enable assessments to be robust and not rushed, whilst understanding the need to achieve a timely outcome for the child or young person and focussing on their individual needs. Our practitioners report that cases involving the request for purposeful delay in decision making to enable better outcomes for children and young people are viewed favourably by the Court and supported by an extended timetable. However, our practitioners would also recognise cases in which drift

has occurred causing unnecessary delays, which are unacceptable. We support the recommendations from the Logan Mwangi Child Practice Review published by Cwm Taff Morgannwg Safeguarding Board and will work with partners to implement them.

Care experienced parents

CYPE comment: *our view on very strong evidence we have heard that care experienced parents face stigma and that their parenting capacity is pre-judged to be negative during social worker assessments.*

Cafcass Cymru response

Information about care experienced parents is not routinely captured by Cafcass Cymru. However, we recognise the value in doing so and are considering ways in which we could do this going forward.

- Part of the role of the Cafcass Cymru practitioner is to scrutinise plans and assessments undertaken by local authority social workers to ensure that all assessments are balanced and consider all the relevant factors.
- If it was considered the reports/assessments were pre-judged and negative because the parent involved in care proceedings was care experienced, we would expect our practitioners to highlight this to the court.

Workforce

CYPE comment: *The extent to which staff pressure, workload and turnover in local authority children's services has any impact on public law proceedings and in which ways (if relevant).*

Cafcass Cymru response

Cafcass Cymru is aware of the challenges facing local authorities across Wales in recruiting and retaining social workers, which can cause delay for children and young people both pre-proceedings and during proceedings which are unacceptable. We are also facing difficulties in recruiting experienced social workers into practitioner posts.

- It is evident there is a challenge for some local authorities to be able to recruit and retain social workers, especially those that have experience in care proceedings work. This can lead to multiple changes in allocated social worker pre-proceedings and during proceedings which may impact on timescales. More significantly for a family this can mean having to build relationships with new workers and repeat information.
- Turnover in social workers can impact the quality and amount of work undertaken pre-proceedings, cases should be ready and often the reality of local authorities' staffing difficulties mean that assessments are at times incomplete and need to be repeated during proceedings, which can lead to delays.
- The impact of a change in social worker can result in a lack of continuity for a child or young person and may mean that the Cafcass Cymru practitioner is the most consistent figure during proceedings. It is extremely important that the court has a full and detailed understanding of the child or young person's wishes and feelings to be able to make decisions about their future.

Placements

CYPE comment: *The quality, care, and availability of for children living in residential care homes and foster placements in Wales. Unregistered care homes for children in Wales, the extent to which they are used and the level of concern you have about their use.*

Cafcass Cymru response

Cafcass Cymru is aware of the difficulties faced by local authorities when trying to source appropriate accommodation placements for children and young people.

- Our practitioners are concerned about the increased use of unregistered placements across Wales and the impact this has on children and young people, their health, education, stability, and individual needs.
- Whilst our practitioners have experience of when **short-term** unregistered placements have met their immediate needs, it should be noted that these placements do not meet legal requirements under RISCA (Regulation and

Inspection of Social Care (Wales) Act 2016). We recognise the shortage of specialist secure placements for children and young people and the impact this has on their safety.

- In a recent judgement the President of the Family Division (Re: X – Secure Accommodation: lack of provision) published on 25th January 2023 highlighted the lack of secure placements as an issue for England and Wales often leading to the increased use of Deprivation of Liberty Orders under Inherent Jurisdiction in the High Court and the use of unregistered accommodation.

Advocacy Services

CYPE comment: *the provision of Parental Advocacy and Independent Professional Advocacy for children and young people and its impact on Public Law proceedings.*

Cafcass Cymru response

Cafcass Cymru has had positive experiences of working in partnership with Children and Young People's Advocacy services and we have recently developed a joint working protocol with advocacy providers in Wales which highlights each of our roles and responsibilities and how we work with children and young people.

- Advocates can have long standing involvement (before and after proceedings) in a child's life and the professional relationships they develop with children and young people can be invaluable in being able to understand their wishes and feelings and assist in accurately reporting them to the court.
- Whilst parents are legally represented from the time the PLO process commences, we welcome the Welsh Government's initiative to support the introduction of independent parental advocacy services for parents during pre-proceedings stage and within the court arena.

Corporate parenting

CYPE comment: *Your views on the extent of support from agencies in terms of support for care experienced children.*

Cafcass Cymru response

In our experience local authorities have a good understanding of their role as a corporate parent. However, our practitioners report occasions where other agencies could do more to meet the specialist and complex needs of care experienced children and young people. We welcome Welsh Government's work to strengthen the duty on agencies to support care-experienced children/young people, in particular health services.

CYPE(6)-08-23 - Paper to note 1

**Y Pwyllgor Plant, Pobl Ifanc
ac Addysg**

**Children, Young People
and Education Committee**

John Griffiths MS

Chair of the Local Government and Housing
Committee

28 February 2023

Housing issues facing birth parents and care leavers

Dear John,

As you may know, we are currently carrying out an inquiry into services for care experienced children. Our inquiry has been driven by the voices of children and young people. We are determined that their views and experiences will shape our final report and its recommendations.

During the autumn we carried out informal engagement visits throughout Wales to talk to birth parents (parents who have had/are in the process of having a child removed from their care) - many of whom are themselves care experienced - and to care leavers about their experiences and views of the care system. On 26 January we held a stakeholder event with birth parents to complement our engagement visits to give as many young parents the opportunity to feed into our work as possible.

Many of the things that the young people told us were deeply distressing and concerning. I would like to raise one of their concerns with you specifically: there is a major, national shortage of high quality, small (one/two bedroom) houses and flats for birth parents and care leavers. We have heard that this shortage is driving up the rates of children in care in Wales. As you will know, local authorities – including their housing departments - have responsibilities as corporate parents of care experienced children. We are concerned that local authorities may be struggling to meet their corporate parenting obligations in relation to the provision of accommodation for children once they leave the care system.

I have highlighted some of the specific challenges birth parents and care leavers, and staff who work with them, have raised with us below.

Birth parents

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The lack of safe, quality, long-term accommodation can count against birth parents in court proceedings. A court will consider whether a birth parent has suitable, long-term accommodation for them and their child when it makes decisions about whether the child should stay with their parent(s). It will also consider whether the birth parent is in close proximity to any support network. If a birth parent cannot secure suitable long-term accommodation near their family and friends, or, worse, cannot secure suitable long-term accommodation at all, this will directly contribute to the likelihood of a child being removed from their parents' care.

These challenges are compounded for some birth parents who are mandated to attend parenting assessment centres (sometimes referred to as mother and baby units). The purpose of parenting assessment centres is to establish a birth parent's fitness to be a parent. A typical assessment period is around 12 weeks. Unfortunately, many birth parents are not able to keep their accommodation for that time, and therefore face leaving the assessment centre without safe, quality and long-term accommodation for them and their child to return to. Again, we have been told that this can count against them in court proceedings.

Care leavers

Many care experienced young people struggle to find suitable accommodation to move into once they leave the care system or once they leave transitional, supported accommodation. We heard that there are strict limits on referrals for social housing on behalf of care leavers from third sector organisations, and that care leavers themselves have no priority over other applicants if they apply for social housing independently.

Delays in finding appropriate accommodation for care leavers strains transitional accommodation services, which will try to continue to provide accommodation for a young person until there is somewhere safe for them to move into. This blocks beds for other young people leaving the care system and in need of that transitional, supported accommodation before they feel confident living independently.

More importantly, it can be incredibly distressing and traumatic for the young people. Many care leavers are vulnerable young people, having experienced abuse as a child alongside the instability of frequent changes of foster placements, social workers, and schools. The challenges they face in securing accommodation can leave many vulnerable to exploitation, homelessness, substance misuse and crime.

It is worth stressing that, for birth parents who have themselves been in care (which we believe is a high proportion of all birth parents), the housing shortage also affects them as care leavers, as noted above.

We will be publishing summary findings of both our engagement work and our stakeholder events shortly, which will set out these concerns in more detail.

However, for various reasons, such as the limitations of our Committee's remit, we will not be able to give this critically important issue the time and attention it deserves as part of this inquiry.

I very much hope that you find this information useful and that you are able to consider it as part of any current or future work you undertake into housing for vulnerable people. If you have any questions about our work please contact our clerks directly, who would be happy to provide additional briefing material on our findings to date.

Yours sincerely,



Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 7.2

CYPE(6)-08-23 - Paper to note 2

**Y Pwyllgor Plant, Pobl Ifanc
ac Addysg**

**Children, Young People
and Education Committee**

Russell George MS
Chair of the Health and Social Care Committee

28 February 2023

Medication for mental health concerns

Dear Russell,

As you may know, we are currently carrying out an inquiry into services for care experienced children. Our inquiry has been driven by the voices of children and young people. We are determined that their views and experiences will shape our final report and its recommendations.

During the autumn we carried out informal engagement visits throughout Wales to talk to birth parents (parents who have had/are in the process of having a child removed from their care) about their experiences and views of the care system. On 26 January we held a stakeholder event with birth parents to complement our engagement visits to give as many young parents the opportunity to feed into our work as possible. The vast majority of these young parents had experience of being in care themselves with many telling us they had experienced significant trauma in childhood.

Many of the things that the young people told us were deeply distressing and concerning. I would like to raise one of their concerns with you specifically: some birth parents described to us how they are scared to talk to their GP about the negative side-effects of medication prescribed to improve their mental health. They fear that raising concerns about side-effects could be interpreted by social workers as a reluctance to take steps to improve their mental health, which could, in turn, contribute to negative judgements made by social workers or others about their capacity to provide adequate and appropriate care to their baby or child.

Example 1: One birth parent told us that she struggles with poor mental health and anxiety. Her doctor prescribed her anti-depressants. However, she has stopped taking the anti-depressants because they made her feel worse and behave erratically. When we asked her whether she had spoken to her GP about her concerns, she told us that GPs tend to increase the prescribed dosage of

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anti-depressants if patients experience side effects like hers. She worries that the side effects may get worse with a higher dosage, and that, if so, it would make it harder for her to look after her child.

Example 2: One birth parent told us that her anxiety and depression means that she struggles to sleep. Her GP prescribed her sleeping tablets. However, she has stopped taking the tablets because they are so strong that they made her struggle to wake up in the morning. She felt that the tablets made her miss important appointments and meetings, and even struggle to wake with her child.

In both of these cases the young women stopped taking their prescribed medication due to the impact of the side-effects on their capacity to care for their children. They have not told their GPs about the side effects for fear that the GP will either increase the dosage or prescribe other, stronger medication. Neither have they told their GPs that they have stopped taking the medication. Even though they felt that the medication made them *less* able to care for their children, they were deeply concerned that social services may have access to their medical records and take a negative view if they refused a prescription for medication intended to improve their mental health.

We will be publishing summary findings of both our engagement work and our stakeholder events shortly, which will set out these concerns in more detail.

However, due to the inquiry timetable, we will not be able to give this critically important issue the time and attention it deserves.

I therefore hope that you find this information useful and that you are able to consider it as part of any work you undertake relating to medication for mental health problems. If you have any questions about our work please contact our clerks directly, who would be happy to provide additional briefing material on our findings to date.

Yours sincerely,



Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

CYPE(6)-08-23 - Paper to note 3

Y Pwyllgor Plant, Pobl Ifanc ac Addysg

Children, Young People and Education Committee

Mark Drakeford MS

First Minister for Wales

Julie Morgan MS

Deputy Minister for Social Services

28 February 2023

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Notification of the publication of key documents relating to our inquiry into radical reform of services for care experienced children

Dear Mark and Julie,

As you know, the Children, Young People and Education Committee is currently undertaking an inquiry into radical reform of services for care experienced children and young people.

I would like to bring to your attention a [statistical briefing](#) produced by Senedd Research to support our inquiry. The briefing sets out some of the characteristics of 'children looked after', parental factors, social services expenditure and workforce information. It also sets out outcomes for children and young people where these are measured and published.

In early March we will also be publishing on our [inquiry page](#) a series of reports setting out the findings of our engagement and stakeholder events. They are:

- An engagement findings report: summarising the findings of 11 separate visits across Wales to talk to birth parents; care experienced children and young people; and staff who work along children and young people who have experience of the care system.
- Stakeholder event summaries:
 - With birth parents on 26 January, focusing on the 'before care' inquiry strand
 - With professionals and academics on 26 January, focusing on the 'before care' inquiry strand

- With professionals and academics on 2 February, focusing on the 'in care' inquiry strand
- With children and young people on 15 February, focusing on the 'in care' and 'after care' inquiry strands

We will share these reports with you under embargo as soon as we are able to do so.

We intend to publish our final report, alongside a summary version, in May.

I look forward to discussing the important issues raised throughout this inquiry with the Deputy Minister on 9 March. In the meantime, I hope that you find these briefings and reports useful. If you have any questions or concerns please don't hesitate to contact the Committee clerks at any time (SeneddChildren@Senedd.Wales).

Yours sincerely,



Jayne Bryant MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

CYPE(6)-08-23 - Paper to note 4

Y Pwyllgor Plant, Pobl Ifanc
ac Addysg

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Jeremy Miles MS

Minister for Education and Welsh Language

28 February 2023

Violence, abuse and sexual harassment towards school staff

Dear Jeremy,

During our inquiry into peer on peer sexual harassment among learners we heard anecdotal evidence that some school staff are sexually harassed by school pupils. However, we were unclear about the scale and nature of that harassment, so on 26 September we wrote to 8 trade unions to ask for their views on the prevalence of sexual harassment of school staff by school pupils. 3 responded: UNISON Cymru, NEU Cymru, and NASUWT Cymru.

The responses we received indicated that violence, abuse and harassment is a significant issue for many school staff. We therefore wrote to the WLGA on 14 December to seek their views on the concerns raised by the trade unions.

The WLGA responded to us on 6 January. In their letter, they stated that:

- Local authorities have generally seen a rise in exclusions and permanent exclusions over the past academic year. A large proportion of those related to incidents of verbal and physical aggression to staff from pupils.
- Tensions from parents about their children's education towards schools appear more prominent in comparison to before the pandemic.
- Although incident reporting seems to have increased, more can be done by school management teams to improve reporting and ensure targeted support is offered to staff.

The WLGA's letter was concerning in its own right. But we subsequently received a further response from UNISON Cymru dated 9 February arguing that the WLGA's findings may, in fact, be underestimating the scale of the problem. UNISON carried out a survey of its members to inform its

response to our 26 September letter. They argue that the data from that survey does not correlate with the information from local authorities set out in the WLGA's letter. UNISON suggests that some head teachers may be portraying serious incidents as 'part of the job' and not encouraging staff to record them. They point out that 41% of their survey's respondents who had been involved in an incident did not feel adequately supported by their schools.

We are worried about the evidence that we have received to date. We are therefore seeking your views on the following:

- i. The scale and nature of any violence, abuse and harassment towards school staff (by which we mean any members of staff working on the school estate, employed by the school or otherwise, or working on behalf of the school in any other location).
- ii. Whether any groups of staff are particularly at risk, and why.
- iii. The adequacy of the responses of school leadership teams, local authorities and regional consortia (where relevant) to:
 - protect staff from violence, abuse and harassment in the first place;
 - support staff who have experienced violence, abuse and harassment;
 - record incidents; and
 - interrogate data to identify trends and patterns, then to design and implement interventions accordingly.
- iv. What action the Welsh Government is taking, if any, to support school leadership teams and the school workforce to address violence, abuse and harassment towards school staff.

I would be grateful for your response no later than Friday 14 April. As always, if you have any concerns with this deadline please don't hesitate to get in touch with our clerks.

Yours sincerely,



Jayne Bryant MS

Chair



Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 9

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

Document is Restricted