

To: Chair, CYPE
Committee

Via email only

25 August 2023

Dear Chair,

Thank for your letter dated 20th July 2023, which requested my views on the report, 'If not now, when?' and reflections on Welsh Government's response to its recommendations. These are set out below.

General reflections

The messages from children and young people who have helped shape this work have been clear — we should all aim to do much better for children and their families who are impacted by Wales' care system.

What the Committee's inquiry has highlighted is that we need a societal shift in how we care for and support children and young people. This is something that does not just sit at a Welsh Government level, but filters across all services which have a role in the care of children and family support. From schools and colleges, local authorities, the Courts, to health and emotional and mental health services, housing and community services, as well as my own Office — there are clear actions in the report's recommendations for all these services to help them have a greater role in ensuring care experienced young people are able to thrive and reach their potential.

When reflecting on the response from Welsh Government, and their Programme for Government commitments, I feel that Welsh Government recognise the need to introduce significant changes for the care experienced community in Wales. However, despite this rhetoric, it has not always been clear how the changes as part of this agenda of radical reform will be achieved. I have shared the Committee's concerns that this significant commitment to children and young people has, at times, lacked detail in terms of how and when commitments will be progressed and implemented.



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau
We welcome correspondence in the medium of Welsh and English as well as alternative formats

I have raised these concerns in my regular meetings with the Deputy Minister and her Officials, and have sought to make clear that it is absolutely critical that Welsh Government are able to be held to account by children for the steps they have or have not taken when trying to deliver such fundamental changes. This is why as Children's Commissioner I have been pushing Welsh Government to develop and publish a clear plan of action so we can see what changes are going to be implemented and when. I welcome that early iterations of a road map have been developed, however, drafts that I have seen do not align with the vision set out in the Declaration developed with young people at the Summit event in December 2022. In order to give a full picture of the work undertaken by Welsh Government in this area, the action plan should include all commitments set out in the Programme for Government, and recommendations made by my Office and this inquiry report, that have been accepted or accepted in part.

On balance, it is important to note that whilst a number of recommendations put forward in this report have been rejected or accepted in part by Welsh Government, there are a number of commitments being delivered by Welsh Government that were not referenced in the recommendations, namely the commitments to develop accommodation for children with complex needs, to remove profit from children's services and the Basic Income Pilot for care leavers. Therefore, having an action plan that sets out all actions will contribute to a shared understanding of what will be delivered as part of the Radical Reform Agenda.

I also want to see progress updates communicated regularly to the young people who have so passionately shared their realities in the hope of informing a better future for children who grow up in care. The care experienced community have contributed significantly to the work of the CYPE Committee, have helped draft Welsh Government's Corporate Parenting Charter — "A Promise from Wales"¹ - and participated in negotiations at the Radical Reform Summit to agree the Declaration² of a shared vision between care experienced young people and Welsh Government. I am aware that Welsh Government are considering a follow up Radical Reform Summit with young people which will be a welcome opportunity for children to scrutinise delivery in this area. I would like to see Welsh Government consider annual reporting to children, as is committed to in the

¹ <https://www.gov.wales/sites/default/files/publications/2023-06/corporate-parenting-charter-a-promise-from-wales.pdf>

² <https://www.gov.wales/sites/default/files/publications/2023-05/radical-reform-summit.pdf>



Declaration. My reflections on responses to recommendations are attached separately.

Yours sincerely,



Rocio

Rocio Cifuentes MBE

Comisiynydd Plant Cymru
Children's Commissioner for Wales





	CYPE Recommendation	Welsh Government Response	CCFW Reflections
Accept	Recommendation 9 - The Welsh Government must work with local authorities, members of the judiciary and other relevant stakeholders to continue the roll-out of the FDAC model across Wales, subject to a successful evaluation of the Cardiff and Vale of Glamorgan pilot	<p>The Welsh Government will review the evaluation of the Cardiff and Vale of Glamorgan pilot to consider sustainable delivery models for a National Rollout. We will work with local authorities, members of the judiciary and other relevant stakeholder to ensure key partners are involved in advising and scoping future FDACs in Wales.</p> <p>Financial Implications: Yes, any additional costs will be considerable and will have to be identified from existing budgets.</p>	<p>This is a flagship 'Programme for Government' commitment, which has a pilot already underway.</p> <p>As part of its evaluation, I would expect to see families who have come before the court invited to share their views on the process.</p> <p>I would also expect this to be a regular or standing item at Family Justice Network meetings hosted by Welsh Government, so that progress on this work can continue at pace.</p>
	Recommendation 16 - Welsh Government should consult with Estyn and other key stakeholders to examine the most recent attainment results relating to care experienced children.	<p>The Welsh Government accepts the recommendation but needs to be undertaken alongside the evaluation of the Virtual Schools Model pilot.</p> <p>Every child and young person in Wales has the right to expect an excellent education regardless of their circumstances, including in cases where a child has experience of care.</p>	<p>As above, the Virtual Schools Model is a Government commitment that is already underway.</p> <p>As noted in Welsh Government's response, not all local authorities have accessed the funding to begin to develop the Virtual School model.</p>



	<p>The Welsh Government recognises that good educational attainment can provide the gateway to future stability, security and an independent, fulfilling life.</p> <p>The Welsh Government is committed to equality of opportunity and equity of outcome, ensuring that all our learners are properly supported to achieve their full potential. Tackling inequality is a clear priority for the Welsh Government and this includes removing all inequalities in our education system, recognising that to achieve true equity of outcome, some children and young people will require additional, or different, support to achieve their full potential.</p> <p>The Welsh Government recognises that while some children and young people face barriers to learning for reasons of their individual circumstances, there are also systemic and institutional barriers to learning which many children and young people face across Wales. We are taking action to support all children and young people, to overcome these barriers and reach their full potential.</p> <p>The Virtual Schools Model is currently in its final year of a three-year pilot, supporting the educational needs of care-experienced children. Thirteen local authorities have been provided with £1m funding to date, with a further £240,000 expected to be allocated in 2023-24. Welsh Government officials are currently undertaking</p>	<p>In England and Scotland, the Virtual School Approach has been far more embedded, such as with the National Association of Virtual School Heads in England and CELCIS in Scotland. These are networks that support the model and those undertaking the role of the Virtual School Head. Consideration should be given to sharing best practice and enhancing support and network opportunities to further support the embedding of the model in Wales.</p> <p>I would expect the evaluation to not just explore the outcomes of the pilot with those who have implemented the model, but to explore why some local authorities did not participate.</p> <p>As the continuation of the Virtual Schools Model is likely to be dependent on the outcome of the evaluation, further commitments would be</p>
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	<p>an internal research exercise of the pilot, which will inform the full evaluation phase of the model. In turn, this evaluation will inform the further development of the Virtual Schools Model.</p> <p>Financial Implications: There are no financial implications as a result of accepting this recommendation.</p>	<p>welcomed from Welsh Government on how care-experienced learners will be supported to improve attainment and educational experiences. As the Committee's report identified, looked after children face many barriers when accessing education, and whilst the Virtual School Model is designed to help address some these, it cannot be the only initiative relied upon to improve educational outcomes for children.</p>
<p>Recommendation 21 - the Welsh Government should respond to the concerns raised by NYAS Cymru in oral evidence on 15 February 2023, and by the Children's Society in their written response to our consultation, in relation to incidents of children missing from care.</p>	<p>I wholeheartedly agree with the Committee's conclusion of the absolute imperative to talk to children and young people to try to find out the reasons that led them to decide to take the actions they did. Clear and consistent pathways to raise issues, worries and concerns are equally important to prevent children concluding there is no option but to go missing, as are the subsequent conversations about why they chose to do so and understand why they believed there was no alternative decision they could take.</p>	<p>In the absence of an agreed way forward, practitioners working with children need to be supported with access to resources to help facilitate these conversations as to why children and young people have gone missing.</p> <p>There will be a number of reasons why children go</p>



		<p>The outcome of those preventative and post-event conversations share the same outcome which is to help to identify and put in place support to help them with whatever they are going through, and making it less likely that they will make the choice to run away again.</p> <p>The risks to children and young people when they are missing are clear. There is unanimity across the sector on those risks as there is that it is crucial for everyone to deploy every resource to help children and young people to be able reach a different decision and mitigate episodes where they go missing. We welcome the evidence from NYAS and Children’s Society on this issue.</p> <p>We hear the clear messages they have provided in their evidence to the Committee and as part of our continuing work with partners from across the sector to reach consensus and a shared position wherever possible. This is a challenging issue and one where there is not yet consensus on how to resolve opposing views on the policy and practice around missing children. We have brought together third and public sector organisations, as well as the four Police and</p>	<p>missing. Practice Guidance has been developed to support practitioners when faced with this challenge.¹ Where more coercive factors are at play resources have been developed to support practitioners with managing this. For example, Dr Hallet produced a number of guides and delivered training on the ‘Check Your Thinking’ resources which share messages from children and young people to support with safeguarding from exploitation and managing risks.² CASCADE are also undertaking work to support practitioners who are working with children who are exposed to criminal exploitation.³</p> <p>Listening to children and ensuring that trusted adults in</p>
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¹ <https://safeguarding.wales/en/chi-i/chi-i-c6/c6-p9/>

² <https://www.checkyourthinking.org/>

³ [Child Criminal Exploitation – CASCADE \(cascadewales.org\)](https://www.cascadewales.org/)



		<p>Crime Commissioners as part of a round table event on this topic.</p> <p>As a consequence, Welsh Government commissioned Children in Wales to gather the views of children and young people who have been supported because of going missing alongside a separate project to review policy, practice and procedures to see how we may better achieve consensus.</p> <p>Officials are collating and considering the information and conclusions the projects have identified. Initial analysis suggests that children and young people themselves had varying opinions on the value of return home interviews. However, they can be useful if run well and an important way for professionals to help identify patterns of behaviour and put solutions in place. The evidence and opinions that Wales follow the approach elsewhere of mandating Return Home Interviews appears to remain limited. The next step is to share the findings of this work with partners and explore how we can best achieve our shared intention, impact and outcomes as part of coherent and consistent arrangements that empower and enable proportionate approaches that keep children and their views, wishes and feelings at the centre.</p>	<p>their lives have the skills and time to undertake these conversations must be a priority. I am also aware that practitioners have raised with me the need to have further support with assessing exploitation risks. This has been discussed at my Roundtable on Preventing Child Sexual Abuse. I am confident Welsh Government are aware of these challenges.</p>
	<p>Recommendation 26 - The Welsh Government must carry out a review of the support offered to young people by Young Person's</p>	<p>The Welsh Government will carry out a review as detailed by the Committee in this recommendation. This review will inform the work outlined in the response to recommendation 22 which will be to</p>	<p>I welcome the acceptance by Welsh Government to undertake a review of the</p>



	<p>Advisors. The review should consider:</p> <ul style="list-style-type: none"> • the concerns set out in this report relating to Young Person's Advisors and the pathway planning process; • the likely impacts on the collective workload of Young Person's Advisors of the reforms set out in this report (particularly those relating to upper age limit for support for care leavers and those relating to opt-out advocacy services for children in care and care leavers); and • any action required as a result 	<p>legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25.</p> <p>Financial Implications: None, any additional costs with be drawn from existing budgets.</p>	<p>support offered by Young People's Advisors.</p> <p>However, I would value confirmation from Welsh Government that the review will not impact on the longstanding commitment to legislate to extend PA support up to the age of 25, which my Office called for in 2017 and is yet to be implemented.</p> <p>I would like to see this review explore issues of resource and capacity to inform how this extension can be extended sustainably.</p> <p>Legislating in this area is the only way to secure entitlements for young people to ongoing support. Whilst local authorities have been directed by Welsh Government to provide this support in the meantime, cases received by my Office's independent Investigation and Advice service continue to indicate that the</p>
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			<p>offer of support up to the age of 25 for all care leavers has not been embedded or become a standard practice.</p> <p>Amendments to the legislation would also have the consequential impact of bringing all care leavers up to the age of 25 into the remit of my office for the provision of advice and support, as this is currently linked to the entitlements as set out in the Social Services and Well-being (Wales) Act 2014.</p>
<p>Accept In Part</p>	<p>Recommendation 4 - As part of umbrella reforms to corporate parenting (see radical reform #3), the Welsh Government should introduce legislation making specific provision relating to corporate parenting. The legislation should:</p> <ul style="list-style-type: none"> • set out which bodies are considered 'corporate parents', including at least local authorities, health boards, NHS trusts, the Welsh Ministers, the Children's Commissioner for 	<p>Welsh Government will be encouraging all public and private bodies to sign up to become corporate parents through the Corporate Parenting Charter which was published on 29 June.</p> <p>The Commission for Tertiary Education and Research (CTER) will not be a direct service provider to care experienced people in the manner of local authorities, local health boards or the higher and further education institutions which it will fund and regulate. There is therefore a question about whether it would be a suitable body to act as a 'corporate parent' on a statutory basis as described in the report. However, CTER will have its own statutory responsibilities for care experienced children and young people (see response</p>	<p>I support this recommendation to place corporate parenting responsibilities on a statutory footing. In 2020-21 and 2021-22, my Office put forward recommendations to Welsh Government to support the implementation of the Corporate Parenting Charter by introducing legislative and regulatory change to support organisations to comply with their duties.</p>



	<p>Wales, the Commission for Tertiary Education and Research, and other such bodies as the Welsh Government sees fit following consultation;</p> <ul style="list-style-type: none"> • set out the general duties imposed on all corporate parents, including at least duties to: prepare and publish plans relating to the work as corporate parents; to work collaboratively where it would safeguard or promote the well-being of the child or young persons to do so; publish reports on how they have exercised their corporate parenting responsibilities; provide reasonably requested information to the Welsh Ministers; and follow guidance or directions issued by the Ministers. • align with further specific corporate parenting duties and recommendations against the relevant sections in this report. See: mental 	<p>to recommendation 27 below), and we anticipate that it will be a signatory to the Corporate Parenting Charter.</p> <p>To support the Charter, Welsh Government will strengthen guidance including a dedicated chapter on Corporate Parenting to support local authorities in their role as corporate parents within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014. Work is also taking place across Government to identify existing guidance which could also be strengthened to support delivery of the Charter by wider public bodies.</p>	<p>In response to our recommendations, Welsh Government have given assurances that they will amend Part 6 Guidance as part of this work and use 'legislative hooks' to strengthen arrangements with health. Without seeing the proposals, it is difficult to determine whether this will be adequate to deliver consistent compliance with the Charter.</p> <p>In the present climate of squeezed budgets in public services, it is inevitable that organisations will focus upon what their statutory duties require of them. Whilst the principles of the Corporate Parenting Charter are welcome, it is perhaps unrealistic to think that this will create tangible change in organisations' working practices within this context, without requirements for agencies to undertake certain actions beyond signing up to a set of principles.</p>
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	<p>health (page 31), housing (page 94), and higher education (page 102).</p>		<p>That said, my Office is currently undertaking work to set out how our organisation will uphold the principles set out in the Charter in full and translate the principles into tangible actions that will be taken to demonstrate our full commitment to improving the experiences of these young people</p>
	<p>Recommendation 5 - As part of umbrella reforms to corporate parenting (see radical reform 3), the Welsh Government should introduce legislation to give all children the right to a specialist therapeutic mental health support service. They should have a statutory right to have their needs assessed at intervals and to have those needs met. That service should be available from the point at which they are removed from their birth parents to at least the point at which they cease to be defined as a care leaver. It should be separate and independent from</p>	<p>The Welsh Government recognises the impact of the challenges faced by care experienced children, including the potential to be further traumatised by the systems which are there to support them if services are not delivered effectively.</p> <p>From a mental health perspective, all children in Wales have equal rights to the access of specialist therapeutic mental health support services under current mental health legislation. The Mental Health Measure (2010) has established positive rights for people with mental health problems, whether diagnosed or not, to obtain help at a sufficiently early stage avoiding the risk of further mental health decline.</p> <p>However, we recognise that children in care can face additional and complex challenges to their mental</p>	<p>This recommendation aligns with children's Article 39 UNCRC right, which sets out that where children have experienced neglect, abuse or exploitation, they must receive specialist support to help them recover.</p> <p>A key strategic priority of my Office is to challenge the lack of appropriate mental health support in matching needs of</p>



	<p>existing mental health services and specialise in trauma-informed mental health support.</p>	<p>health and wellbeing and more needs to be done to intervene early and prevent, as far as is practicable, the disproportionate numbers of looked after children needing CAMHS and specialist mental health support.</p> <p>We have developed the NYTH/NEST framework which is a tool to help service providers develop and deliver services which enable them to hold onto babies, children and young people with trusted adults who are suitably trained, trauma informed and have easy access to expertise to support them. The framework aims to create a whole system approach with services integrating and working together so that resources and expertise can be co-ordinated to identify and provide the right mix of services needed to protect that child's health and wellbeing.</p> <p>Through local initiative and with the support of the Regional Integration Fund we are already seeing some excellent examples of services coming together to deliver holistic support in this way.</p> <p>Work is now underway to develop a service specification for CAMHS which will set out the Government's expectation of CAMHS services in Wales, and how it works with other services to establish the necessary arrangements to deliver integrated care. The</p>	<p>children and young people in Wales.⁴</p> <p>Whilst I recognise that all children in Wales should have equal rights in accessing services, the reality for some children, particularly children in care who may have many placement moves, may result in their needs or referrals to services being missed. This can be the case if children are out of school for a period of time, or are moving across health board boundaries.</p> <p>With the development of the CAMHS service specification, there is an opportunity to explore new models of integrated emotional and mental health support for care experienced children and young people. Consideration should be given to how services can align to provide robust support. I</p>
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⁴ https://www.childcomwales.org.uk/wp-content/uploads/2023/05/ThreeYearStrategy_ENG.pdf



		<p>National Framework for Children’s Services will set out our similar expectations for Local Authorities around integration. As part of this and drawing on the best practice we are already seeing across Wales, our ambition is that we can set out a consistent approach using the key principles of NYTH/NEST to providing timely, integrated, person-centred care for all looked after children in Wales.</p> <p>In summary, we have work already underway that will strengthen support for children and young people but without the need for new legislation.</p>	<p>would welcome an opportunity to see a draft of the Service Specification and to understand in greater detail how this will contribute to better access to services for care experienced young people.</p>
	<p>Recommendation 7 - The Welsh Government should introduce legislation to give all care experienced birth parents a statutory right to intensive, wrap-around edge-of-care support to reduce the risk of children being removed from their care</p>	<p>The Welsh Government has, and will continue, to prioritise early intervention and prevention as part of the work of both the Children’s Board and the Transformation Programme of Children’s Services in Wales.</p> <p>We know that projects such as Project Unity play a valuable part in providing emotional and practical help to care experienced mothers and the Welsh Government has been able to provide annual funding of £340,000 for the programme until 2025 reflecting our commitment to supporting care experienced mothers and to keeping families together wherever possible.</p> <p>The Welsh Government accepts the recommendation in principle and will consider and explore its asks as part of the delivery of the Transformation Programme.</p>	<p>Reducing the numbers of children entering care has been a long standing ambition of Welsh Government.</p> <p>Since taking up post as Commissioner, I have been keen to understand more about how this policy direction is being delivered at a local authority level. For example – what approaches or initiatives are being delivered to enhance the community based edge of care offer for families?</p> <p>Whilst I support the principle behind the recommendation,</p>



		<p>Financial Implications: Yes, such costs would need to be scoped and could be considerable.</p>	<p>building a picture of existing support will be valuable to enable gaps in support to be identified, and, for innovative practice to be identified.</p> <p>I would welcome positive outcomes and examples of strengthened practice being shared as part of Welsh Government's reporting on their delivery of radical reform. For example, sharing information on community based initiatives that their funding streams have enabled.</p> <p>It is also important to note that other work is being undertaken in this space, such as, CIW's Rapid Review of Child Protection Arrangements, which will contribute valuable learning to how decisions are made in regards to whether children come onto, or off, the child protection register. Furthermore, Recommendation 2 from the Logan Mwangi CPR called for Welsh Government to</p>
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			<p>“consider[s] commissioning a pan Wales review of approaches to undertaking Child Protection Conferences to identify effective chairing/facilitation methods, ways of ensuring full multi-agency attendance and participation and to identify best practice”.⁵ Again, having an update on progress of this recommendation may help to inform how practice can be improved to support families to stay together.</p>
	<p>Recommendation 8 - The Welsh Government should ensure universal, nationwide access to successful early intervention/edge of care/preventative services, such as Barnardo’s Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents</p>	<p>The Welsh Government accepts and acknowledges the positive work being undertaken by Edge of Care Services such as Barnardo’s Baby & Me, Reflect and Jig-So and the benefit that these programmes have on new parents including care experienced young people. The Welsh Government will review the evaluation of these projects when deciding on next steps and future roll out.</p> <p>Financial Implications: Yes, the continuation of Welsh Government support of these projects will require financial review.</p>	<p>I welcome the commitment to review but would welcome timescales attached to when the review will take place to prevent there being periods of time where no services are in place while evaluation is being undertaken.</p> <p>I would also urge for children’s rights impact assessments to be undertaken to inform any</p>

⁵ <https://www.cwmtafmorgannwgsafeguardingboard.co.uk/En/NewsEvents/pdfs/ChildPracticeReviewCTMSB042021ChildTFinalReportEMBARGOED.pdf>



			<p>changes in policy direction or support. Identifying the benefits and mitigating any negative impacts through the children's rights impact assessment will strengthen any policy decision taken, not to mention it being a requirement of Welsh Government to undertake such an assessment when exercising their functions/taking a decision. This includes any decisions not to continue with a particular offer or support.</p>
	<p>Recommendation 10 - The Welsh Government should introduce legislation to give birth parents a statutory right to specialist, independent, issue-based advocacy services from point of child being placed on CPR.</p>	<p>The Welsh Government currently provides annual funding of £300k to the National Youth Advocacy Service (NYAS) to deliver a Parental Advocacy Programme in Gwent, via our Sustainable Social Services Grant Scheme. The Programme pairs parents with advocates who assist them in understanding legislation, processes and systems in the child protection and care process. Additionally, advocates assist parents in communicating with their child's social worker. The programme will run until 2025.</p> <p>Our Programme for Government sets out that we are committed to expanding the provision of advocacy services to support parents whose children are on the</p>	<p>As above, understanding the local offer of support that is available for families is needed.</p> <p>A commitment to undertaking a children's rights impact assessment would be welcome to ensure children's rights are systematically considered when informing future decisions about the parental advocacy scheme.</p>



		<p>edge of care, helping to avoid statutory social services involvement, escalation of needs and reducing the risk of children entering the care system.</p> <p>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.</p> <p>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.</p> <p>Academic literature and early reports show parental advocacy to be a promising route to reducing the number of children taken into care. We will use the learning from the Gwent initiative and from the national roll-out to determine whether universal access to parental advocacy should be put in place.</p> <p>Financial Implications: Yes. Any additional costs will be considerable and will need to be identified from within existing budgets.</p>	
	Recommendation 11 - The Welsh Government should commission an	The Welsh Government is committed to seeing children and young people living securely with their families,	More details are needed from Welsh Government on this



	<p>independent review into the efficacy and availability of parenting assessment placements.</p>	<p>with many fewer ever needing to enter care. For those children who do come into care, we want their stay to be as short as is consistent with meeting their needs, close to home and with strong links to their local community. To achieve this, and to ensure a sustainable network of provision, the shape, scale and structure of current arrangements for the accommodation of and support for children and young people has to change fundamentally to ensure the development of stable, integrated and locally accountable provision.</p> <p>This will include models of care, wrap-around support and models of ownership.</p> <p>During this Senedd term, as part of this work, we will review the arrangements for parenting assessment placements in Wales, including efficacy, availability and models of ownership.</p> <p>Financial Implications: Potentially. Any financial implications will need to be resourced from within existing budgets.</p>	<p>review. For example, where will this work sit within the radical reform agenda and how will it be taken forward?</p> <p>Exploring a regional approach to provision would be welcomed to ensure that a small level of demand can be met for those families who need this level of support.</p> <p>Any review must engage with parents and families who have utilised existing services to inform strengths and areas of needed improvement. There should also be engagement with the local Family Justice Boards and the Family Justice Network for Wales to help understand the frequency of use of these assessments within proceedings in each area, and the outcomes that have flowed from each case.</p>
	<p>Recommendation 14 - The Welsh Government should work with Social Care Wales to fund and</p>	<p>Welsh Government recognises the potential benefits associated with a national register of foster carers and</p>	<p>I welcome this initiative to further professionalise the role of foster carers who play an</p>



	<p>deliver (including to legislate as needed) a national register of foster carers, to be held by Social Care Wales</p>	<p>it is therefore something that the Welsh Government is keen to explore with the sector.</p> <p>A national register would increase the status of foster carers in the team around the child, allowing the role to be more recognised and valued within the sector and by the public. This is especially important as Welsh Government recognises that foster carers are an important part of the social care team supporting the child or young person. It will also address the difficulty foster carers experience when moving from one service to another, by offering a less bureaucratic method of transfer, reducing duplication and delays and will offer a robust safeguarding mechanism which will outline a foster carer's continued suitability to foster. However, introducing such a register is complex and will need to be undertaken in a timely and controlled way alongside ensuring it can be appropriately resourced. Initial discussions with the Fostering Network have taken place and the next step is to undertake a scoping exercise to establish what a national register could look like in Wales, any legislative requirements and operational feasibility. This will be done in consultation with our statutory and third sector partners, foster carers and service users.</p> <p>Financial Implications: The introduction of a national register for foster carers could have significant financial and resource implications and these will need to be established through the scoping work Welsh</p>	<p>invaluable role in supporting children.</p> <p>Listening directly to foster carers on this issue is key as part of this scoping exercise.</p> <p>If moving toward registration is the direction of travel, this would bring the role in line with child care workers and residential care staff. The registration of social care professionals can act as an additional safeguard for children so I would welcome steps towards this.</p>
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		<p>Government will undertake. These costs will need to be considered before a decision can be made on whether to introduce such a function in Wales.</p>	
	<p>Recommendation 15 - The Welsh Government must ensure that a review of the '4Cs' online database is undertaken, involving key stakeholders and frontline practitioners, to identify and implement improvements to the database to streamline the placement commissioning process.</p>	<p>The Children's Commissioning Support Resource (CCSR) was initially developed by Welsh Government with Data Cymru in 2005 as a database library for looking up providers. In 2012, the Children's Commissioning Consortium Cymru (4Cs) subsequently chose the CCSR platform as an existing Welsh developed, owned and WLGA-managed platform which could be developed to meet commissioning, contracting and procurement needs. It developed an e-tendering portal to deliver the All-Wales Framework (residential and foster care) and to provide placement finding and matching capability.</p> <p>This part of the CCSR system is a layer of restricted access to Local Authority and Framework providers only, evaluated and quality assured by the 4Cs, who are compelled under the All-Wales Framework to keep their foster carer, care setting and vacancy information up to date. This is effective and is reviewed as part of daily contract management.</p> <p>CCSR does provide details of every foster carer who is a provider on the All Wales Framework plus vacancies, and the equivalent details of all Framework residential care settings and vacancies. This is monitored by 4Cs /</p>	<p>Others will be better placed to share views on the functionality of the 4C's Online Database as my Office does not utilise it as we do not commission placements for children.</p> <p>The 4Cs do have a strong youth network with their Young Commissioners Group. They have supported my office previously on projects and have shared some of the work they have undertaken to promote the voice of the child when commissioning placements.</p> <p>The 'This is Me; resources developed by the Young Commissioners can be found on The Right Way Hub on my website.⁶</p>

⁶ <https://www.childcomwales.org.uk/resources/the-right-way-a-childrens-rights-approach/a-childrens-rights-approach-for-social-care-in-wales/>



		<p>Data Cymru and is up to date. It also includes Framework providers CIW inspection reports and provider statement of purposes. CCSR has the capability for all LAs to confidentially and securely add all of their foster carer and residential setting provision onto the system. CCSR also provides the details of foster carers from a small number of other agencies who are not on the Frameworks but still see the benefit of subscribing to the service (non-framework providers) but the annual subscription fee they have to pay for the service is a barrier to some smaller providers using the system. As this has restricted access, many providers who may have contributed to the committee discussions would not have access to this element of the database and therefore may not be fully clear on its functions or the live nature of its daily use. They would however have access to the high-level resource library which sits above the 4Cs tendering module and is visible to a wider range of stakeholders. The library is part of a forward redevelopment programme which will be informed by stakeholders. To support further implementation, Welsh Government will also consider whether it would be feasible to compel all fostering agencies to register on CCSR as part of their registration under RISCA.</p> <p>This work would need to align with our consideration of the introduction of a national fostering register in Wales.</p>	
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		<p>Financial Implications: Yes. The resource implications could be significant and would need to be found from existing budgets.</p>	
	<p>Recommendation 17 - The Welsh Government should consult care experienced children and young people, kinship carers, third sector organisations, local government and others to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care.</p>	<p>Our Programme for Government contains a number of key commitments about a new vision for how children's services in Wales are delivered. Over the course of this Senedd term, we will be working to radically reform children's services in Wales, to ensure they deliver the best possible outcomes for children who are in care. As part of this work, Welsh Government has set up a Special Guardianship Expert Group which will be looking at developing an improved and consistent needs-based approach to supporting Special Guardianship families across Wales.</p> <p>This group has representation from the statutory and third sector alongside service users and as part of its work it will look at ways of capturing the views of children and young people. The intention is to widen the scope of this group in due course to look at the use of and support available for kinship foster carers in Wales. In addition, Foster Wales is committed to ensuring that kinship foster carers receive the same support as mainstream foster carers and has launched its national commitment which is an agreed package of training, support, and rewards consistently available to all foster carers (mainstream and kinship) in Wales through all 22 local authority fostering agencies in Wales.</p>	<p>I welcome the commitment set out by Welsh Government to explore this issue in detail. Achieving parity of esteem and support/provision between foster and kinship carers must be a priority as Wales moves towards a not-for-profit based model of providing placements for children in care.</p>



Foster Wales is also committed to ensuring that kinship foster carers receive the same financial support as mainstream foster carers. One of the aims of our current work on fees and allowances is to ensure consistency, alongside other elements of the financial support to all approved foster carers. Currently all approved foster carers across Wales (including mainstream and kinship foster carers) are paid at least the national minimum allowance to meet the needs of children in their care. In addition, all local authorities pay an enhanced allowance/fee to mainstream foster carers. Through Foster Wales and the harmonisation of fees and allowances work, we are seeking to ensure that the availability of an enhanced allowance/fee is available to all approved foster carers (including both mainstream and kinship foster carers) providing they are assessed to meet the eligibility criteria as set out in the enhanced allowance eligibility policy.

The current legal framework, under the Fostering Panels (Establishment and Function) (Wales) Regulations 2018, necessitates kinship foster carers reaching the same standard of suitability to foster as mainstream carers. The only difference for kinship foster carers is that they are approved to be a foster carer for a particular child under these regulations. Welsh Government is aware that many practitioners, panels and decision makers have struggled with the fitness for purpose of the current regulatory framework for kinship foster care.



		<p>To aid the fostering sector, Welsh Government is currently undertaking a scoping exercise to consider legislative changes that could be introduced to enable an alternative and more 'fit for purpose' way forward for the assessment of kinship carers.</p>	
	<p>Recommendation 18 - The Welsh Government and the Association of Directors of Social Services must jointly publish no later than December 2023 an action plan setting out how they will prevent the use of illegal, unregistered accommodation in Wales</p>	<p>The Welsh Government remains committed to reducing the overall numbers of children looked after but recognises the challenges for some local authorities of finding or developing suitable placements to meet the needs of the children and young people in their care.</p> <p>This isn't just about increasing capacity. It is also about promoting trauma-informed models of care and ensuring there are appropriate joint commissioning arrangements in place between health, social services and education, so the needs of children are met, and they do not fall between different types of provision.</p> <p>We will continue to work with local authorities to ensure these challenges can be met.</p> <p>Under our Eliminating Profit Programme Board, we have established a local authority task and finish group to consider the issue of services operating without registration. This is to ensure placement choice and stability in registered provision meets the needs of, and secures positive outcomes for, our children and young people. The group is undertaking a review of services operating without registration in order to gain an</p>	<p>It is frustrating that Welsh Government feel unable to commit to the timescale attached to this recommendation.</p> <p>In 2021-22, my Office made a recommendation to Welsh Government on this issue, which they accepted.</p> <p>That recommendation stated, 'Welsh Government must establish a working group in 2022/23 to explore the issue of Unregulated Accommodation and Unregistered Placements. The aims of this work must be:</p> <ul style="list-style-type: none"> • To collect data to build an understanding of its usage in Wales; • To consider the needs of affected young people to identify where there



		<p>evidence-based end-to-end understanding of the issues, challenges, effective approaches and potential solutions as well as the associated impacts for children. The review is due to be commissioned shortly and will report later this year.</p>	<p>are shortfalls in suitable accommodation;</p> <ul style="list-style-type: none">• and To explore whether changes are needed in the regulation system in Wales to award young people stronger protections. Work needs to be concluded within this Senedd term including any regulatory changes that are required. <p>I remain increasingly concerned about the rise in the usage of these placements. This is because children placed in these settings are potentially lacking the overriding safeguards that registered and inspected settings provide. We have heard of children being placed in range of temporary settings, from Airbnbs to Caravans. We have also heard of children who are being placed in new specialist provision, which has yet to complete its registration</p>
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			<p>process, so there is variance in the types of placements used.</p> <p>We have raised our concerns with Welsh Government, CIW and have set them out in our response to the WG's consultation on primary legislation.</p> <p>We have also written to and met with the All Wales Heads of Children's Services on our concerns relating to unregistered accommodation.</p> <p>My team is currently undertaking a project that aims to reach children living in unregistered settings to better understand their experiences. The project is in its early stages, but we have received support from the All Wales Heads Of Children's Services in regards to our plans to link with children.</p> <p>The Welsh Government's response also references "appropriate joint</p>
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			<p>commissioning arrangements in place between health, social services and education". My Office's No Wrong Door reports have called for Welsh Government to create new, jointly commissioned 'safe accommodation' settings to meet complex needs. Welsh Government accepted the recommendation and work is being undertaken in all regions but has been slow to progress to these placements being open and available to young people from Wales. In addition, Regional Partnership Boards and their constituent agencies have continued to raise concerns with my office over the lack of compulsion to jointly commission services, with individual agencies 'gate-keeping' their own budgets and spending decisions. This is hampering children's needs from being met in a holistic, one-Wales public service approach and I've asked the Government to do more to</p>
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	<p>Recommendation 19 - The Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21</p>	<p>The Welsh Government collects data on the number of children aged 16 and over leaving care by age and accommodation at date of ceasing to be looked after. Our published statistical data for the period 1 April 2021 to 31 March 2022 shows of the 700 young people aged 16 and over who left care between 1 April 2021 and 31 March 2022, 670 (96%) were in suitable accommodation at the date they ceased to be looked after. Accommodation is regarded as suitable if it provides safe, secure and affordable provision for young people. The proportion of young people in suitable accommodation has increased from 92% in 2016-17 when data began being collected. 28% of young people in suitable accommodation were with parents or relatives and 26% were in ordinary lodgings without formal support. The proportion of young people in ordinary lodgings without formal support has generally increased since 2018-19, as has the proportion in semi-independent transitional accommodation (about 18%). The proportion of young people with parents or relatives, in independent living and in suitable supported lodgings have generally decreased over this time. Bed and breakfasts are considered unsuitable accommodation, in addition, other types of accommodation are considered to be unsuitable if they clearly expose the young person to risk of harm or social exclusion. The number, and the proportion, of care leavers in unsuitable</p>	<p>address these commissioning issues.</p> <p>I am disappointed Welsh Government have been unable to commit this recommendation.</p> <p>In 2020-21 and again in 2021-22, my office made recommendations to explore 'current use of unregulated care for under 18s, consider what amendments may be required to the Regulation and Inspection of Social Care (Wales) Act, to strengthen the inspection and regulation of care and accommodation provision for under 18s that does not currently fall under the remit of the Act.'</p> <p>All children needing care under the age of 16 must be in a regulated and registered placement. However, some 16 and 17 year olds do not necessarily have to live in regulated accommodation, as</p>
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		<p>accommodation has decreased in recent years. The number of care leavers in unsuitable accommodation decreased by 5 (14%) from 35 to 30 compared with the previous year, equating to 4% of care leavers being in unsuitable accommodation at the point of leaving care during 2021-22. This is the lowest proportion since data began being collected in 2016-17. Whilst it is difficult to see in what circumstances a child under 16 would be placed in an unregulated service as they would be in need of care which would mean the service would need to be registered, we are keen to learn from England's experiencing of prohibiting under 16s being placed in unregulated placements and will keep this under review.</p>	<p>from 16 some can begin the process of leaving Care through independent living. Leaving care at 16 and 17 does remain a concern for my office particularly as the standards of accommodation can vary greatly. Whilst we know of some excellent supportive settings, some young people can become very vulnerable if living in poor accommodation with limited support.</p> <p>I welcome proposals in Welsh Government's primary legislation consultation to reflect on the RISCA regulations to better define 'parental style care'. However, it is unclear what actions, if any, Welsh Government is taking to explore the issue of young people living independently from the age of 16 and 17 to fully understand the impact of this on young people.</p>
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			<p>I have advocated for children to be empowered and for their voices to be heard in a meaningful way when exploring this issue.</p>
	<p>Recommendation 20 - The Welsh Government should carry out an immediate analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order, and which should be published no later than December 2023. The Welsh Government and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.</p>	<p>The Welsh Government will carry out an analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order.</p> <p>The results of this analysis will feed into the Welsh Government's Transformation Programme for Children's Services.</p>	<p>It is disappointing that Welsh Government have been unable to commit to the Action Plan element of this recommendation.</p> <p>Depriving a child of their liberty is one of the most significant curtails on a child's rights. Yet, in recent years we have seen a rise in the Courts using their 'inherent jurisdiction' to implement these Orders. This has been because of a lack of suitable placements being available to young people in secure accommodation. It is an issue that the family courts have been raising with my office and the Welsh Government for some time, as action and funding are required to address</p>



			<p>placement availability/sufficiency.</p> <p>The Nuffield Trust have been undertaking work on the use of DOLS in England and Wales, who are working to publish data on their usage, albeit on an England and Wales level.⁷</p> <p>The use of DOLS spans devolved and non-devolved space. With plans to move away from this approach halted by the UK Government⁸, the Committee may benefit from seeking an update on Welsh Government's wider work to move away from this approach in Wales.</p>
	<p>Recommendation 22 - The Welsh Government should introduce legislation to raise the upper threshold for all of the support offered to care leavers until they are 21 (as set out in sections 103 to 118 of the Social Services and Well-being (Wales) Act 2014, associated</p>	<p>The Welsh Government is committed to legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25. These changes can be made via Regulations under the Social Services and Well-being (Wales) Act 2014. The Welsh Government has previously written to local authorities about this and the expectations for the funding provided.</p>	<p>In 2016-17, my Office put forward a recommendation to Welsh Government to introduce new legislation to ensure Personal Adviser support for all Care Leavers up to the age of 25.</p>

⁷ <https://www.nuffieldfjo.org.uk/news/legal-outcomes-of-cases-at-the-national-deprivation-of-liberty-court>

⁸ [Written Statement: Update on the implementation of the Liberty Protection Safeguards \(5 April 2023\) | GOV.WALES](#)



	<p>regulations, guidance and codes of practice, including the When I am Ready scheme) to 25 for category 3, category 5 and category 6 care leavers.</p>	<p>Financial Implications: None, any additional costs with be drawn from existing budgets</p>	<p>Whilst money was made available for Local Authorities to extend this, the law has not been changed to implement this entitlement for care leavers. Therefore it has no statutory footing. I would welcome a firm timeline for this commitment to be delivered, before the end of this Senedd Term.</p> <p>In regards to the When I am Ready element of this recommendation, the extension is not something my Office have discussed with young people, so I would welcome further consultation with care leavers on this. As discussed below in relation to recommendation 24, access to this scheme is something my Office has previously made recommendations on.</p> <p>It is likely that 'When I'm Ready' will not be suitable for all young people, so enhancing other options for young people must</p>
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			<p>also remain a priority. This is why we have called for Welsh Government to develop national standards to address concerns of quality, sufficiency and suitability for semi-independent accommodation for care-experienced young people up to the age of 25. This was proposed by the previous Welsh Government's Joint Housing and Social Services Group, but progress has stalled.</p> <p>Welsh Government have accepted the above recommendation, and informed us that they are 'developing and using alternative models... to ensure all young people can live in a supportive environment'. However, we have had very little details however on what this work will look like.</p> <p>As mentioned throughout this response, I would welcome greater clarity on these commitments from Welsh Government, by ensuring these</p>
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			all feature in the roadmap which sets out how radical reform will be delivered.
	<p><i>Recommendation 23</i> - The Welsh Government should amend section 108 of the Social Services and Wellbeing (Wales) Act 2014 and regulations, guidance and the code of practice relating to the When I am Ready.</p>	<p>Welsh Government recognises that the transition into adulthood can be more difficult for care leavers than many of their peers of a similar age. It is therefore important that these young people experience continuity when they reach adulthood. This will help ensure they do not experience a sudden disruption to their living arrangements which could have a negative impact upon their emotional stability, education, training or employment, or upon them developing independent living skills.</p> <p>The Welsh Government is therefore committed to supporting the When I'm Ready scheme and ensuring that all young people who are in foster care are offered the opportunity to continue living with their foster carers beyond their 18th birthday, up to the age of 21, or up to age 25 if they are completing an agreed programme of education or training.</p> <p>We are aware there are some challenges with the scheme and during this Senedd will undertake a full review of the When I'm Ready scheme, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes.</p>	<p>Securing timescales and parameters for this review are key.</p> <p>I would also like to see this review include foster carers. If Welsh Government are committed to extending this offer up to the age of 25, foster carers must be informed of this expectation at the earliest opportunity in the recruitment process to ensure those looking after children understand this expectation.</p>



		<p>As part of this review, we will consider whether there is a need to amend existing legislation and existing guidance to introduce changes that will further benefit our young people and the carers who support them, alongside providing a firmer footing for the When I'm Ready scheme in Wales.</p> <p>At the same time, we will look at ways of monitoring implementation to ensure a more consistent approach across Wales.</p> <p>Financial Implications: Yes, the cost of commissioning and undertaking the review would need to be scoped</p>	
	<p><i>Recommendation 24</i> - The Welsh Government should carry out a review alongside care experienced young people and other key stakeholders to ascertain how When I am Ready can be extended to young people in residential care, the barriers to that extension and what actions can be taken to overcome those barriers</p>	<p>Welsh Government has committed to undertaking a full review of the When I'm Ready scheme during this Senedd term, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes. As part of this review, consideration will be given to the feasibility of young people in residential care being able to access When I am Ready provision. The work will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p> <p>Financial Implications: Yes, the cost of commissioning and undertaking the review would need to be scoped, alongside any costs associated with future changes to the scheme.</p>	<p>This is something my Office raised in 2016-17, where it was recommended to Welsh Government that equivalent support to the When I'm Ready scheme was developed for those leaving residential care.</p> <p>It is disappointing that the necessary work to provide equivalent support to care leavers leaving residential homes has not progressed despite being accepted in 2016/17 by Welsh Government.</p>



			<p>In response to our most recent annual report, Welsh Government have set out that they are 'developing and using alternative models... to ensure all young people can live in a supportive environment'. We have had very little details however on what this work will look like.</p> <p>Since this recommendation was made, we have seen a significant rise in the number of children and young people living in unregistered accommodation. Therefore, there are a proportion of care leavers who will not have relationships with foster carers which can be relied on for a WIR placement, but will likely still need a high level of support post 18. Therefore, any review needs to take account of this and ensure we are offering a broad range of supportive accommodation options for young people with more complex needs.</p>
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	<p><i>Recommendation 25</i> - As part of umbrella reforms to corporate parenting the Welsh Government should bring forward legislation to;</p> <ul style="list-style-type: none"> • Amend the Housing Act 1996 to provide that care experienced people have priority in housing allocation. • Amend the Housing Act 1996 to state that 'local connection' should be disregarded for care experienced people at their election. • Amend the Housing (Wales) Act 2014 to ensure that care experienced people over the age of 21 retain “priority need” status when homeless. • Amend the Housing (Wales) Act 2014 so that care experienced people facing homelessness cannot be referred to another local authority due to 'local connection' if they do not wish to be 	<p>Our Programme for Government contains a commitment to reform housing law and implement the Homelessness Action Group’s recommendation to fundamentally reform homelessness services to focus on prevention and rapid rehousing. To progress this commitment an Expert Review Panel is in place to review and make recommendations for legislative reform. The panel was convened in August 2022 and will report in August 2023.</p> <p>As part of their deliberations, the panel have considered the experience of homelessness for those who are care leavers and what targeted prevention measures, either facilitated through legislation or via broader policy led mechanisms, would better prevent homelessness for this group.</p> <p>Following receipt of the Expert Review Panel’s final report the Welsh Government will publish a White paper, setting out our proposals for legislative change to ensure that homelessness is prevented for the majority of those at risk and that, where it cannot be prevented, it is rare, brief and unrepeatable. The recommendations of the Children, Young People and Education Committee have informed the ongoing deliberations of the panel and the parallel development work on the White Paper and we are committed to taking action to prevent homelessness for those who are care experienced through these reforms.</p>	<p>It is disappointing that there is not a clearer commitment from Welsh Government to address this issue.</p> <p>My Investigation and Advice service has received a number of enquiries which demonstrate the challenges care experienced young people continue to face when seeking to access housing or housing support from the Local Authority that they have been placed in upon reaching the age of leaving care. This often arises when a young person has been placed by their Corporate Parents (the Local Authority) in a placement which is outside of their home authority. The terms and assessments relating to ‘priority need’ and ‘local connection’ are not clear for care experienced young people, particularly when they have been living outside of their home authority.</p> <p>Welsh Government could take more decisive action on this</p>
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Rejected	<p>Recommendation 1 - The Welsh Government should introduce legislation using the legislative approach taken for the Nurse Staffing Levels (Wales) Act 2016 to place a duty on local authorities to calculate maximum caseloads for children's social workers that enable effective, relationship-centred social work, and to take all reasonable steps to maintain those caseloads for all children's social workers.</p>	<p>We are hugely grateful to the work that social workers do every day in supporting people who are facing challenging situations and helping them to live more fulfilling and independent lives. Brexit, the pandemic recovery, and the current cost of living crisis present further challenges to social workers, and we remain committed to supporting them by developing both their professional practice and wellbeing. We recognise high caseloads are one of the key factors to pressures on social workers affecting service standards and job satisfaction.</p> <p>Caseloads are managed at an operational level, and the allocation of cases should be made in relation to the social workers' knowledge, experience, workload and what matters to children and families. Complexity in cases varies considerably, and therefore it could be counterproductive to set a caseload maximum.</p> <p>Social Care Wales (SCW) is already undertaking a scoping exercise, looking at the workforce planning approaches in all 22 authorities This includes interviews with key national organisations, stakeholders, and a review of best practice. SCW is also undertaking work to explore training, induction, and support arrangements for newly qualified social workers (NQSW) across Wales. Existing guidance for NQSW First three years in</p>	<p>area which continues to cause complications for young people.</p> <p>I support the principle behind this recommendation to explore measures that can help develop relationship-based social work practice.</p> <p>However, the specific proposal to introduce maximum caseloads is not something I have discussed with children or those supporting them.</p> <p>We have continually pushed for the Welsh Government to collect and monitor data on the number of social workers a child has throughout their journey with social services, to shed a light on this issue. The number of placements a young person has within a year are currently measured but social worker changes are not. Turnover of social workers means young people having to share their stories time and time again with new people, and try to build new trusting relationships. This</p>
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		<p>practice (socialcare.wales) includes complexity of work. A review is due this later this year.</p> <p>In recognition of the points raised in this report relating to caseloads, Welsh Government, working with SCW and other social work stakeholders will consider how to best support caseload allocation and management. We will work with local authorities and other employers of social workers to better understand how they currently manage caseloads, including organisations in Wales and other areas where caseload policies are already in place and draw from evidence of what works. In doing so we would consider how to support what matters to children and families and the wellbeing needs of the social work workforce.</p>	<p>has a significant impact on young people, making them feel like they are not important and not deserving of this consistent level of support, and so it is something that has been repeatedly raised with my office when we engage with care experienced young people. This is a key point in “what matters to children” which Welsh Government have been aware of for many years now.</p>
	<p>Recommendation 2 - The Welsh Government should begin consultation immediately on a comprehensive workforce sufficiency plan to inform the development and implementation of legislation on maximum caseloads of children's social workers</p>	<p>Social Care Wales (SCW) is currently consulting on a Workforce Strategy Action Plan 2023-26 that will support implementation of the second phase of the 10 year Health and Social Care Workforce Strategy Workforce strategy which includes social workers. The Social Work Workforce Plan interprets the strategy for social work, and breaks it down into actions and goals. This is reviewed annually, and we will incorporate feedback from the wider workforce consultation.</p> <p>The workforce strategy looks at workforce supply and shape, and improvements have been made in a number of areas such as the increase to the social worker bursary. SCW is undertaking work with local authorities to ascertain current workforce planning approaches for</p>	<p>As above.</p>



		<p>social services and areas in need of development of the future. These findings will be published later in 2023.</p> <p>A wide range of work is being undertaken to improve the working conditions, training, and options for social workers, such as the social work qualifying (direct entry) sponsored positions for existing employees to progress into social work positions, and a pathway from the vocational social services practitioner (SSP) into gaining a Social Work practice qualification.</p>	
	<p>Recommendation 3 - The Welsh Government should lobby the UK Government to amend section 4 the Equality Act 2010 to add 'care experience' as a protected characteristic</p>	<p>The Welsh Government is aware of the stigma often faced by care-experienced children and young people in their day to day lives, this was an area Ministers discussed with the young ambassadors at the Inaugural Care Leavers Summit in December, last year. In signing up to the Care Leavers Summit Declaration on 10 May, Welsh Government has committed to working to eradicate this stigma.</p> <p>The Corporate Parenting Charter published on 29 June is our first step in achieving this. One of its key principles in the Charter which organisations will be signing up to deliver is to "Eradicate Stigma – we Will recognise care-experienced children and young people for who they are, not just by their experience of being in care. This is because all children have a right not to be discriminated against".</p>	<p>This is not a topic I have discussed with children and young people, due to my remit which permits me from undertaking work that falls outside of devolved powers.</p> <p>However, I am aware that the Children's Commissioner for England is currently undertaking a survey on this issue with young people.</p> <p>I would urge for Welsh Government to monitor the outcomes of this survey, and, for Welsh children and organisations who support them to take part, as this could provide a different avenue to</p>



			<p>take this work forward given Welsh Government rejecting this recommendation.</p> <p><u>Background : Your views on care experience as a protected characteristic (smartsurvey.co.uk)</u></p>
	<p>Recommendation 6 - The Welsh Government should set out in statutory guidance, or otherwise, requirements for relevant public bodies, third sector and independent providers to routinely gather and publish data on all aspects of the care system in addition to that currently published, including the data gaps highlighted in this report.</p>	<p>The Welsh Government undertakes a range of data collections regarding children’s social care. It has three annual data collections, two of which are at the individual level and cover all children receiving care and support and another focusing specifically on children looked after. There is also a large data collection of local authority performance and activity, which includes over 50 data items on children specifically. Care Inspectorate Wales will also speak to children and explore their experiences as part of their inspections.</p> <p>The Transforming Children’s Services Delivery Group is currently reviewing data collation as part of its work on metrics for children’s services to more effectively measure progress as we transform children’s services in Wales.</p>	<p>It is disappointing this recommendation has been rejected, in light of the fact that Welsh Government are currently reviewing data collection as part of its Transformation workstream.</p>
	<p>Recommendation 12 - The Welsh Government should introduce legislation to provide children in care and care leavers a statutory right to long-term, independent</p>	<p>Our National Approach to Statutory Advocacy already delivers a statutory right to long-term independent advocacy support that enables children in care and care leavers with the ability to opt in and out as they wish to. This is monitored by the National Provider Forum chaired by Welsh Government. A core component of</p>	<p>Through my Office’s attendance the Children and Young People’s Advocacy Providers Group I have become familiar with the calls to explore implementation challenges,</p>



	<p>advocacy support on an 'opt-out' basis.</p> <p>Each child should be assigned an advocate when they enter the care system to provide long-term advocacy support across a range of issues, and continue until the child ceases to be a 'care leaver'. Children and young people could opt-out (and then opt back in later) if they wish but must have an allocated advocate or provider at all times during their time in care.</p>	<p>the National Approach is the Active Offer which delivers an absolute long-term right to advocacy from a statutory Independent Professional Advocate (IPA) as part of a clear and consistent pathway deliver their rights and entitlements. This pathway is set out in detail within the Legacy report published by the Advocacy Task and Finish Group in the Summer of 2022. It ensures social workers inform children of their right to advocacy, helps them to understand the importance and benefits of advocacy and with the child's permission, facilitates independent contact between the child and the advocacy service.</p> <p>The advocacy service makes independent contact with the child to meet with them, to make the Active Offer and subsequently confirm to the local authority if the offer has been taken up or declined. The Legacy Report is clear and confirms that;</p> <p>"Opting out does not mean that the child or young person is no longer entitled to an advocate. If the child or young person decides at a later stage that they wish to access advocacy, the social worker will provide the advocacy service with their details to allow them to arrange an introductory meeting with the child or young person.</p> <p>We absolutely agree with the Committee's assertion that children voices must be heard. We share that position and continue to explore how we can continue</p>	<p>particularly where take up of the Active Offer is slow.</p> <p>I am disappointed a middle ground position has not been found on this recommendation.</p> <p>For example, data collection on takeup of the Active Offer does not currently sit with Welsh Government so there may be inconsistency in reporting and monitoring. This is one change that the Welsh Government could consider.</p> <p>If issues are arising in practice with the operation of the Active Offer, the Welsh Government should look at revised guidance and/or hosting events to try to establish a consistent and compliant approach across Wales. This should also look at how the Offer is facilitated for younger children, those with profound and multiple learning disabilities, and those whose first language is not English. In addition, whilst there is an</p>
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		<p>to work to ensure that voice is both heard and listened to. The role of the Corporate Parenting Charter will play a critical role in championing children's voice and the Active Offer as part of the National Approach.</p>	<p>entitlement to advocacy at any point in the care journey, it is vital to know when and how the Offer is being reintroduced for young people who may not wish to take up advocacy at the point of entry into the system. There are a lot of professionals involved in a child's life and it can be an overwhelming time when a placement move for example is happening, but the Active Offer should be being kept under proactive review, with the Independent Reviewing Officer (IRO) perhaps having a role in overseeing this to ensure the offer is not lost after the first occasion.</p>
	<p>Recommendation 13 - The Welsh Government ensure that every child in a residential care home in Wales should have access to both residential visiting advocacy and individual advocacy by:</p> <ul style="list-style-type: none"> revising the arrangements in place under the Regulation and Inspection of Social Care 	<p>Our National Approach to Statutory Advocacy provides access to an advocate to every looked after child in residential care within Wales and outside of Wales. Welsh Government has consistently re-affirmed that advocacy is essential to protect the rights of children and young people and to ensure their views, wishes and feelings are heard, respected and responded to. We have embedded those rights throughout our legislation and guidance across Ministerial portfolios and co-</p>	<p>It is disappointing that Welsh Government have rejected this recommendation. Whilst all Welsh children have access to the national approach and Active Offer, in practice if a child is placed a significant distance from their home or placing local authority, this can</p>



	<p>(Wales) Act 2016 to make the provision of residential visiting advocacy in each and every children's home (by a contracted registered advocacy provider) a requirement for registration as a provider of children's care homes in Wales.</p>	<p>produced partnership arrangements that put those rights into practice through our National Approach to Statutory Advocacy to ensure our shared expectations can be delivered.</p> <p>Our National Approach includes a clear and unequivocal Active Offer of advocacy to all children in care, not just those in residential settings, but also to those in foster care or kinship arrangements. Our National Approach also secures the same rights to Independent Professional Advocacy for those who may be subject to safeguarding arrangements or inquiries, as well all children and young people as part of local authorities' wider duties to provide them with care and support under our Social Services and Well-being (Wales) Act 2014.</p> <p>Good advocacy can have a profound effect on the lives of children and young people. Through the Regulation and Inspection of Social Care (Wales) Act we have developed and delivered clear descriptors to regulate Independent Professional Advocacy prescribing the standards of both the service provision but also that of the service provider and the responsible individual. We have established and delivered other mechanisms to enable children to be listened to and their views, wishes and feelings acted upon. We are working to strengthen the role of the Corporate Parent through the Corporate</p>	<p>impact on their access to regular social work or advocacy contacts, as travel is a major barrier. There are no reciprocal arrangements in place between local authorities to commission local advocates for example, whereas services such as looked after children's nursing can in some circumstances be offered by a local staff member to the placement, by prior arrangement.</p> <p>TGP Cymru have long raised concerns about access to independent advocacy in private residential homes. Through their 'Out of Sight – Out of Rights' research, they found that 100% of local authority children's homes commissioned a visiting advocacy service, in comparison to 5-10% of children's homes in the independent sector.⁹ With the majority of children's homes being in the</p>
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⁹ <https://www.tgpcymru.org.uk/evaluation-of-covid-19-residential-visiting-advocacy-project/>



		<p>Parenting Charter which was published on 29 June. Every child looked after has an Independent Reviewing Officer to listen to them and act as their personal champion in holding professionals and services to account and ensure the duties owed to those children are comprehensively and consistently delivered.</p> <p>Welsh Government will however discuss with other UK Governments the provision of advocacy to ensure that every child domiciled outside Wales but placed in a Welsh residential care home is offered an individual advocate.</p>	<p>independent sector in Wales, it is important that there is not a 'two tier' system in place, depending on how your placement is commissioned/provided.</p> <p>Following this research, TGP Cymru have called for visiting advocacy arrangements to be a requirement for Registration and Inspection with Care Inspectorate Wales, to further embed this entitlement into services for vulnerable children. This is a recommendation I support.</p> <p>Equally, when I have visited children's homes where there is a visiting advocate in place, they have been well utilised by children and young people living in those settings.</p> <p>It is disappointing that there has been no commitment to explore this issue further by Welsh Government to ensure we have confidence that all</p>
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			<p>children who are entitled to advocacy are accessing this.</p> <p>It is important to avoid drawing comparisons with Independent Reviewing Officers and Independent Advocates too. Seeking support to attend meetings is often a leading reason for children to want to take up the Active Offer of advocacy.</p>
	<p>Recommendation 27 - As part of umbrella reforms to corporate parenting (see radical reform 3), the Welsh Government should amend the Tertiary Education and Research (Wales) Act 2022 to:</p> <ul style="list-style-type: none"> • impose a duty to promote tertiary education to care experienced people; • and add a mandatory registration condition relating to the promotion of the participation, retention, reduction of attainment gaps and support for care experienced people. 	<p>The Tertiary Education and Research (Wales) Act places a duty on the Commission for Tertiary Education and Research (CTER) to promote tertiary education to “underrepresented groups” and requires CTER to have a registration condition for providers relating to the participation, retention, reduction of attainment gaps and support for “underrepresented groups”.</p> <p>“Underrepresented groups” is defined in the Act as “groups that are under-represented in Welsh tertiary education as a result of social, cultural, economic or organisational factors”.</p> <p>This description is purposely inclusive of care experienced people, and the committee’s report further underlines the need for CTER to work with higher and further education institutions to promote participation by, and equality of opportunity for, care</p>	<p>Consideration should be given to amending supporting guidance to ensure that the interpretation of ‘underrepresented groups’ is fully understood to capture care experienced young people.</p>



		experienced people in tertiary education. The Act as passed will require it to do so.	
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