



Llywodraeth Cymru
Welsh Government

The Welsh Government response to the Annual Report of the Children's Commissioner for Wales 2017–18

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

**RESPONSE FROM THE WELSH GOVERNMENT TO THE ANNUAL REPORT OF THE
CHILDREN'S COMMISSIONER FOR WALES 2017-18**

**Foreword by Rt Hon Carwyn Jones AM
First Minister of Wales**



**&
Huw Irranca-Davies AM
Minister for Children, Older People and Social Care**



FOREWORD

As a government, we welcome the Children's Commissioner's annual report for 2017-18. In a period of such momentous change, we remain committed to upholding the rights of children and young people and to listening to and taking account of their views about decisions that affect them.

We share the Children's Commissioner's vision that children and young people should be at the heart of everything we do, whether that is policy, programmes or legislation. We want to make a positive difference to the health, well-being, educational outcomes and future prospects for all children and young people in Wales. This approach will ensure that children and young people in Wales have the best possible start in life and go on to fulfil their potential.

The work of the Children's Commissioner for Wales is invaluable in ensuring that children and young people have their voices heard, concerns raised and have someone to safeguard and promote their rights at a national level. The Children's Commissioner continues to work tirelessly to do this. This is a crucial role and we are delighted to be working closely with the Commissioner to protect and develop children and young people's rights.

In her annual report for 2017-18 the Children's Commissioner has made 15 recommendations to the Welsh Government. As a government we are pleased that we are able to either accept or accept in principle all of the recommendations put forward in the report. This demonstrates our continuing commitment to children's rights and our determination to embed and uphold them.

All our children and young people deserve to grow up in a Wales where they are involved in decisions that will impact upon them, which is why as a government we will continue to engage and listen to them. We are the only government within the UK engaging with children and young people at this time about Brexit and we are committed to getting their views on Brexit heard at the highest levels of Government.

We very much look forward to working with the Children's Commissioner on these issues and our key priorities set out in our national strategy, *Prosperity for All* in the future.



Carwyn Jones AM



Huw Irranca-Davies AM

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INTRODUCTION

The Children's Commissioner for Wales published her annual report for 2017-18 on 1 October 2018. The report can be accessed [here](#).

The report sets out some of the key achievements of the Commissioner's office during the year, including year 1 and year 2 achievements in relation to the Commissioner's 3 year strategic plan (at page 7 of the report) and core work highlights (at page 23). The report has a strong focus on children's rights through integration of services.

This year, the Commissioner has made 15 recommendations for the Welsh Government to consider and respond to. The recommendations cover a wide range of areas across Welsh Government, including:

- Equal Protection from assault in the law as adults;
- Elective Home Education;
- Sexual Abuse and Exploitation;
- Curriculum Reform; and
- Mental Health provision.

The recommendations made by the Commissioner and the headline response from the Welsh Government to each of these recommendations are summarised in Annex A.

The rest of this report sets out the Commissioner's recommendations in turn, followed by the headline response from the Welsh Government and more detail setting out the actions that the Welsh Government is taking to address the recommendations.

Family Environment and Alternative Care

1. Equal Protection

Children's Commissioner's recommendation:

The Children's Commissioner recommends that a Bill should be introduced as soon as possible to make sure that the Government's commitment is followed through.

The Welsh Government Response: **Accept**

In July 2018 the First Minister of Wales reiterated the Welsh Government's commitment to children's rights, by introducing a Bill to remove the defence of reasonable punishment, within year 3 of the legislative timetable (between Sept 2018 and July 2019). If passed, this legislation will prohibit the physical punishment of children by parents and those acting in loco parentis within Wales.

2. Hidden Ambitions

Children's Commissioner's recommendation:

That the Welsh Government works with care leavers and local authorities to produce clear financial information that is available nationally, to help young people and their personal advisers access the range of grants, benefits and entitlements that are available when leaving care.

The Welsh Government Response: **Accept**

Building on the successful approach undertaken last year to deliver the [Hidden Ambitions](#) recommendations, the Improving Outcomes for Children Ministerial Advisory Group will consider how best to take forward this recommendation so that on a national level care leavers know how to access clear, up-to-date and comprehensive financial information.

Following the publication of the Hidden Ambitions report, the recommendations were incorporated into the Improving Outcomes for Children work programme, supported by additional resources from Welsh Government. Welsh local authorities have reported back to Welsh Government on how the additional money provided has been used, as follows:

- Over 1,900 care experienced children across Wales have received funds via the £1m St David's Day Fund to support their transition to adulthood and independence;
- An additional £1m was provided to local authorities resulting in 20 Personal Advisers being recruited across Wales, with over 500 care leavers taking up the extended offer of support up to age 25; and
- £625k was provided to support local authorities in their provision of work placements/traineeships for young people in their care, resulting in 70 care

experienced children participating in local authority work placement schemes across Wales.

3. Advocacy

Children's Commissioner's recommendation:

The Children's Commissioner recommends that Part 10 of the Code of Practice is amended to give statutory force to the National Approach to Statutory Advocacy, including all of the associated documents.

The Welsh Government Response: **Accept**

The Welsh Government intends to update the Social Services and Well-being Act 2014 Part 10 of the Code of Practice on Advocacy (the Code) to take account of the National Approach. Any revision of the Code would only have statutory effect for local authorities.

Protection from Exploitation and Violence

4. Elective Home Education

Children's Commissioner's recommendation:

That the Welsh Government brings their updated policy forward to consultation this year, with the aims of meeting the following three tests in full:

- Firstly, that all children in Wales can be accounted for and that none slip under the radar of universal services, and society in general;
- Secondly, that every child receives a suitable education and their other human rights including health, care and safety; and
- This cannot be achieved without the third aim, that every child should have the opportunity to be seen and their views, including their views about their education, and experiences listened to.

The Welsh Government Response: **Accept all three tests**

The Welsh Government acknowledges the concerns the Children's Commissioner for Wales has about the timing of the consultation on the regulations and statutory guidance. Developing the regulations and statutory guidance requires considerable work. A key part of this is extensive engagement with a wide range of stakeholders, not just on the educational elements of the statutory guidance, but also on the wider issue of accessing universal services. In addition, we are developing a handbook for parents who are currently home educating their children or considering this option. Taking all this into account, it is not feasible to bring forward the consultation as to do so would seriously risk the successful development and implementation of the revised policy. It is essential we get this right for children, young people and their families.

The Welsh Government shares the Commissioner's view that all children in Wales should be accounted for. Alongside the work on home education we have instigated cross departmental work to maximise and coordinate the opportunities for children to have access to, and be seen by, public services and that this prompts an appropriate and proportionate safeguarding response.

We intend to strengthen the support to the home education community across Wales, including helping to ensure that home educated children and young people have the same opportunities to access universal services. This package will include: making Hwb available to home-educated children; ALN support; support with exam registrations; exploring options for home-educating families to learn Welsh; and a clear offer of support from Careers Wales. In addition, we will consider the development of online resources to raise awareness of home education amongst public services.

The Welsh Government has been discussing the development of these proposals with local authorities and home educators to ensure the package of support meets the needs of the home-educating community.

If, in future, we are of the view this approach has been insufficient to assist local authorities to meet their duty to identify children not receiving a suitable education, then we will consider what further measures we need to pursue, including the possibility of new legislation.

5. Sexual Abuse and Exploitation

Children's Commissioner's recommendation:

That the Welsh Government ensures that Sexual Assault Referral Centre provision for each health board area should include 24/7 access to a rota of suitably trained paediatricians and forensic medical examiners, so that no child has to wait for many hours or even days for an examination, and that sufficient counselling and recovery services for victims are available throughout Wales.

The Welsh Government Response: **Accept**

The Welsh Government agrees that nobody, whether adult or child, should have to wait for services following any incident of sexual violence. The care and needs of the victim should be paramount for all services.

There have been issues in relation to the provision of paediatric services in recent years and the NHS is currently leading work to develop a sustainable and appropriate model of sexual assault services across south, west Wales and Powys. This work is being conducted in partnership with the Police, safeguarding, third sector and others and includes consideration of children's services. Work will continue throughout 2018 and into 2019. In the interim the NHS is working with its partners to ensure paediatric and Forensic Medical Examiner provision for children can be provided in a timely fashion in line with the needs of the young person.

Education, Citizenship and Cultural Activities

6. Healthy Relationships Education

Children's Commissioner's recommendation:

That the Welsh Government takes forward the recommendations of their expert Panel's report, and makes healthy relationships education a statutory part of the new curriculum. Healthy relationships education should be rights-based and informed by learner involvement in the design.

The Welsh Government Response: Accept

The Cabinet Secretary for Education announced earlier in the year that Relationships and Sexuality Education (RSE) would be a statutory element of the new curriculum. Officials will work with pioneer schools and the Office of the Children's Commissioner to explore how professionals can be supported in developing rights-based approaches to relationships education.

7. Curriculum Reform

Children's Commissioner's recommendation:

That the achievement outcomes of the new curriculum ensure that all children and young people learn about their rights and that a children's rights approach underpins the guiding principles of curriculum delivery. The participation of children and young people should be systematically built into the next stage of curriculum development.

The Welsh Government Response: Accept

Achievement Outcomes developed by pioneer schools include learners developing an understanding of and engagement with their rights and those of others. Over the autumn, officials and pioneer schools will be working to explore how guiding principles can support the development of a rights based approach at a school level. A sub-group of the Strategic Stakeholder Group has met to develop an approach to children and young people's participation which will be rolled out in the next stage of curriculum development.

8. All Wales Schools Liaison Programme

Children's Commissioner's recommendation:

That the Welsh Government takes action to agree a funding model with the four police forces to ensure that all schools in Wales continue to have the benefits of a positive

relationship with a police liaison officer, and that the programme's role in contributing to the Health and Wellbeing Area of Learning and Experience in the new curriculum is coherent and future-fit. An assessment on the impact on children's rights of any decision on the future of the Programme should be carried out.

The Welsh Government Response: Accept

The Welsh Government announced in July 2018 that it would continue to provide funding for the All Wales Schools Liaison Programme (AWSLP) in 2019/20.

9. Transport

Children's Commissioner's recommendation:

- That the new scheme should as a minimum ensure that the child fare is extended to the age of 18.
- That a Children's Rights Impact Assessment (CRIA) is undertaken on proposals for revisions to the MyTravelPass scheme to identify any potentially excluded groups such as young parents and carers, care leavers undertaking work place training or apprenticeships, and those engaging in voluntary work.

The Welsh Government Response: Accept both

Current legislation does not allow us to require that the child fare is extended to the age of 18 years old, but we have in negotiation with the bus industry achieved a one-third fare reduction for all 16 to 18 year olds since September 2015: that continues under the new scheme.

An Integrated Impact Assessment has been completed about an enhancement to the former 16-18 years scheme.

The Cabinet Secretary for Economy and Transport announced on 12 November the details of the enhanced scheme: agreed with the bus industry that raises the upper age entitlement to include those aged 19, 20 and 21 years old.

The negotiated enhancement will include young parents, carers, and care leavers undertaking workplace training or apprenticeships, as well as volunteers. All of the categories of persons highlighted by the Commissioner and others will be covered by the age range 16 to 21 years.

10. 'Respecting Others' Guidance

Children's Commission's recommendation:

That the Welsh Government's 'Respecting Others' guidance should require schools to integrate robust anti-bullying strategies informed by children and young people into a whole school approach to wellbeing.

The Welsh Government Response: **Accept**

The Welsh Government fully agrees with the rationale behind the recommendation. Robust anti-bullying strategies are clearly an important element of a whole school approach to wellbeing.

We are already working to revise the Welsh Government's anti-bullying guidance – Respecting Others. We are also developing work around a whole school approach to wellbeing which is in its early stages, so we will need to give careful consideration as to how we implement further changes.

Adequate Standard of Living

11. Mental Health

Children's Commission's recommendation:

- That the Welsh Government takes action to require Regional Partnership Boards (RPBs) to set up specific multi-agency planning structures for children and young people that will report to the RPB. They should also require RPBs to take steps to integrate children's social care and mental health services into multi-disciplinary teams, that will respond to the needs of their local populations of children and young people who require emotional, behavioural or mental health support and treatment.
- That the Welsh Government takes concrete steps towards commissioning new provision that can meet the care and mental health needs of the small number of young people with very challenging behavioural and emotional difficulties, for whom there is currently very little suitable residential provision in Wales.

The Welsh Government Response: **Accept in Principle and Accept**

We accept the principle of promoting multi-agency approaches to supporting children and young people and strengthening the integration of mental health and social care services for children.

Statutory guidance already makes clear that Regional Partnership Boards (RPBs) should ensure that children with complex needs are a priority area for integration. This year RPBs have published area plans that set out the integrated services they will provide in response to their population assessment, including in relation to children and young people.

Within the context of ensuring the delivery of effective integrated services for people, we understand that a number of regions already have sub-structures in place which focus on improving the well-being of children and young people.

The Welsh Government is engaging with regions to further discuss how they are prioritising the integration of services for children and young people, including during a recent Ministerial meeting with regional chairs. This will inform any decision on potential mandatory structures.

We have recently announced an additional £15 million to support children and families as part of £30 million of additional funding to regional partnership boards to support integrated working.

We will need to consider the relationship between RPBs and existing local mental health partnership arrangements, before committing to new requirements for regional planning structures.

The National Commissioning Board has recently produced guidance and a toolkit to support RPBs with the integrated commissioning of services for families, children and young people with complex needs.

The Welsh Government's Programme for Government, Taking Wales Forward, includes a commitment to retain the Integrated Care Fund. £50 million has been allocated in 2018-19. The scope of this fund explicitly includes supporting children with complex needs.

12. Health Advocacy

Children's Commissioner's recommendation:

- That the Welsh Government undertakes an audit of the provision of advocacy in health settings for under 18s and takes forward measures to ensure that any gaps identified are filled.
- That the Putting Things Rights patient information is updated to direct young people and their families as to how they can access face to face advocacy in health settings across Wales.

The Welsh Government response: **Accept** and **Accept in Principle**

The Children, Young People and Education Committee's [Mind Over Matter report \(April 2018\)](#) recommended that the Welsh Government commission a review of current provision, and need for, advocacy services for children and young people accessing all mental health services, not just those in inpatient settings. We were content to accept these recommendations.

We are accepting in principle the recommendation on Putting Things Rights patient information, with regard to advocacy for children and young people who wish to make a complaint through Putting Things Right about their care or treatment in NHS Wales.

In July, the First Minister set out the Welsh Government's legislative priorities. This included the abolition of Community Health Councils and the creation of a new independent body to give people a stronger voice in relation to their experiences of health and social services in Wales. Work to set out the detail and functions of the new body is ongoing. Consideration is being given to the extent of the complaints advice and assistance and advocacy functions of the new body.

The Welsh Government will write out to health boards to ensure all staff are aware that they need to refer children and young people to their advocacy services when

they wish to make a complaint about their care or treatment in NHS Wales. MEIC (information and advocacy helpline for children and young people) is able to signpost children and young people to advocacy services currently provided by health boards.

Annex A - Summary of Welsh Government Response

No.	Family Environment and Alternative Care	Welsh Government Response
1	The Welsh Government should introduce the Bill relating to the removal of the defense of reasonable chastisement as soon as possible to make sure that the Government's commitment is followed through.	Accept
2	The Welsh Government should work with care leavers and local authorities to produce clear financial information that is available nationally, to help young people and their personal advisers access the range of grants, benefits and entitlements that are available when leaving care.	Accept
3	The Welsh Government should amend Part 10 Code of Practice to give statutory force to the National Approach to Statutory Advocacy including all of the associated documents.	Accept
Protection from Exploitation and Violence		
4	<p>The Welsh Government should bring their updated policy on Elective Home Education forward to consultation this year, with the aims of meeting the following three tests in full:</p> <ul style="list-style-type: none"> • Firstly, that all children in Wales can be accounted for and that none slip under the radar of universal services, and society in general. • Secondly, that every child receives a suitable education and their other human rights including health, care and safety. • This cannot be achieved without the third aim, that every child should have the opportunity to be seen and their views, including their views about their education, and experiences listened to. 	Accept
5	Sexual Assault Referral Centre provision for each health board area should include 24/7 access to a rota of suitably trained paediatricians and forensic medical examiners, so that no child has to wait for many hours or even days for an examination, and that sufficient counselling and recovery services for victims are available throughout Wales.	Accept
Education, Citizenship and Cultural Activities		
6	The Welsh Government should take forward the recommendations of their expert Panel's report, and make healthy relationships education a statutory part of the new curriculum. Healthy relationships education should be rights-based and informed by learner involvement in the design.	Accept
7	The Welsh Government should ensure that the achievement outcomes of the new curriculum ensure that all children and young people learn about their rights and that a children's right approach underpins the guiding principles of curriculum delivery. The participation of children and young people should be systematically built into the next stage of curriculum development.	Accept
8	The Welsh Government should take action to agree a funding model with the four police forces to ensure that all schools in Wales continue to have the benefits of a positive relationship with a police liaison officer, and that the programme's role in contributing to the Health and Wellbeing Area of Learning and Experience in the new curriculum is coherent and future-fit. An assessment on the impact on children's rights of any decision on the future of the Programme should be carried out.	Accept

9	The new [subsidised transport] scheme should as a minimum ensure that the child fare is extended to the age of 18.	Accept
10	A CRIA should be undertaken on proposals for revisions to the MyTravelPass scheme to identify any potentially excluded groups such as young parents and carers, care leavers undertaking work place training or apprenticeships, and those engaging in voluntary work.	Accept
11	The Welsh Government's 'Respecting Others' guidance should require schools to integrate robust anti-bullying strategies informed by children and young people into a whole school approach to wellbeing.	Accept
Adequate Standards of Living		
12	The Welsh Government should take action to require Regional Partnership Boards (RPBs) to set up specific multi-agency planning structures for children and young people that will report to the RPB. They should also require RPBs to take steps to integrate children's social care and mental health services into multi-disciplinary teams, that will respond to the needs of their local populations of children and young people who require emotional, behavioural or mental health support and treatment.	Accept in Principle
13	The Welsh Government should take concrete steps towards commissioning new provision that can meet the care and mental health needs of the small number of young people with very challenging behavioural and emotional difficulties, for whom there is currently very little suitable residential provision in Wales.	Accept
14	The Welsh Government should undertake an audit of the provision of advocacy in health settings for under 18s and takes forward measures to ensure that any gaps identified are filled.	Accept
15	The Putting Things Rights patient information should be updated to direct young people and their families as to how they can access face to face advocacy in health settings across Wales.	Accept in Principle