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**Llywodraeth Cymru  
Welsh Government**

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**THE WELSH GOVERNMENT RESPONSE  
TO THE ANNUAL REPORT OF THE  
CHILDREN'S COMMISSIONER FOR  
WALES 2016-17**

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**RESPONSE FROM THE WELSH GOVERNMENT TO THE ANNUAL  
REPORT OF THE CHILDREN'S COMMISSIONER FOR WALES 2016-17**

**Foreword by Rt Hon Carwyn Jones AM**

**First Minister of Wales**



**&**

**Minister for Children and Social Care,**

**Huw Irranca-Davies**



As a government we welcome the Children's Commissioner's annual report for 2016-17. We remain committed to children's rights, to listening and taking into account their views and to ensuring that all children and young people in Wales have the best possible start in life.

Our programmes, policies and initiatives are focused on making positive differences to the health, well-being, educational outcomes and future prospects for all children and young people in Wales. The early years, in particular, are a key priority for this government and this is why they feature so prominently in *Taking Wales Forward*, our programme for government for this Assembly term, and in our national strategy *Prosperity for All*.

It is important that we continue to listen to and hear the voices of children and young people regarding priorities, programmes and policies that affect them across government. It is equally important for all children and young people to have an impartial and independent voice to speak up on their behalf on issues which concern or are of concern to them; someone who is able to safeguard and promote their rights and welfare, to challenge the work of Government, and public services through the lens of children's rights. This is the valuable role that is taken forward by the office of the Children's Commissioner for Wales.

In their annual report for 2016-17 the Children's Commissioner has made 19 recommendations to the Welsh Government. 14 of these relate to the provision of services to children and young people, and 5 relate to their protection. As a government we are able to either accept or accept in principle the majority of the recommendations. We believe this is because we continue to share a vision that puts children at the very heart of what we do so that every child and young person in Wales has the best possible start to life. We also have a shared goal to ensure they are able to access to the support they need, when they need it, to help them achieve their potential and to live a happy, healthy and prosperous life.

We all need to continue to work together to deliver this vision. It is vital that the Commissioner, public and third sectors and government continue to work collaboratively for the benefit of children and young people. Through working together and listening to the voices of children and young people we believe we can bring about real and sustainable change.

The submission of the Children's Commissioner for Wales' annual report provides us with an opportunity for reflection on the progress we have already made; but as well as looking back we need to continue to look forward. We have some significant developments in children's rights to look forward to in the remainder of this assembly term, not least the Additional Learning Needs (Wales) Bill, which is currently going through the legislative process, and the proposed legislation to remove the defence of reasonable punishment. We very much look forward to working with the Children's Commissioner on these and other issues and developments in the future.



Carwyn Jones



Huw Irranca-Davies

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## INTRODUCTION

The Children's Commissioner for Wales published her annual report for 2016-17 on 9 October 2017. The report can be accessed here [Annual Report](#)

The report sets out some of the key achievements of the Commissioner's office during the year, including year 1 achievements in relation to the Commissioner's 3 year strategic plan (at page 8 of the report) and core work highlights (at page 10).

The Commissioner organises the work of her office in accordance with the "four Ps" of the United Nations Convention on the Rights of the Child (UNCRC): Provision, Participation, Protection and Promotion.

The Commissioner has also structured the body of her report under the 'four Ps' of the UNCRC, and has made 19 recommendations to the Welsh Government. There are 14 listed under the 'Provision' section and 5 under 'Protection'. They are summarised on pages 41 to 42 of the report.

The Welsh Government's response to these recommendations is set out below.

# PROVISION

## Social Services

### **1. Hidden Ambitions**

***Recommendation 1(a) (provision)***

***The Welsh Government should fulfil all of their commitments set out in the Hidden Ambitions report, including equal support for all care leavers whether they are living in foster care or residential care, funding for personal advisors to support for all care leavers up to the age of 25, publishing clear information for care leavers on finances and guaranteeing financial support for care leavers entering higher education.***

### **Welsh Government Response: Accept**

In response to the Hidden Ambitions report, the former Cabinet Secretary for Communities and Children announced the introduction of a new £1m St. David's Day Fund. The Fund allows Local Authorities to creatively provide financial support to care leavers so they can successfully access employment, education and training opportunities that will help them progress towards more independent living. Grant award letters were issued to Local Authorities in June.

Supporting care leavers towards adulthood and independent living is a key theme of the Improving Outcomes for Children Ministerial Advisory Group. The Group, chaired by David Melding AM, is taking forward a comprehensive programme of work aimed at improving outcomes for children, involving cross-government co-operation as well as close partnership working with external stakeholders, including the Children's Commissioner.

The commitments set out in Hidden Ambitions are incorporated as part of the Ministerial Advisory Group's work programme. The group will be monitoring the delivery of these commitments, including how Local Authorities are using the St David's Day fund, to assess impact on outcomes for care leavers.

Work to extend the 'When I am Ready' scheme to young people in residential care is being taken forward by the Task and Finish Group on Children's Residential Care, which was set up under the Improving Outcomes for Children programme. The aim is to ensure that young people in care enjoy the same range of options for post-18 living arrangements as young people who were placed in foster care. Implementation of new registration requirements on care homes, under the Regulation and Inspection of Social Care (Wales) Act 2016, should remove the legal barriers to young people staying in their residential setting beyond their 18th birthday.

As a first step, the group is considering new measures to allow young people to remain in their residential care setting at least until the end of the academic year in which they turn 18, if this is what they want to do. Further work on applying the 'When I am Ready' principles to children in residential care will form part of the Task and Finish Group's forward work programme. This will include discussions with children and young people, and learning from the 'Staying Close' pilot in England.

Following the announcement of an additional £20m consequential funding from the UK for improvements in social care, an additional £8m was allocated to help support looked after children. From this £8m, Local Authorities have received £1m to extend personal adviser support for care leavers aged 21-25. We are also examining potential legislative options to make it a duty for Local Authorities to provide personal adviser support for care leavers until the age of 25.

Further to the Diamond Review of Higher Education Funding and Student Finance Arrangements in Wales the Welsh Government is committed to

legislating to enable those who have been in a care setting to receive the maximum level of maintenance grant from 2018/19. This will apply to both full-time and part-time undergraduate students. Subject to the making of the relevant regulations, our intention is that this will be reflected in the wider changes to student support that will come into effect from 2018/19.

Welsh Government officials have been working with colleagues in the Children's Commissioner's office to explore ways in which the *MyPlanner* app can be utilised to provide clear information about care leavers entitlements and benefits. With the Money Advice Service we are looking at the support, education and training that can be provided to care leavers about financial capability and money management.

***Recommendation 1(b) (provision)***

***The Welsh Government should actively report on their progress against these commitments to Local Authorities and directly to children and young people themselves.***

**Welsh Government Response: Accept**

The commitments set out in Hidden Ambitions are incorporated as part of the Ministerial Advisory Group's work programme. Progress is discussed and monitored by the group. Dan Pitt, a care leaver, is vice-chair and each work stream is chaired by a Local Authority Head of Children's Services. The third sector, including Voices from Care, is represented on the group and each work stream has a third sector representative as vice-chair.

In taking forward the commitments set out in Hidden Ambitions, we have been engaging with young people to ensure the voice of the child is reflected in the delivery of this work. This includes shaping the delivery of the St David's Day Fund, our corporate parenting and traineeships and apprenticeships work. Working with the Children's Commissioner's office, funding has recently been secured to pilot the Bright Spots survey of looked after children's views and

experiences in six Local Authorities to help shape the delivery of services on the ground.

## **2. Exemption from council tax for young people leaving care**

### ***Recommendation 2 (provision)***

***The Welsh Government should exempt young people leaving care from paying council tax up to the age of 21 to assist with alleviating poverty amongst care leavers.***

### **Welsh Government response: Accept**

The former Cabinet Secretary for Communities and Children wrote to the Welsh Local Government Association (WLGA) in March to ask Local Authorities to consider granting, in effect, an exemption from paying council tax for all care leavers' entitlements between the ages of 18-25. The WLGA is currently undertaking modelling work with Local Authorities to establish what a council tax dispensation for care leavers' entitlements would mean in practice and to determine the financial implications.

Following the former Cabinet Secretary for Communities and Children's letter referred above and the recent publication of Local Authorities Approaches to Council Tax Debt Recovery in Wales, the Cabinet Secretary for Finance will be writing to Local Authorities in due course asking them to use their powers to excuse care leavers between the ages of 18-25 from paying council tax.

### **3. Adoption**

***Recommendation 3 (provision)***

***The Welsh Government should work with the National Adoption Service to ensure that siblings' rights to contact are fully considered during adoption care planning.***

#### **Welsh Government Response: Accept**

A Local Authority which is 'looking after' a child has a duty to promote contact between the child and his or her family, unless this is not reasonably practical or consistent with the child's well-being. The duty is set out in the Social Services and Well-Being (Wales) Act 2014. The code of practice for Local Authorities (which tells them what they must do under the Act) says that contact arrangements must be focused on, and shaped by, the needs of the child. The child's well-being is the most important thing the Local Authority has to take into account, and the Local Authority must take into account the child's views, wishes and needs for contact. These must be reviewed on a regular basis.

This means that if a child or young person in a foster placement wants to have regular contact with a sibling, they can ask the Local Authority to consider this. In addition if they are not happy with the contact arrangements, they can ask the Local Authority to review the arrangements and change them if possible.

The child or young person can talk to their foster carer, social worker or independent reviewing officer (IRO) about this. If the Local Authority decides that there are reasons why children who have either been placed for adoption or who are in different foster placements shouldn't have regular contact, we would expect them to explain the reasons for this, for example, why it isn't practical, or why it isn't in the child's best interests.

There are many different levels of contact arrangements Local Authorities can use to promote and support contact with children who have been placed in different care settings. These can range from the exchange of letters, updating the birth family on the child's progress to direct face to face meetings between the child and birth family.

We are aware that maintaining contact can help a child maintain their sense of identity and can help them come to terms with what's happened to them. Children can often worry about their birth family and contact can help reassure them by letting them see that their siblings (and sometimes parents) are all right. Maintaining good contact arrangements can also help to keep the child informed of important changes at home and for looked after children, whether a return home will be safe.

In particular when prospective adopters are being offered preparation training many often start the process thinking that they would be not be able or willing to manage contact, but this is often based on fear or lack of knowledge of the benefits of contact with birth relations. Where appropriate linked to this is the 'open communicativeness' where adoption is discussed openly with the child from the start. By the end of 'training' a greater knowledge about the realities of contact today helps prospective adopters think differently about it.

Adopters are also advised about the changing nature of relationships with contact and that these may have to be altered or amended and even paused to accommodate the child's needs. The agency has a role to play in helping adoptive child and adoptive parents manage contact arrangements, be these by letter box or unplanned contact initiated either by the adopted child or birth relative.

We are aware that care leavers have raised issues around having contact with siblings who have been placed for adoption and this is something we will be considering further with the National Adoption Service as we move forward and develop our plans to improve post adoption support services.

#### **4. Residential Care – Task and Finish Group set up in response to The Right Care Report**

***Recommendation 4 (provision)***

***The Welsh Government should deliver against the work plan of their Task and Finish group, set up in response to my [the Children's Commissioner for Wales'] recommendations in The Right Care report.***

#### **Welsh Government Response: Accept**

The Task and Finish Group on Children's Residential Care was set up in January 2017 to improve outcomes for children and young people placed in children's homes and secure accommodation. It forms part of the placements workstream within the Welsh Government's Improving Outcomes for Children programme, alongside implementation of the National Fostering Framework, the review of Special Guardianship Orders and development of a new model of adoption support.

The group has considered the available evidence on residential provision in Wales, including the experiences of young people described in the Children's Commissioner's 'The Right Care' report, and is currently working with Social Care Wales and other agencies to gather and analyse further data.

The group has developed a work programme based around four key themes: increasing capacity and quality within residential care; out of area and cross-border residential placements; participation, pathway planning and 'When I am Ready'; and secure accommodation and its alternatives. It is also contributing to the revision of the Missing Children protocol, and considering educational provision and child and adolescent mental health services within a residential care context.

The Task and Finish Group reports to the Minister for Children and Social Care via the Ministerial Advisory Group on Improving Outcomes for Children, and is due to deliver its work programme by December 2018.

### ***5. Residential care – involving children and young people and increasing not for profit services***

#### **Recommendation 5 (provision)**

**The Welsh Government should ensure that Local Authorities deliver their duties under Section 16 of the Social Services and Well-Being (Wales) Act 2014 to involve children and young people in the design and delivery of services and increase the range of not for profit services so that money invested in social care services can be spent on improving outcomes for children rather than providing returns for shareholders.**

#### **Welsh Government response: Accept**

Section 16 of the Social Services and Well-Being (Wales) Act 2014 requires that Local Authorities promote the development of social enterprises and co-operative organisations or arrangements to provide care and support and preventative services. The 2014 Act also provides for the establishment of seven new regional partnership boards to improve the outcomes and well-being of people and improve the efficiency and effectiveness of service delivery. All members of regional partnership boards, including the third sector, must work effectively together to respond to the population needs assessment. A broad range of individuals, groups and organisations must be involved in the process of undertaking the population assessment and in considering the range and level of services required to meet needs.

To support regional partnership boards in their duty to promote alternative delivery models, we are working with the WCVA and the Wales Co-operative Centre to provide support to regions to establish social value forums, as

required under the 2014 Act. These forums will strengthen the involvement of the community based enterprises and other alternative delivery models in implementing the Act. These models involve people in the design and delivery of services by their very constitution and design.

Regional Partnership Boards have oversight and ensure the effective use of the Integrated Care Fund (ICF). For 2017-18, the objectives of the ICF have been linked to Regional Partnership Board's priority areas for integration. Welsh government guidance is clear that the fund is to be used as a delivery mechanism for the 2014 Act, including the Section 16 duties.

## **6. Advocacy - National Approach to Statutory Advocacy**

### ***Recommendation 6 (provision)***

***I recommend that the Welsh Government monitors the implementation of the National Approach to Statutory Advocacy to ensure that the intended services reach all those who are entitled to receive it, increasing the prospect of positive outcomes for children and young people.***

### **Welsh Government Response: Accept**

The National Approach includes a National Standards and Outcomes Framework which has been mapped to the Well-Being Statement that underpins the Social Services and Well-Being (Wales) Act 2014.

The implementation of the National Approach has been costed at between £1 million and £1.1 million. At the Children, Young People and Education Committee's Inquiry into Statutory Provision, the former Cabinet Secretary for Communities and Children gave a commitment that Welsh Government would make a contribution of up to £550k to the Social Services Regional Collaboratives to deliver the active offer in full and support the approach. The rest of the funding will come from the Local Authorities' own funds. The Active

Offer funding is a grant, monitored for the initial two years with quarterly monitoring reports.

The Welsh Government does not deliver this activity directly but holds quarterly meetings and reviews with the Senior Leadership Group for the National Approach. Monitoring will formally move to the Ministerial Advisory Group on Improving Outcomes for Looked after Children from November 2017.

In addition the business case has set out proposals for Welsh Government to commission an independent review on the national approach at the end of the first year of implementation. The review would seek to identify improvements achieved in awareness and engagement at the various stages of implementation.

The review would also assess any service quality improvements and capacity issues encountered, whether any adjustment and or recalculation using the Range and Level mechanism needs to be undertaken (i.e. using latest population numbers, Performance Management Reports).

As we shift our focus from development of the statutory framework under the 2014 Act to delivering its commitments, it is recognised that it is vitally important that we have adequate evaluation arrangements in place to be able to assess whether the Act is receiving what we set out to achieve.

The evaluation will be undertaken in three phases. The first will be about monitoring policies under the Act during the initial year of implementation. The second phase will involve on-going evaluation, through the national outcomes framework and Local Authority performance measurement frameworks. The third phase will be an independent long term one-off evaluation, commencing in the third year of the implementation of the Act.

## Education

### ***7. BSL learning opportunities for deaf and hearing impaired children and families***

#### ***Recommendation 7 (provision)***

***The Welsh Government and Local Authorities should ensure appropriate state support for the communication needs for Deaf and hearing impaired children and young people and their families, including accessible and affordable BSL learning opportunities at a range of levels and the employment of staff in schools who are fluent communicators of BSL, to meet individuals' needs.***

#### **Welsh Government Response: Accept**

The response to this recommendation encompasses policies and initiatives in both the health and social services, and education portfolios.

#### **Health/ social services portfolio:**

The Code of Practice for the Social Services and Well-Being Wales Act, part 3 – *Assessing the Needs of Individuals* and part 4 – *Meeting Needs* is clear that when undertaking an assessment of need and when developing a care plan for people who are *D/deaf*<sup>1</sup> or hearing impaired, the Local Authority must ensure that the assessment and care planning process should be available in a format which meets the individual's communication requirements. This can include providing communication support where required, such as BSL interpretation.

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<sup>1</sup> The term 'D/deaf' is used to describe both people who are Deaf (British Sign Language users) and deaf (who choose to use speech and lip-reading and regard English as their first language).

A copy of the agreed care and support plan must be made available through the individual's preferred means of communication. The National Assessment and Eligibility Tool sets out the core data set to be collected during an assessment, including information on communication preferences.

Where appropriate, when undertaking assessment and care planning, Local Authorities should involve a specialist with knowledge, skills or expertise in relation to specific requirements such as hearing impairment. For people who are deaf/blind the assessment must be carried out by a specifically trained person who is equipped to assess the need for personal contact and social interaction, assistive technology; support with mobility; communication; emotional well-being; habilitation/rehabilitation learning skills for life and future needs.

In May 2017 the Welsh Government published the *Integrated framework of care and support for people who are D/deaf or living with hearing loss*. The Framework commits the Welsh Government, health boards, Local Authorities and third sector organisations to work together to further improve services for people and ensure there is high quality care and support. One of the core themes 'Rehabilitation' is concerned with 'Enabling people to get access to skills, advice and technology that will help them to communicate, be that in English, Welsh, through lip-reading, British Sign Language or other means.'

In response to calls from third sector organisations, the former Minister for Social Services and Public Health agreed to develop and publish best practice guidance on sensory impairments to support delivery of the Social Services and Well-Being Wales Act. This commitment is made in *the Integrated Framework* and the guidance will be developed in partnership with third sector organisations and Local Authorities this Assembly term.

### **Lifelong learning portfolio:**

The responsibility for providing suitable educational provision for all children, including those with special educational needs such as hearing impairment,

rests with Local Authorities. This includes ensuring appropriate support is provided by way of access to specialist teachers. Funding to support Local Authorities in meeting this duty is provided by Welsh Government through an unhypothecated grant, the Revenue Support Grant. This means funding for special educational needs is not ring fenced.

A number of providers, including Further Education Colleges and Local Authorities deliver BSL courses, although there is currently a lack of consistency regarding costs incurred by the learner. The majority of provision is offered on a full cost recovery basis. A focused review will be undertaken later this year to consider a more positive way forward to ensure more equitable and accessible provision of BSL.

As part of the Additional Learning Needs Transformation Programme, we are investing in the education workforce that supports learners with special educational needs (Additional Learning Needs under the new system). We have commissioned the WLGA to undertake a survey of the Local Authorities' specialist workforce to better understand the needs of their specialist services. This includes collecting data on skills in BSL. We will be providing funding to support a range of specialisms, including in BSL and Braille.

## Health

### **8. Mental Health**

***Recommendation 8 (provision)***

***The Welsh Government should ensure that the T4CYP programme is continued beyond this financial year, until the programme has delivered on its ambitions. Before the national programme ends, the programme's improvements need to be sufficiently and consistently embedded at a local level so that the regional planning boards can then maintain progress and quality of provision for all children across Wales.***

#### **Welsh Government Response: Accept in Principle**

The Together for Children and Young People Programme (T4CYP) is NHS led with the close involvement of Welsh Government officials, but we do not manage the programme. The T4CYP Programme Board has recently agreed that the Programme should run until March 2019. Towards the end of this period the Cabinet Secretary for Health and Social Services would expect the Programme Board to consider what, if any, legacy arrangements are required to ensure improvements are fully embedded and sustainable across organisations' work.

## **9. Health Advocacy**

### ***Recommendation 9 (Provision)***

***The Welsh Government should ensure that health related advocacy for under 18s is available and accessible to all who need it.***

### **Welsh Government Response: Accept**

On 2 March 2011, Directions were issued to all health boards on the provision of advocacy services for children and young people who wish to make a complaint about health services in NHS Wales. The Directions explained that Community Health Councils (CHCS) were no longer under a legal obligation to provide this service and it was the responsibility of health boards to commission independent professional advocacy services for children and young people. Health boards in Wales should also have arrangements in place to provide Independent Mental Health advocates trained in working with children and young people.

Immediate assurance will be sought from all health boards that arrangements are in place to provide advocacy services for children and young people who wish to make a complaint about health services in NHS Wales, in line with the 2011 Directions.

Over the next twelve months work will be undertaken to explore how advocacy services for children and young people can be more effectively delivered across services following the national approach for statutory advocacy under the Social Services and Well-Being (Wales) Act 2014.

## Transport

### **10. Transport**

***Recommendation 10 (provision)***

***I urge Welsh Government to ensure that public transport subsidies for children are available up to age 18 with no change in eligibility at age 16.***

#### **Welsh Government Response: Accept in principle**

In February 2017 the Cabinet Secretary for Economy and Transport extended the current MyTravelPass scheme, maintaining one-third discounts for all 16 to 18 year olds for all of their local bus journeys. This has allowed us time to carry out the current consultation – running from 10 October to 4 January - to capture the views of young people, schools, colleges and bus companies about a new scheme. We recognise the importance of providing a scheme which encourages young people to use buses and the benefits of such a scheme to both them and the environment.

The findings from the consultation will be used to develop a new scheme, to be introduced from April 2018. The consultation is seeking views about extending the age of eligibility to 24 years of age, which would open the scheme up to many more young people, and about improving the level of discount.

To date, over 17,000 young people have applied for a MyTravelPass. Our latest figures indicate that, over 500,000 journeys have been made in this financial year and our forecast is that 1.5m journeys will have been made by March 2018. This illustrates the importance of the scheme to its users and how it contributes to several Welsh Government policy strands.

With regards to 16 to 18 year olds in education, Local Authorities have discretion to offer discounted bus fare schemes. In some cases, local education colleges may fund their own schemes.

## **Additional learning needs**

### ***11. Additional Learning Needs Bill: duty of due regard***

#### ***Recommendation 11 (provision)***

***1. The Welsh Government should introduce a duty upon all relevant bodies under the Act to pay due regard to the UNCRC and UNCRPD and to place this duty on the face of the Bill.***

#### **Welsh Government Response: Accept**

The Welsh Government's commitment to the United Nations Convention on the Rights of the Child ("UNCRC") remains absolute and we continue to focus on the promotion and safeguarding of children's rights in complying with our obligations under the Rights of Children and Young Persons (Wales) Measure 2011. However, we do not agree with the assumption that this requires us to place a general duty on providers to have regard to the UNCRC in all primary legislation relating to children and young people.

When developing the Additional Learning Needs and Education Tribunal (Wales) Bill, the Welsh Government has considered children's rights and ensured that they are built into the Bill. By complying with the duties in the Bill, service providers and practitioners will give effect to the rights described in the UNCRC. The Government position remains that the Bill embodies the principles of the Convention and delivers a new legal framework which is truly 'rights based'.

We have, however, reflected on the strength of feeling of stakeholders and Assembly Members on the inclusion of a due regard duty during the passage

of the Bill – and we have taken positive steps to respond to this. At Stage 3 a series of Government and non-Government amendments were passed in relation to both the UNCRC and UN Convention on the Rights of Persons with Disabilities. These amendments strike an appropriate balance between the obvious desire to see prominent and explicit reference to the Conventions made on the face of this Bill and have them considered whilst minimising any unintended consequences, including not unduly overburdening front line practitioners.

### ***12. Additional Learning Needs Bill: Strengthen Powers of Education Tribunal for Wales***

***Recommendation 12 (provision)***

***The Welsh Government should also strengthen the powers of the Education Tribunal for Wales by extending its remit over health bodies.***

#### **Welsh Government Response: Accept in part**

The Welsh Government has reflected closely on the calls to strengthen the Additional Learning Needs and Education Tribunal (Wales) Bill in relation to the Education Tribunal and its interaction with health bodies. Government amendments to the Bill which further strengthen the role of the National Health Service in the new Additional Learning Needs system were accepted during Stage 2 of the legislative process.

## Early Years

### **13. Childcare Offer**

***Recommendation 13 (provision)***

***The Welsh Government should ensure, through the childcare offer pilot and any subsequent scheme, that the children of non-working parents do not miss out on the increased childcare being offered to children of working parents.***

### **Welsh Government Response: Reject**

Our childcare offer will provide working parents of 3 and 4 year olds with 30 hours of government-funded early education and childcare for up to 48 weeks of the year. This includes term time and holiday provision. At least 10 hours a week of early education will continue to be available to all 3 and 4 year olds in term time.

The offer is being tested in seven Local Authority areas to make sure it works for parents and childcare providers. These are Gwynedd, Anglesey, Caerphilly, Flintshire, Swansea, Blaenau Gwent and Rhondda Cynon Taf. Gwynedd and Anglesey will be working together on their pilot. Once fully rolled out, all eligible children will be able to take-up the offer from the term after their 3rd birthday.

The childcare offer supports the delivery of two Welsh Government child poverty objectives:

- To use all available levers to reduce the number of families living in workless households, as children living in workless households are particularly at risk of living in poverty.

- To address the growing issue of in-work poverty in Wales through the creation of a strong economy and labour market which supports the tackling poverty agenda.

The evidence is clear that well-paid work is the best route out of poverty, and the greatest protection against poverty. The Childcare offer will support working families across Wales and make it easier for parents to take up and retain employment.

There is growing recognition that, even where adults are supported into employment, they may go from being in “out of work poverty” to being in “in-work poverty”. In Wales, the majority of children in relative income poverty live a household where at least one person working. The childcare offer will help tackle in-work poverty by meeting this important cost, supporting parents into full-time employment, supporting people working part time to work more hours and supporting second earners into work.

In this and other ways, the childcare offer will provide opportunities and long-term benefits for our children and improve their life chances. It is one of a suite of policies – including Flying Start, Families First, PaCE and the introduction of children’s zones – that we are pursuing during this government term to support communities and to build resilience.

## Poverty

### **14. Child Poverty**

***Recommendation 14 (provision)***

***The Welsh Government should use all available levers to alleviate child poverty, including the use of new tax raising powers. It should support Local Authorities to offer further relief in specific areas known to cause pressure on the poorest families, including holiday hunger, school uniform costs and high domestic fuel bills.***

#### **Welsh Government Response: Accept in principle**

The devolution of tax powers provides a range of opportunities for the Welsh Government to develop a Welsh approach to taxation. On 12 June, the Cabinet Secretary for Finance and Local Government published the Tax Policy Framework and workplan.

One of the framework's tax policy principles is that Welsh taxes should contribute directly to the Well-Being of Future Generations Act goal of creating a more equal Wales.

As part of the Tax Policy Workplan, the Cabinet Secretary for Finance is looking to tackle inequality by considering how taxes might be applied more fairly, while ensuring they support jobs and growth.

The devolution of tax raising powers to Wales provides a further tool to help achieve policy outcomes. Taxation is potentially a powerful lever, but one which should be used with clarity about policy and fiscal objectives, and administrative efficiency.

We are working closely with Local Authorities in Wales and their representative body, the Welsh Local Government Association (WLGA), to

improve outcomes for low income households. Under the Children and Families (Wales) Measure 2010, Local Authorities have a duty to set objectives and take action to help tackle child poverty. In meeting this duty, Local Authorities and Welsh Government have collaborated to deliver a range of tackling poverty programmes.

Tackling food poverty was identified as a key priority for the Welsh Government in its 2015 Child Poverty Strategy for Wales. The WLGA administers the School Holiday Enrichment Programme – the Food and Fun programme - which provides support to children during their summer break with programmes of activities as well as a healthy free breakfast and lunch. Clubs run for 12 days over the summer holiday period and aim to address issues like food insecurity, holiday learning loss and social exclusion.

The evaluation of the 2016 pilot found evidence of positive impacts on children's activity levels, diet, social isolation, and opportunities for learning and engaging with school.

The WLGA works with schools to target invitations primarily to Key Stage 2 cohorts with above-average levels of Free School Meal (FSM) eligibility, and also specific FSM-eligible children who the school believed would benefit most from the programme. A total of 39 clubs ran during the 2017 summer holidays, largely comprising learner cohorts of 40, though some individual schools offered the provision to 80 and, in one case, 120 learners.

In January this year the Cabinet Secretary for Education, Kirsty Williams, announced £500,000 was to be provided to the WLGA for the 2017-2018 financial year.

The draft budget provisionally allocates £500k for the Food and Fun scheme for the 2018-19 and 2019-20 financial years. However, we wish to point out that the programme does much more than address holiday hunger, and should be defined by the enriching educational activities it provides.

Welsh Government is also helping low income families to increase their household income and tackle the poverty premium by supporting action to tackle high domestic fuel bills. We continue to provide support to households through the Welsh Government Warm Homes Programme which includes the Warm Homes Nest and Arbed schemes. The Programme is designed to tackle fuel poverty by improving the energy efficiency of the homes of those on low incomes or living in the most deprived areas of Wales, making them warmer and more affordable to heat.

Between 2011 and 2016, we have invested over £217 million in Welsh Government Warm Homes to improve over 39,000 homes of households on low incomes or living in the most deprived areas of Wales. We will be investing a further £104m in Warm Homes over the next 4 years to improve a further 25,000 homes.

We have supported low income families at times of particular expense, for example, when a child starts senior school and their parents face the cost of buying a new school uniform. For the past 11 years the Welsh Government has made available funding under our all-Wales school uniform grant scheme to eligible families.

We have worked with Local Authorities which administer the grant scheme on behalf of the Welsh Government to enable families to access the individual grant to the value of £105 each to assist with the cost of purchasing the school uniform.

In addition, Welsh Government provides guidance on school uniforms which outlines its expectation that school governing bodies should give consideration to cost and the issue of affordability and consult with families on any changes to appearance policies.

In the Draft Budget for 2018-19 and 2019-20 the School Uniform Grant budget is proposed to be made available to Local Government through the Local

Government Settlement as part of a whole-Government approach to prioritise local services, schools and social care.

This will provide local flexibility to determine priorities to best support schools and families. The Welsh Government will continue to work closely with Local Government and monitor this area over the coming year.

We continue to use all levers at our disposal to tackle child poverty in Wales. Working closely with Local Authorities is essential if we are to make a lasting difference, strengthening our collaborative approach to maximise the impact of our efforts in these testing times.

# PROTECTION

## Education

### ***1. Children's Rights Approach***

***Recommendation 1 (protection)***

***I recommend that the Welsh Government ensures that the long-term needs and welfare of children are safeguarded by ensuring that the new curriculum is overtly underpinned by a Children's Rights Approach and that learning outcomes support all children to know their rights under the UNCRC.***

### **Welsh Government Response: Accept in principle**

An understanding of rights is integral to the four purposes of the new curriculum, one of which is to support learners to be ethical, informed citizens who understand and exercise their human and democratic responsibilities and rights. As such, pioneers will need to consider how each Area of Learning and Experience (AoLE) can support this understanding and where appropriate, specify this.

Welsh Government is liaising with the Children's Commissioner to explore how the United Nations Convention on the Rights of the Child (UNCRC) can inform the new curriculum. The Cabinet Secretary for Education met with the Children's Commissioner to discuss these issues.

The Children's Commissioner has offered to look at creating a model to map the UNCRC across the six new (AoLEs) and we are keen to explore this further.

To support the new curriculum, *Education in Wales: Our National Mission* sets out four enabling objectives, one of which is “Strong inclusive schools committed to excellence, equity and well-being”.

## **2. Healthy Relationships**

### ***Recommendation 2 (protection)***

***The Welsh Government’s review of the ‘Respecting Others’ Guidance should pay attention to the direct experiences and perspectives of children and young people on the impact of bullying and the effectiveness of current policies and practices. It should clearly set out how it intends to prevent and tackle bullying nationally and outline how this work will influence curriculum reform and teacher training.***

### **Welsh Government Response: Accept in principle**

Tackling bullying within education remains a key priority for the Welsh Government. As we have set out in our *Education in Wales: Our National Mission* under the enabling objective of “Strong inclusive schools committed to excellence, equity and well-being”, all learners must be supported to be emotionally and physically ready to learn in a safe and supportive environment. We regard the safety, security and well-being of children and young people of paramount importance and expect schools to adopt a zero tolerance approach to all forms of bullying. We are committed to equality of opportunity and equity of provision, ensuring that all our learners are properly supported to achieve their full potential.

The foundation of this approach is effective guidance to support schools and education services in delivering their responsibilities in a way which creates an inclusive and engaging environment, where all children and young people can flourish. Our vision is to tackle bullying holistically, addressing the root causes of unacceptable behaviour and creating an inclusive and engaging

environment where learners feel safe and are ready to learn. To achieve this will require a consistent approach across teaching, learning and behaviour within schools which has the needs of the learner at the centre.

We have already undertaken considerable engagement with education services to understand how the anti-bullying guidance can be strengthened. Working with Children in Wales we have already engaged directly with children and young people on a number of occasions. This includes having a specific anti-bullying workshop at this years Young Wales National Conference in February and organising workshops with children and young people to review the 'Respecting Others' guidance, which took place in October. Feedback gathered from these activities will ensure children and young people's views are taken fully into account in developing the new guidance.

### **3. Curriculum**

***Recommendation 3 (protection)***

***The Welsh Government should make children's human rights education a compulsory aspect of the curriculum. The Curriculum Reform programme should embed learning about the UN Convention on the Rights of the Child across all parts of the new curriculum. This should include linking the Digital Competency Framework to children's rights and support children and young people to understand they have the same rights online as they do offline.***

#### **Welsh Government Response: Accept in part**

As understanding of human rights is integral to the four purposes, schools and professionals will need to ensure that they support learners to develop this understanding. To support this, pioneer schools will consider how Areas of Learning and Experience may develop an understanding of human rights. However it is also important to ensure that professionals have the flexibility to

develop a holistic experience that meets the specific needs of learners in their context and community. As such and in line with *Successful Futures*, it is not applicable to refer to making this specific content compulsory.

Welsh Government officials are liaising with the Children's Commissioner to explore how the United Nations Convention on the Rights of the Child (UNCRC) can inform the new curriculum. The Cabinet Secretary for Education met with the Children's Commissioner to discuss these issues.

The Children's Commissioner has offered to look at creating a model to map the UNCRC across the six new AoLEs and we are keen to explore this further.

#### **4. Elective Home Education**

***Recommendation 4 (protection)***

***It remains my view that the Welsh Government needs to amend the current guidance to give it statutory force and include a compulsory register for all home educated children to ensure they do not end up "off the radar" from even universal services. It is also important that the revision of the guidance includes clear powers for Local Authorities to ensure that they are seeing children and speaking to them directly about their own education.***

#### **Welsh Government Response: Accept in principle**

The Welsh Government shares the Commissioner's concerns that no child should be invisible to universal and statutory services. Therefore, our approach needs to be holistic, not just looking at education, but we need to consider how safeguarding in all services and agencies can be strengthened.

Our revised guidance on elective home education, published last January, forms part of a package of measures we are developing to support Local

Authorities and the home educating community. As part of these measures we are considering the potential for introducing legislation. However, we want to be absolutely certain before any steps are taken to introduce new legislation that we have considered carefully how effective existing legislation and policies are in supporting Local Authorities and home educators to meet their responsibilities. In doing so we need to be assured that legislative proposals would be proportionate and necessary.

## **Child Sexual Exploitation**

### ***5. Consistent collection and analysis of data***

#### ***Recommendation 5 (protection)***

***The Welsh Government should ensure consistent collection of data in relation to CSE across Wales to provide a national picture of our challenges in relation to CSE. It should thoroughly analyse and act on challenges and gaps identified by the national data.***

#### **Welsh Government Response: Accept**

Welsh Government issued guidance on a common dataset and approach to collecting and reporting to Safeguarding Children Boards which aimed to provide an accurate and consistent reporting of Child Sexual Exploitation (CSE) across Wales. Following a three month pilot it was clear that this was not an effective approach to the collection of the necessary data.

Welsh Government worked with a task and finish group, nominated by the Children's Commissioner CSE Round Table group, to review this. The group met in January 2017 and amended the fields previously reported on and wrote to Heads of Children's Services to obtain details of data already being reported so there is no duplication.

The information received from Local Authorities illustrates that there are differences between the current data sets collected in relation to CSE at a Local Authority level. We have been considering ways in which a common national data set can be included in current Local Authority reporting processes.

Statutory guidance on safeguarding children at risk of or abused through CSE, the All Wales CSE protocol, definition and SERAF tool have been the subject of a commissioned review by CASCADE at Cardiff University. The report was published on 15 November 2017. The review will inform the development of refreshed statutory guidance and aligned national practice guidance.

A multi-agency task and finish group chaired by Dr Sophie Hallett who completed the review will meet for the first time in February 2018 to consider an initial draft of refreshed guidance and practice guidance which will include requirements on data collection and reporting.

A national CSE data set will provide us with data on the scale of CSE in Wales but is unlikely to provide a detailed analysis of the nature of this form of abuse in Wales. Welsh Government is currently undertaking a programme of engagement across the sector with those with leadership and practice roles in relation to CSE to better understand the nature of CSE in Wales. This will inform the refresh of statutory guidance on safeguarding children at risk of or abused through CSE.

We will also commission a piece of work to listen directly to children and young people and to consult with them on the content of the refreshed guidance and protocol.

The guidance will also draw on a number of pieces of current research being undertaken such as the Gwella Project research being undertaken by CASCADE at Cardiff University as part of a project led by Barnardo's Cymru

which has been funded through a Welsh Government Sustainable Social Services Third Sector Grant.

The National Action Plan on CSE Wales will also be refreshed upon publication of new statutory guidance and practice guidance. The National Action Plan will seek to support the effective implementation of the new guidance and protocol and progress on issues including data collection requirements will be reported as part of this process.