

Quarterly Update on Annual Report recommendations

Reviewed December 2018, published January 2019



Each year through my annual report I make recommendations to the Welsh Government, on the key policy issues that I would like to see action on in the following twelve months. During the year I follow these recommendations up through meetings with Cabinet Secretaries and Ministers, lead officials, and other stakeholders including children and young people.

I have given each recommendation a Red / Amber / Green (RAG) rating to measure the progress against the call that I have made. The colour rating is my own assessment based on the engagement with all key stakeholders. It is important to note that the rating is not an assessment of whether or not the Welsh Government agrees with the recommendation. The colour rating reflects whether or not there have been any policy and practice changes that improve children's lives in Wales and give further protection to their enjoyment of their rights under the UN Convention on the Rights of the Child (UNCRC).

Red



No evidence of policy or practice changes since the recommendation was made. No improvement in children's experiences.

Amber



Some evidence of policy or practice change but the recommendation has not yet been successfully achieved in full.

Green



Recommendation implemented and notable differences for children and young people in receipt of a service or support.

Topic	2015 16 Recommendations	2016 17 Recommendations	RAG	Update
<p>Young people leaving care</p> <p>'Hidden Ambitions' report</p>	<p>No recommendation was made on this topic in this year.</p>	<p>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 have come from 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. The Welsh Government should actively report on their progress against these commitments to local authorities and directly to children and young people themselves.</p>	<p>Amber</p> 	<p>I welcome the Welsh Government's investment in support for care leavers, in response to my Hidden Ambitions report.</p> <p>In particular the creation of the St David's Day fund and allocating additional funding to Local Authorities to provide personal advisors to all eligible young people up to the age of 25 are positive benefits already being enjoyed by young people leaving care.</p> <p>Young people we spoke to in 2018 weren't all aware of the developments around personal adviser support, although we note the high numbers of young people who have already accessed the St David's Day fund.</p> <p>The recommendation contains four parts. The parts that have not yet been progressed would be equal support for all care leavers including those from residential care, and clear published information on finances for care leavers.</p> <p>My office continues to work closely with the Welsh Government on these points, including acting as an observer to the Task and Finish Group on</p>

				<p>residential care. The task and finish group is focusing on the recommendation about equal support for all care leavers, as well as the other recommendations from my Residential care report, and I am pleased to see this focus.</p> <p>I understand that the Welsh Government is collating data and case studies that will demonstrate the direct benefit of the changes that have already been put in place.</p>
Topic	2015 16 Recommendations	2016 17 Recommendations	RAG	Update
<p>Young people leaving care</p> <p>Council Tax</p>	No recommendation was made on this topic this year	The Welsh Government should progress their work to exempt young people leaving care from paying council tax up to the age of 21 to assist with alleviating poverty amongst care leavers.	<p>Amber</p> 	<p>Local authorities have taken steps to exempt care leavers from paying council tax, some have even done so up to the age of 25. At present I am aware of 12 local authorities who have put an exemption in place or who are actively working with their corporate parenting board or Cabinet to do so.</p> <p>I would like all care leavers to have the same support on council tax and will continue to call on the Welsh Government to assist with this.</p> <p>I warmly welcome the recently announced government consultation on introducing a council tax exemption for care leavers up to the age of 25 and will be submitting a written response.</p>

Adoption and sibling contact	No recommendation was made on this topic this year	The Welsh Government should work with the National Adoption Service (NAS) to ensure that siblings' rights to contact are fully considered during adoption care planning.	<p>Amber</p> 	<p>I note that the Welsh Government and National Adoption Service have enthusiastically welcomed this recommendation. Practitioners clearly recognise the issues that were highlighted in this annual report.</p> <p>A multi-agency meeting took place in July 2018 where attendees agreed with the points raised. However there isn't currently any plan to address this via training and/or awareness raising.</p> <p>The NAS are committed to working with WG in response to this recommendation.</p> <p>This has led to a focus group being undertaken by the Welsh Government to understand why sibling contact may not be promoted in many cases. This work will feed in to the Family Justice Network and there is consideration of new guidance.</p> <p>There has also been additional funding for the Wales Adoption Cohort Study to include looking at sibling links.</p> <p>Contact is the priority for 2018-19 service user engagement and guidance has been published this year which includes a section on contact.</p>
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				The young people who raised this with me, and many others like them, may not have seen any shift in policy or practice yet, which is why this has been rated Amber.
Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Adoption support	Welsh Government should work with the National Adoption Service and regional collaboratives to ensure increased provision of adoption support, providing extra resources where required.	No recommendation was made on this topic this year.	Green 	<p>The National Adoption Service continues to develop their approach to support services, and the Welsh Government provided £90,000 for the 'Framework for Adoption Support' to be developed by the NAS.</p> <p>Work is ongoing in relation to this but it is welcome that positive steps are being made to address what is still a gap for too many children and their families.</p> <p>The NAS is prioritising adoption support and keeping my office informed of progress.</p>

Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Residential Care	No recommendation was made on this topic this year.	The Welsh Government should deliver against the work plan of their Task and Finish group, set up in response to my recommendations in The Right Care report.	Green 	The Task and Finish group continues to meet and has recently published the next phase of its work plan. This takes forward further work on data collection and market need, different models of care, When I'm Ready arrangements for residential care and good practice guidance on out of area placements.

				<p>I was pleased that during the last year, the Welsh Government set aside specific funding of £100,000 for the work of this group as I had been concerned that it was not making progress swiftly. However when I raised this with the Government the immediate response was to provide more support and funding.</p> <p>This is rated as green because the work is on track and progressing; the group is intended to continue to meet so it has not yet concluded delivery, but is where I would expect it to be at this stage.</p>
Profit in Care Services	No recommendation was made on this topic this year.	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.	<p>Red</p> 	<p>To date I am not aware that the Welsh Government has consulted with children and young people to hear their views on this topic. In the meantime however I have been approached by young people who have themselves expressed concern that their providers are receiving a lot of money and they are unsure where this is going.</p> <p>I have given evidence to the Public Accounts Committee during the last year on this subject, as have others including a group of care experienced young people. In November 2018 the PAC supported this recommendation</p>

			<p>in their report on Care Experienced Children and Young People.</p> <p>I am aware that the Welsh Government has been gathering information on different models of care and pilots that have taken place in England. This is as far as this work has gone to date. There has been no stated intention to move towards not for profit services.</p> <p>While I recognise that the stability of the sector must be not be undermined by any sudden changes, I believe that work towards a longer-term policy goal of eliminating profit would be warmly welcomed by young people and those commissioning services alike.</p> <p>In relation to residential care provision more broadly, I convened a meeting with senior government officials from social services, health, local government and youth justice in October 2018 to discuss aligning provision for children with complex needs across these sectors.</p>
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Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Advocacy	The Government should work with ADSS and the WLGA to implement a national approach to statutory advocacy as a matter of priority, to ensure that all eligible children and young people across Wales receive an 'active offer' of advocacy and are supported to express their views on the care and support they receive.	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.	Green 	<p>Implementation of the National Approach to Statutory Advocacy was a recommendation in my 2015-16 annual report, following years of work with relevant stakeholders towards achieving a consistent offer of provision for all children across Wales. This was rated as Amber in last year's report, as almost everything was in place by March 2017 but it had not quite been achieved.</p> <p>I am pleased to note that the National Approach is now live across all of the regions.</p> <p>I am also pleased that, following this recommendation in last year's report, the Welsh Government has maintained a working group to monitor implementation. That group has reviewed the data returns and made small changes to the delivery of the Active Offer of advocacy, to ensure that it works in a way that best suits children and young people and helps them to access this important service. This in turn helps them achieve their rights.</p> <p>We are still finding through cases that come to our Investigation and Advice service that eligible children may not</p>

				be receiving an active offer of advocacy in practice. This has been rectified when we contacted the relevant local authority but we will continue to monitor this to discern any regional patterns or trends.
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Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
BSL	No recommendation was made on this topic this year.	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.	Red 	<p>The urgent need for progress on this issue, underlined in the July 2018 Welsh Government analysis of the local authority special educational needs workforce, has been reiterated by the recent Petitions Committee Report to improve access to education and services in BSL.</p> <p>I am cautiously pleased to see Government accept three of the four recommendations made by this report but note that further clarity and detail is needed about how these might be achieved. A clear and costed action plan is needed to ensure the needs of individuals are met. I note that currently the impact of accepting the committee's recommendations are cost neutral.</p> <p>This action plan needs to include a specific strategy for workforce</p>

				<p>planning and professional learning for teachers and learning assistants working with Deaf and hearing impaired children and young people.</p> <p>This is needed immediately as currently a third of SEN specialist services do not feel they are meeting the current demands for children and young people with a hearing impairment. More than half of SEN services feel they cannot meet current demand through the medium of Welsh.</p> <p>The plan should also be able to demonstrate how it will assist in supporting other aspects of a child's life including early years, communication with their parents and friends and participating in recreational activities and community life.</p>
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Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Mental Health	The NHS Together for Children and Young People Programme should continue to receive adequate funding levels to fulfil its ambitions and should monitor whether children's experiences of mental health care are improving.	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	Amber 	Funding for T4CYP continues until October 2019, which I am pleased to note. The final year work plan has commenced - full details have been finalised and communicated to stakeholders.

		<p>regional planning boards can then maintain progress and quality of provision for all children across Wales.</p>	<p>I have rated this as Amber as I would not yet be confident that the programme has been embedded at a local level and that regions would be able to take this work forward. The Programme consists of a number of work streams, some of which are more progressed than others so it is a mixed picture.</p> <p>I have also considered the Children, Young People and Education Committee's report <i>Mind over Matter</i> in rating this recommendation. The Welsh Government's response to that report did not address the step change in provision that was being recommended. However, the recent establishment of a Joint Ministerial Task and Finish Group is encouraging, and I hope provides an opportunity to better respond to the recommendations in the <i>Mind over Matter</i> report.</p> <p>The recommendation is formed around the work being embedded at a regional/local level. In the 2017/18 report I call for Regional Partnerships to bring together children's social care and mental health provision. I welcome recent announcements for transformation funding in this area, in some of the regions.</p>
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<p>Mental health and well-being</p>	<p>The curriculum review programme ‘Successful Futures’ should work closely with the NHS’s Together for Children and Young People programme to promote evidence-based, whole school approaches to healthy relationships, mental health and wellbeing.</p>	<p>No new recommendation was made on this topic in this year; however it formed a large part of our core policy and influencing work during the year.</p>	<p>Amber</p> 	<p>I have considered the Children, Young People and Education Committee’s report <i>Mind over Matter</i> in rating this recommendation.</p> <p>I am pleased to see the recent establishment of a Joint Ministerial Task and Finish Group on a Whole-School Approach to Mental Health and well-being. The work of this group and the cross department officials supporting it will need to ensure that there is sufficient focus on preventative services, meeting needs when and where best for children and young people, and ensuring that children are supported to feel and stay well. The first meeting of the Task and Finish Group took place in October 2018, but the stakeholder group that sits below it will not meet until the end of January 2019.</p> <p>I am pleased to hear that a National Youth Stakeholder Group is being established to support the Whole-School Approach work. When this group is established, I hope that children and young people will be active participants in this work, both co-producing products and providing advice and guidance to those working on the whole-school approach.</p>
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Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Health Advocacy	No recommendation was made on this topic this year.	The Welsh Government should ensure that health related advocacy for under 18s is available and accessible to all who need it.	Red 	<p>I am not aware of any changes to provision of advocacy in health settings for under 18s, nor has the patient information been updated.</p> <p>Feedback at my annual child health seminar in June 2018 was that this remains ad hoc and it is not clear where the responsibility sits with this or what it includes.</p> <p>My officials will be meeting with Welsh Government officials again in December 2018. This will be a year on since the original meeting to discuss this issue.</p>
Transport	Welsh Government should review the Learner Travel (Wales) Measure 2008 and associated statutory provision and operational guidance, to ensure that all journeys to and from school are safe and that local authorities are quite clear about their responsibilities for ensuring that this happens.	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.	Amber 	<p>In June 2018 the Welsh Government published a summary of responses to their consultation on the MyTravelPass scheme, which provides discounts for 16-18 year olds who register with the scheme.</p> <p>This report states that “current legislation does not allow the Welsh Government to make it a requirement of bus operators that they offer specific discounts to younger persons aged 16 to 18 not in full-time education”.</p> <p>However I am pleased to note that the Cabinet Secretary has indicated a hope</p>

				to increase the age range for discounted bus travel to 21.
				The Learner Travel Measure has not been reviewed or revised to date.
Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Additional Learning Needs	Welsh Government should introduce new legislation and a robust Code of Practice that delivers on its commitment to children and young people with additional learning needs.	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.	Green 	<p>I am pleased that the Additional Learning Needs and Educational Tribunal (Wales) Act 2018 passed with due regard to the UNCRC and UNCRPD on the face of the Bill.</p> <p>I will continue to work with officials to ensure that the Code of Practice and Regulations reflect this due regard duty, so that it becomes a reality and a part of the thinking when decisions are being made about provision under the Act.</p> <p>I will also want to ensure that the template for the IDP reflects this so that children’s rights filter through to the practical aspects of the plan for each individual learner.</p>
Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Additional Learning Needs	[Welsh Government] should strengthen the coordination, provision and support provided to children and young people with additional learning needs, including the introduction of statutory duties on LHBs and NHS trusts to provide support and to	The Welsh Government should also strengthen the powers of the Education Tribunal for Wales by extending its remit over health bodies.	Green 	The Educational Tribunal will now have powers over health bodies under the Act, including the ability to request evidence and reports for appeals.

	strengthen the powers of the Education Tribunal for Wales.			
Childcare	No recommendation was made on this topic in this year.	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.	Red 	<p>The Childcare Funding (Wales) Bill has been through stage 1 scrutiny. The Bill as introduced states that the provision is for children of working parents only.</p> <p>I support the Children, Young People and Education Committee's recommendations to broaden the wording of the Bill, to allow for changes to be made to ensure that children of non-working parents can also access the benefits of childcare.</p> <p>I gave evidence to the Committee during stage 1 and have also published a position paper on this, which can be found on my website here.</p> <p>Stage 2 has concluded; opportunities arose in this stage to support amendments for additional groups of parents to be included in the proposals or to align the free school meals eligibility threshold with the childcare offer but these were not passed.</p> <p>The draft budget for 2019/20 notes a reduction of £5M from the budget for the childcare offer due to lower than expected take up during the pilot phase. There is no analysis of the options for how this £5M could have</p>

				<p>been spent to further children's rights under this policy rather than reallocating the money.</p> <p>An Evaluation Report, limited to the delivery of the current offer has been published. Whilst I am concerned that the offer will lead to further inequalities for children in Wales I welcome that the report indicates that eligible parents on 'lower incomes' are accessing the scheme. And that 88% of parents surveyed reported having more money to spend as a result of the offer (to varying degrees). These aspects are important for children living in households affected by in work poverty.</p>
Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Child Poverty	<p>The Welsh Government should demonstrate clear and strong leadership to eradicate child poverty, by engaging positively and collaboratively with the UK Government, and public and private bodies across all sectors, including employers.</p> <p>To tackle child poverty, Welsh Government should put in place and monitor a specific child poverty delivery plan, with clear targets and milestones, to drive the implementation of national strategy to</p>	<p>The Welsh Government should use all available levers to alleviate child poverty including 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.</p>	<p>Amber</p> 	<p>It is welcome that the PDG access fund will be doubled to £3.5M. As yet no further detail has been provided.</p> <p>It is referred to in the draft budget as "part of a package of measures to help prevent child poverty" but it is unclear what the overall strategy around this is based upon.</p> <p>In November 2018 the UN Special Rapporteur for Extreme Poverty published a concerning statement following his visit to the UK, which included a visit to Wales.</p>

	ensure that no child is disadvantaged in realising their rights under the UNCRC.			<p>There is still no co-ordination of the approach to funding to support families that are under financial pressure and short term proposals and grants mean there is a lack of certainty and sustainability around the support currently provided.</p> <p>Budget proposals have not been clear in relation to the ‘winners and losers’ when funding has been moved around, and the lack of any Children’s Rights Impact Assessment means that there is no oversight on the net impact of all of the decisions taken.</p> <p>One of my projects within my work plan for 2017-18 involves working with children, families and professionals to find out what is particularly putting pressure on them. I will be making further recommendations in 2019 following that engagement.</p>
Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Curriculum and the UNCRC	No recommendation was made on this topic in this year.	I recommend that they 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.	Amber 	The draft achievement outcomes make reference to children’s rights but also refer to responsibilities. Rights under the UNCRC are entitlements for all children in Wales unconditionally. I will be working with the Welsh Government to correct this, and also to develop the guiding principles of the

				<p>curriculum so that delivery is underpinned with children’s rights.</p> <p>I will also call for this to be ensured by including due regard to the UNCRC on the face of the Curriculum and Assessment Bill.</p> <p>On Universal Children’s Day 2018 I published some resources related to this call.</p>
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Topic	15 16 Recommendations	16 17 Recommendations	RAG	Update
Bullying	No recommendation was made on this topic in this year.	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.	Amber 	<p>The outline of refreshed guidance has been published for consultation in November 2018 and I am pleased to see that all but one of my recommendations from ‘Sam’s Story’ have been reflected. I am pleased to see that children and young people’s views about bullying have been integral in developing the guidance and will be seeking reassurance from government about how children and young people will be enabled to inform the ongoing development of the toolkit.</p> <p>The guidance does not include a statutory duty to record and monitor all incidents of bullying. The law may</p>

				<p>not require schools to take this step but our young people in Wales do.</p> <p>I note however that this guidance review is taking place separately from curriculum reform, the Online Safety Action Plan and the development of new Professional Standards for Teaching and Leadership and for Assisting Teaching.</p>
<p>Young people's participation in curriculum reform</p>	<p>Welsh Government should ensure that arrangements are in place to support children and young people's participation in decision making processes relating to education reform.</p>	<p>No recommendation was made on this topic in this year.</p>	<p>Amber</p> 	<p>I have made a concerted effort to support the Welsh Government in engaging with children and young people including directly facilitating sessions with officials and young people. I am not yet satisfied that this is happening routinely or systematically as part of this process.</p> <p>After a hiatus of almost two years the Stakeholders' sub-group on children and young people's involvement of the curriculum was re-started and met on 13th September 2018. My office attended this meeting. It is positive to see that further meetings of this group have been set up for next year but given the timings of curriculum design the window for involving young people in the design process seems to be narrow.</p> <p>Due to the timetable for this work, with a draft Curriculum and</p>

				Assessment Bill due to be published in the spring term 2019, the opportunity for co-production of the Bill with young people may now have sadly passed.
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Topic	15 16 Recommendation	16 17 Recommendation	RAG	Update
Elective Home Education	The Government should strengthen requirements for parents to register as electively home educating their children and for every child who is electively home educated to be seen by a professional at least annually so that they can express a view about their educational experiences.	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.	Red 	<p>Since this recommendation was made, the Cabinet Secretary made a statement in the Senedd in January 2018 outlining the intention to consult on changes to secondary legislation to strengthen the existing powers of local authorities.</p> <p>To date no consultation has been introduced and the anticipated timeline for this is spring 2019.</p> <p>A series of meetings and correspondence between my office and the Welsh Government from June - November 2018 had sought to clarify the policy intent that will inform the consultation, to ensure that all children will be known about, seen and spoken to about the education there are receiving, so that they can be listened to and have access to all of their rights.</p> <p>The Welsh Government response to my annual report for 2017-18 was published on 30th November, accepting my three tests for this policy.</p>

				I am monitoring the implementation of this commitment closely.
Child Sexual Exploitation	No recommendation was made on this topic in this year.	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.	Amber 	<p>I recognise that active steps have been taken by Welsh Government, with the cooperation of Local Authorities and other public bodies, to address this recommendation. There has been the pilot of data gathering and an attempt to standardise information that is collected.</p> <p>However despite these efforts I understand that there remains inconsistency in recording, which requires addressing.</p> <p>The review of Child Sexual Exploitation guidance provides opportunities and challenges to meeting this recommendation in full.</p> <p>I will be monitoring progress of this work through my chairing role of The Child Sexual Exploitation Roundtable.</p>
Topic	15 16 Recommendation	16 17 Recommendation	RAG	Update
Youth Parliament	Whilst I have no legislative remit to make recommendations to the national assembly for Wales, I want to reaffirm my intention to press for a reinstated national democratic space for young people, in the form of a youth assembly. I am fully committed to working with young people and the	No recommendation was made on this topic in this year.	Green 	<p>I am pleased to see the ongoing developments of the Senedd Ieuenctid / Youth Parliament and I have participated in working groups aimed towards this.</p> <p>It is positive to see every seat is being contested in the Election.</p>

	national assembly to realise this ambition.			The Parliament will sit for the first time in February 2019.
Equal Protection	A bill should be introduced to the Welsh assembly as soon as possible to remove the 'reasonable punishment' defence.	No new recommendation was made on this topic in this year; however it formed a large part of our core policy and influencing work during the year.	Amber 	This recommendation is repeated in my 2017-18 annual report. The Welsh Government has made a commitment to introducing a Bill within the legislative programme for 2018-19, following a consultation exercise in 2018.