

Children's Commissioner for Wales

Whistleblowing Disclosures

Annual Report 2018 — 2019

This report has been completed in line with the legal requirements of "The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017".

These regulations set out the reporting requirements for organisations and individuals who are Prescribed Persons for Whistleblowing. Prescribed persons are people and bodies you can blow the whistle to rather than your employer.

The Children's Commissioner for Wales is a prescribed person for Whistleblowing in relation to children's interests and can be contacted about matters relating to the rights, welfare and issues affecting children, young people and those who care for them, in Wales.

The following report provides information in respect of Whistleblowing as outlined in the Department for Business, Energy and Industrial Strategy "Whistleblowing — Prescribed Persons Guidance 2017".

1. Statistics

Number of qualifying disclosures of information made by workers during the twelve month period 1.4.18 — 31.3.19	1
The number of qualifying disclosures where the Children's Commissioner for Wales decided to take further action	1

2. Summary of the type of action taken by the prescribed person in respect of qualifying person in respect of qualifying disclosures of information.

Concerns were raised in relation to a residential childcare provision. Advice was provided to the Whistleblower about the role of the Children's Commissioner for Wales as a prescribed whistleblowing organisation.

The Whistleblower had raised their concerns with the owner of the home but felt intimidated by the response they had received and had decided to leave the company.

The childcare provision is one that is regulated by Care Inspectorate Wales and following the disclosures that were made and with the permission of the Whistleblower our office passed on the concerns to Care Inspectorate Wales who agreed to deal with the issues as part of their regulatory role. The Whistleblower was happy with this outcome.

3. Summary of how the information disclosed has impacted on the Children's Commissioner for Wales' ability to perform its functions and meet its objectives.

There has been no impact on the Children's Commissioner for Wales ability to perform its functions and meet its objectives following the disclosure.

4. **Explanation of the Children's Commissioner for Wales, functions objectives and statutory powers**

The Children's Commissioner for Wales (the "**Commissioner**") is an office established pursuant to the Children's Commissioner for Wales Act 2001 which amended the Care Standards Act 2000 ("**2000 Act**"). The Commissioner's powers and functions are derived from the 2000 Act.

Further powers are granted to the Commissioner pursuant to The Children's Commissioner for Wales Regulations 2001 ("**2001 Regulations**"). In essence, these regulations expand on the powers and functions granted to the Commissioner under the 2000 Act.

The principal aim of the Commissioner is to safeguard and promote the rights and welfare of **children**.

The Commissioner's main statutory powers can be divided into two headings:

- Powers to review the activities of certain public bodies; and
- Powers to assist individual **children**.

Powers to Review

The Commissioner has the power to:

- review the functions or exercise of functions of various public bodies including the Welsh Government; and
- review and monitor the arrangements which certain public bodies have in place to safeguard and promote the rights of **children** in respect of:
 - dealing with complaints or representations;
 - ensuring that proper action is taken in response to **whistle blowing**;
 - representing the views and wishes of **children**;
 - providing **children** with **advice and support**.

Powers to Assist

In relation to individual **children**, the Commissioner has the power to:

- examine individual cases in certain circumstances; and
- provide assistance to a **child** in:
 - making a complaint or representation in relation to the services the **child** receives; or
 - certain **proceedings** (there are restrictions in relation to **legal proceedings**).