## Annual report recommendations – REVIEWED January 2021 published February 2021

### **Quarterly Updates for website**

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 Ministers and Deputy Ministers, lead officials, and other stakeholders including children and young people.

Where recommendations have featured on the same topic in successive years, these are each listed under the same heading, in date order.

I have given each recommendation a Red / Amber / Green 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 <u>not</u> 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 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.

In this update we've moved some of the recommendations to an Annex at the end of this document. This does not mean that we do not still follow these policy areas with interest, but they are not 'active' recommendations for us to report on each quarter. This is either because the recommendation has been 'achieved' or because the relevant work is no longer taking place. Should the position change in respect of any of these areas we will reintroduce these lines into the main body of this document.

	Recommendations	Current RAG rating	Comments
Mental health	2015/16 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.  2016/17 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.  2017/18 I recommend 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	No Change	During the initial months of this pandemic, my team and I have been in touch regularly with the two mental health inpatient units for children and young people in Wales, Welsh Government Ministers and officials, and the NHS Mental Health Incident Group, set up in response to the pandemic. Since the start of this pandemic, I have had concerns over the capacity of the inpatient units, and the 'surge' beds made available through independent providers. My understanding is that these surge beds were only used a couple of times over this period, but this does demonstrate, more than ever, the lack of spare capacity in the system. While the community CAMHS services across Wales have managed to maintain a service, I am also concerned that for most young people, their mental health provision has moved from face-to-face to video calling, or just telephone calls. My concern is that some children and young people may not feel the connection to the professionals supporting them that they had before and that this could affect their commitment to the arrangement.  I am also keen that we learn the lessons of providing mental health services at this time, which includes where the different forms of delivery, such as video calls, may be preferable for some young people.  I am concerned by more recent reports of capacity issues at the South Wales inpatient unit, whereby our understanding is that young people who have been accepted for admittance to the unit are unable to be placed there as there are delays in other young people being moved on from the unit because the appropriate support has not been arranged. We also understand that further surge beds have been commissioned in England, again demonstrating the lack of suitable provision within Wales. We are pleased to see that in response to some of these issues, a bed

who require emotional, behavioural or mental health support and treatment.

### 2018/19

Welsh Government works as a matter of urgency to establish continuation arrangements for the important work currently being delivered through the Together for Children and Young People Programme.

management panel has been set up which meets weekly to work on solutions to demand and capacity issues.

We have also had cases through our Investigations and Advice where young people are being kept on hospital wards (both general paediatric and adult mental health wards) as no suitable alternative provision exists. As we enter another uncertain period with rising coronavirus cases, it is concerning that our inpatient units are not able to provide support for those young people who need it, and highlights further the need for a broader residential offer here in Wales.

Our work to report on the effectiveness of RPBs in integrating services for children with complex needs has now been concluded and was published in June 2020. The report sets out recommendations to RPBs and Welsh Government. Welsh Government have formally responded and we are pleased that action is promised in several areas, including developing 'good scrutiny guides' for RPBs to make them more accountable to children and young people, and reviewing the membership of RPBs to improve the representation of children and young people's interests. We are also aware of the Government's White Paper on Rebalancing Care and Support, which makes reference to the role of RPBs.

However, it remains unclear how Welsh Government will act to ensure RPBs make the necessary improvements outlined in our report, including what Welsh Government will do if the regional offer of safe accommodation does not progress at pace; and what more they can do in supporting RPBs to improve the accessibility and visibility of their work to children and young people.

Mental health
and well-
being in
schools

### 2015/16

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.

## No change

As the pandemic has impacted upon services and the capacity of Welsh Government, the consultation on the whole school approach framework, which was due to take place in spring, was understandably delayed. As we begin to consider how to return our children to school settings, the guidance contained within the framework is more vital than ever. I am pleased to see that a 12 week consultation has now concluded.

I am very pleased to note that the guidance will be statutory for governing bodies of maintained nursery, primary, secondary and special schools, and statutory for local authorities in Wales.

While I welcome much of the content of the guidance, the focus on relationships, ethos and school culture, and the frequent case studies used throughout, some of my key concerns over this guidance are:

- not all schools currently have the resources and support to sufficiently 'link in' to the wider whole system approach, as some schools will be well prepared already to begin implementation, while others are likely to struggle without sufficient support.
- Schools will need the various expectations placed upon them to be made clear in an accessible format, which links the many concurrent changes they are being expected to respond to, such as the new curriculum, practical arrangements for Covid-safe environments, ALN duties and others.
- As this guidance is not statutory for health boards, a Ministerial Circular for health boards should accompany this guidance to ensure health professionals are active partners in whole school approaches.

			I look forward to this guidance being published prior to the Senedd elections in May.
Transport	2015/16 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.  2018/19 The Additional Learning Needs and Education Tribunal (Wales) Act 2018 applies to young people up to the age of 25. Government must ensure that there is a statutory duty that requires all children and young people covered by the Act to be provided with safe transport to their place of education.  Welsh Government should therefore reconsider their response to my 15/16 annual report recommendation to review the Learner Travel (Wales) Measure 2008 and associated statutory provision and guidance.	Changed from Red to Amber	Welsh Government rejected the calls from my 2018-19 report, but advised that they were commencing a review of post-16 learner travel.  I was concerned that the scope of the review would be insufficient to meet the needs of young people to travel safely to their place of education.  I was therefore pleased with Welsh Government's expansion of the scope for this review and their commitment to work closely with my office and the Welsh Language Commissioner. Over the autumn of 2020 my office contributed detailed comments on the scope of this review and has reviewing some of the questions that will be used for data collection to ensure they respond to the issues raised through our Investigation and Advice Service.  One concern we have raised at this stage is an inconsistency between the target age-range of this review and the age range covered by the Additional Learning Needs Act. I am therefore pleased to note that Government is further considering how transport can be integrated into the ALN Code, in particular around the preparation of Individual Development Plans. I look forward to continuing a close engagement both with the finalisation of the ALN Code and with the ongoing Learner Travel Review.
Child poverty	2015/16 The Welsh Government should demonstrate clear and strong leadership to eradicate child poverty, by engaging positively and collaboratively with the UK Government, and	No change	The Minister for Housing and Local Government, with responsibility for the coordination of measures to mitigate child poverty, provided a formal response to the recommendations in my <i>Charter for Change</i> report.

public and private bodies across all sectors, In November 2020 Welsh Government published their 'Child poverty: income maximisation action plan 2020 to 2021'. I am pleased that the plan intends to including employers. simplify the FSM and PDG Access application processes and reaffirms the commitment to free school meals over the school holidays (which will now To tackle child poverty, Welsh Government remain in place to Easter 2022) and commits to exploring extending the eligibility should put in place and monitor a specific for PDG Access funding. These actions directly relate to recommendations in my child poverty delivery plan, with clear targets Charter for Change report. I also recognise that other actions in the plan and and milestones, to drive the implementation initiatives put in place over the pandemic, including the distribution of digital of national strategy to ensure that no child is devices, will help mitigate the impact of child poverty. disadvantaged in realising their rights under the UNCRC. However, this plan was published late in the Senedd Term, and several other recommendations from my Charter for Change report have not been taken forward including extending the entitlement for free school meal provision. The 2016/2017 latter would make a real different to families and I ask Welsh Government to The Welsh Government should use all seriously consider taking this forward. available levers to alleviate child poverty including use of new tax raising powers. It Since the outbreak of COVID 19 I have also raised with Government during this should support local authorities to offer period concerns about the inconsistent practice by local authorities of closing further relief in specific areas known to cause green spaces given that many families are likely to be living in homes that pressure on the poorest families, including provide no or little outdoor space. It is welcome that parks and green spaces are holiday hunger, school uniform costs and expected to remain open at all alert levels including Alert level 4. high domestic fuel bills. Given the economic outlook and the impact that poverty has on children's rights my 2021 manifesto makes a number of calls in respect of this issue. 2018/19 Welsh Government need to take account of the recommendations of the Charter for Change report, and publish a delivery plan setting out in detail how departments across Government will take practical steps to mitigate and tackle the impact of child poverty. Changed Government rejected my call for a due regard duty to the UNCRC on the Curriculum 2015/16 Human rights education, including Curriculum and Assessment Bill, making the erroneous assertion that knowledge about children's rights should and UNCRC from such a duty is unnecessary because of the Rights of Children and Young have a firm footing in the new 'Curriculum for Amber to

Red

Persons (Wales) Measure 2011.

Wales – a Curriculum for life'.

### 2016/17

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.

### 2017/18

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.

### 2018/19

To ensure an enduring commitment to the human rights of children the Welsh Government should introduce a duty upon all relevant bodies to pay due regard to the UNCRC in the delivery of the curriculum. This duty should be placed on the face of the Curriculum and Assessment Bill.

I submitted <u>detailed evidence</u> during the Stage 1 scrutiny of the Curriculum and Assessment Bill which explained that the Measure is limited to the decision making of Ministers and will not uphold children's rights in day-to-day decision making about curriculum and assessment arrangements in their education setting.

The Children Young People and Education Committee Stage 1 Report into the Bill echoes my recommendation, stating:

Recommendation 13. That the Welsh Government amend the Bill to include, on its face, a duty to have due regard to the UN Convention on the Rights of the Child (UNCRC). Given their respective roles in relation to the Curriculum for Wales, this duty should be placed on all persons listed in section 66(3) of the Bill when exercising any of their functions conferred by or under the Bill.

This report also emphasises the need for a greater role for human rights education, as follows:

Recommendation 12. That the Welsh Government consider how it can ensure that the place of human rights, including children's rights, is secure in the long term within the Curriculum for Wales

Government claim that, "Children's rights are at the forefront of our ambitions for the new Curriculum for Wales". If this is true, Government must respond to the recommendations of my annual report and the Children Young People and Education Committee and include a commitment to children's rights in the Bill. Without this there is little to guarantee that the day-to-day decisions about children and young people's experience of the new curriculum and assessment arrangements will be informed by their human rights.

## Elective Home Education

#### 2015/16

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.

### 2016/17

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.

### 2017/18

I recommend 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.

## No change

The Welsh Government response to my annual report for 2017-18 was published on 30<sup>th</sup> November, accepting my three tests for this policy.

In autumn of 2019 Welsh Government consulted on statutory guidance and a handbook for home educators. I responded comprehensively to this consultation, highlighting strengths of the guidance in addition to areas where it could be strengthened in order to meet my three tests.

Subsequently in January 2020, Welsh Government published a consultation on draft regulations for local authority databases, which included new duties for health boards and independent schools to share information so that local authorities can identify all school-aged children and young people in their area.

Again, I responded fully to this consultation and made several suggestions as to how the proposals could be strengthened to ensure that no children slip under the radar of universal services.

I am profoundly disappointed that on 22<sup>nd</sup> June 2020 the Government announced that they would no longer taking forward planned work on the Statutory Guidance or Database Regulations this term. This is despite the huge amount of work that had already been undertaken on this area, with the 2019/20 consultations timed so that new statutory changes could be implemented in May 2020.

Statutory changes are also long overdue: the Government's response to the tragic death of Dylan Seabridge is inadequate without the introduction of new measures with statutory force. This view is shared by the National Independent Safeguarding Board's commissioned report in 2017 and highlighted by the Child Practice Review report for Dylan Seabridge.

While I acknowledge the pressure that the education division in Welsh Government has been under during the pandemic, the death of Dylan Seabridge took place a decade ago and taking forward planned statutory

•	Secondly that every children receives
	a suitable education and their other
	human rights including health, care
	and safety.

 This cannot be achieved without the third aim, that every children should have the opportunity to be seen and their views, including their views about their education, and experiences listened to.

# changes in response should be regarded as a cross-governmental priority.

I am therefore using my statutory formal powers to review this decision and will report publicly on the findings of this review in February 2021.

### 2018/19

Welsh Government must implement statutory guidance giving effect to my three tests in full in 2020, to ensure children's rights are being respected wherever they are educated.

## **Bullying**

### 2016/17

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.

#### 2017/18

I recommend that the Welsh Government's 'Respecting Others' guidance should require schools to integrate robust anti-bullying

## No change

In October 2019 Government introduced anti-bullying guidance for schools, Rights, Respect and Equity. I welcomed the decision, following consultation, to make this guidance statutory for Governing Bodies and Local Authorities. I called for this change to be made in order to ensure the guidance has the necessary impact on the experiences of children and young people.

The guidance requires settings to develop robust anti-bullying policies informed by children and young people, which set out how bullying will be recorded and monitored, and how anti-bullying will be embedded into the curriculum. In addition, the guidance as a whole advocates a whole school approach to anti-bullying informed by children's rights and in which participation is a central element. It is informed by the perspectives of children and young people throughout, in particular drawing on my Sam's Story report.

strategies informed by children and young people into a whole school approach to wellbeing.

### 2018/19

Welsh Government should ensure that schools' self-evaluation incorporate a record of all incidences and types of report bullying. Schools should be expected to use this information to plan, monitor and evaluate their preventative and responsive antibullying work, in line with the approach described in the re-drafted Respecting Others, and the impact of this should be assessed as part of school inspection.

There is still work to be done to ensure that this guidance is implemented and schools approaches are monitored and evaluated. I am pleased to see that Government is currently offering training opportunities for education professionals and Governing Bodies about the new guidance. It is also important that work with this guidance is integrated into new approaches into evaluation, accountability and improvement. I will continue to monitor how this is taken forward by new frameworks developed by Welsh Government and Estyn.

## Young people leaving care

## "Hidden Ambitions" report

## 2016/17

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.

### 2017/18

## No change

These recommendations have been achieved, in part. However, the extension of personal advisor support for all care leavers up to the age of 25 has not been placed on a statutory footing, and there has not been sufficient progress in addressing housing options for care leavers.

I welcomed the Welsh Government's investment in support for care leavers, in response to my Hidden Ambitions report. 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. I am pleased that a high number of young people have already accessed these measures of advice and support.. However, I am conscious that a lack of statutory change to bind the Personal Adviser extension in law will not guarantee continued access to this support in the future. This is particularly concerning as we approach the 2021 Election. The Coronavirus pandemic has also created pressures and challenges for social services, and it is important this entitlement is protected for care leavers

I recommend 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.

### 2018/19

Welsh Government should amend legislation and guidance for the Social Services and Well-being (Wales) Act 2014 to secure all care leavers entitlement to a Personal Advisor up to the age of 25.

Welsh Government should make more definitive progress on extending the entitlements of the 'When I'm Ready' scheme to provide an equivalent level of support for young people leaving residential care. This should be secured on a statutory basis.

Using the findings from a follow up workshop to my Hidden Ambitions Report in January 2020, with the Care Leavers Forum, my team shared this information with the Welsh Government to inform the work of the Joint Housing and Social Services Group. This groups seeks to progress the extension of equivalent support to young people leaving care who are not in a "When I'm Ready" placement. However the work of this group has been paused due to the COVID-19 pandemic, and has only recently reconvened in November, and it is currently unclear as to when its much needed actions will be achieved to deliver important policy changes for this group of young people.

The Coronavirus pandemic has caused a significant shift in the way care leavers access support, with much of the services they use and support networks being accessed online. I have heard of positive examples of LAs and young people adapting well to new types of virtual support, as well as organisations such as Voices From Care offering enhanced support to young people during this time. I have welcomed Welsh Government's decision to update the guidance of the St David's Day Fund in the wake of the Coronavirus crisis. The Fund can now be used to fund basic necessities for care leavers and support them with any housing costs or potential loss of employment. However, we are unsure as to how many young people may have benefitted from this extension.

I am conscious the COVID-19 crisis is impacting adversely on Care Leavers, who are amongst some of the most vulnerable young people. Many will be living independently and may be experiencing financial difficulties and social isolation. Many young people may have been unable to see their families, siblings and friends, or access services, such as schools, colleges or work as they previously would have. I am also aware that face to face contact with Personal Advisers is likely to be have paused, with support offered remotely in most cases, unless a visit is deemed necessary. Some young people will also be transitioning to independent living during this uncertain time.

			These pressures are all likely to be taking their toll on the emotional wellbeing of care leavers and it is critical that Welsh Government act to prevent this worsening for care leavers by continuing to address their needs in regards to statutory support and safe, suitable accommodation.  Welsh Government have <a href="issued guidance">issued guidance</a> for Local Authorities to meet their statutory duties in regards to offering personal advisers to young people, however, without a statutory footing for extended support for all up to the age of 25, we cannot guarantee protection of this entitlement. This guidance also recognises that "finding suitable and available accommodation for care leavers may continue to be a challenge". In light of this, it is more pressing than ever that Welsh Government recognise this pressure on suitable accommodation and proceed with the positive work to address this.  My Manifesto for the 2021 Election calls on parties to make this important law change and to ensure young people are not placed in unregulated settings.
Adoption and sibling contact	2016/17 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.	No change	I am pleased that <u>guidance</u> has been published by the National Adoption Service and others on sibling contact which makes clear reference to children's rights.  Wales is making positive steps in recognising care experienced children's rights to see their family, where it is safe to do so. ,In the latestAdoption Barometer from Adoption UK <sup>1</sup> , the survey revealed that 52% of adopters in Wales would consider future direct contact with siblings. Wales also has the highest rates of indirect contact agreements with children's birth families.

<sup>&</sup>lt;sup>1</sup> https://www.adoptionuk.org/Handlers/Download.ashx?IDMF=c79a0e7d-1899-4b0f-ab96-783b4f678c9a

			However, it is unclear if arrangements are in place for all adopted children and children who may be in care and have siblings that have been adopted.  It is also highly likely that many care experienced young people will have experienced a change in the frequency of visits and the way they see their siblings as a result of Coronavirus.  Children and young people raise this issue with me regularly when I meet them. Improving contact arrangements between siblings is also a key priority for Voices from Care Cymru. I have also been encouraged by the work of the Sibling Alliance, who are exploring this issue in greater depth. Many children may have not seen any shift in policy or practice yet, which is why this is still rated Amber.
Residential Care	2016/17 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.	No change	This recommendation had previously been rated as Green because the work of the Welsh Government was on track. However I have become increasingly concerned at the lack of tangible progress and change for children and young people. The Task Force has met virtually during the Coronavirus Crisis, to discuss progress in relation to accommodation for children with the most complex needs, but much of the work has been allocated to specific groups. For example, little has been achieved in regards to delivering improvements in provision or policies for this particular group of young people who still do not have equivalent access to continued support schemes like "When I'm Ready".  Lalso continue to be concerned about the unnecessary criminalisation of children in care and those who go "missing" from care. We have been working with NYAS Cymru as part of their "Missing the Point" campaign working group to raise awareness of the issue and to call for the implementation of an all-Wales protocol to reduce the unnecessary criminalisation of care experienced children, as is in place in England. Having accepted this recommendation in 2016/17, I am pleased that Welsh Government have initiated a working group lead by the 4C's, to

			develop a protocol in Wales that seeks to address the unnecessary criminalisation of children in care. Recent work from NYAS and CIW have shown there continues to be higher levels of criminal cautions and charges amongst care experienced young people, and to date little has been done to address this. I will continue to push for change in this area.  In my manifesto for the 2021 elections I am asking political parties to make progress in reducing the rates of criminalisation amongst children and for children who are in care not to be placed in uninspected, unregulated settings.
British Sign Language (BSL)	2016/17 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.	No change	In my last update I cautiously changed progress in this area from red to Amber on the basis that some work in this area had taken a step forward. This included; the establishment of the expert stakeholder group who will develop curriculum and schools guidance in respect of BSL, the initiation of work in respect of a BSL charter and a forthcoming meeting for stakeholders to discuss the outcome Independent Review of BSL Provision for Adults in Wales.  Whilst it is positive that work on the BSL curriculum guidance has continued at pace I remain concerned about lack of progress in all other aspects of this work, particularly BSL learning opportunities provision for parents. As a matter of priority I expect to see a clear set of actions from Welsh Government with timescales attached to them which demonstrate a clear commitment to drive this work forward.  In Febuary 2021, I will be holding a roundtable with organisations that work with D/deaf children and their families, and parent/carer groups to discuss this matter. One of the outcomes from this meeting will be to share the collective views, experiences and learning from this meeting with Welsh Government to help inform their work.

			Since my last update my office has continued to promote resources from the National Deaf Children's Society, which includes a free online family sign language course, on my Coronavirus Information Hub.
Health Advocacy	2016/17 The Welsh Government should ensure that health related advocacy for under 18s is available and accessible to all who need it.  2017/18 I recommend 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.  I also recommend that the Putting Things Right 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.  2018/19 Welsh Government should establish national standards for health-related advocacy for all children and young people who require it and monitor health boards' progress towards commission sufficient advocacy, and their promotion of it.	Changed from Amber to Red	New guidance for health boards on expectations in terms of health related advocacy needs to be produced by Welsh Government, and consulted upon.  The new guidance for consultation should be based upon the guiding principles which were agreed at our Annual Child Health Seminar in 2019, and discussed with the Welsh Government health advocacy group.  This work should take place within the remainder of this Senedd term.  I am disappointed to note that there has been no progress at all on this agenda since our last quarterly update. We understand that officials have been redeployed because of the pandemic, but really believe that work must now begin again at pace to produce guidance for consultation. The commitments made to progress this work within the current Senedd term look unlikely to be achieved which is why this area has been downgraded from Amber to Red.

Transport	2016/17 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.  2017/18 I recommend that the new scheme should as a minimum ensure that the child fare is extended to the age of 18.  I also recommend that a CRIA is undertake 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.	No change	I am pleased that the MyTravelPass scheme has been relaunched and now covers an extended age range.  There were 2,300 applications for discounted bus travel from the launch date of 14th February to 12th May 2019.  I note that the First Minister indicated his wish to enrol all 16-18 year olds into a youth concessionary travel scheme to ensure that the discounts reach all eligible young people. My office has met with officials to discuss my support for this plan, which I anticipate would boost take up of this scheme, and I understand that officials had planned to put advice to Ministers towards the end of the year although this will have been affected by the Covid-19 response.  During the pandemic, transport arrangements have been re-organised and my Investigation and Advice team have been offering support to families in order to make sure they have transport to access education and services. I will continue to support individuals and also to scrutinise this area as the response to the pandemic develops and changes. Safe and available transport for children and young people is essential for many to access and experience their rights.
Childcare	2016/17 The Welsh Government should ensure through the childcare offer pilot and any subsequent scheme that the children of nonworking parents do not miss out on the increased childcare being offered to children of working parents.	No change	Subsiding childcare to help put money back in parents pockets can be an important plank of an anti-poverty strategy, but without attention to those children who miss out on childcare provision due to their parents' non-working status, it is not a child-centred strategy.  Since the childcare offer has come into force Government had made my office aware that consideration of future options to extend the scheme or

move the situation forward had commence. However as yet there has been no tangible change for children and young people.

			It is notable that the Coronavirus Childcare Assistance Scheme (C-CAS) provided free childcare for some vulnerable children which was not based on their parents' work status. However this was subject to local authority interpretation and has now come to an end. The pandemic has highlighted the inequalities of the existing system and reaffirmed the important contribution that good quality childcare and early childhood education has on children's wellbeing, development and health.  As part of my 20201 Manifesto, I am calling on all political parties to create a more child centred and equitable childcare and early education offer for children in Wales.
Child Sexual Exploitation	2016/17 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.	No change	Welsh Government led a pilot data gathering exercise to try to standardise the information that is being collected however has not yet resulted in steps being taken to secure a consistent national data picture. I have been assured that other steps would be taken to address this recommendation but have not seen any further progress.  The review of Child Sexual Exploitation statutory guidance provides opportunities to address this recommendation in full and I have responded to the consultation to this effect. I have also continued to raise this matter at my CSE/A roundtable.

			It was suggested that the new arrangements under the Measuring social services performance: code of practice could potentially address this matter, a proposal to which I also provided a written response. The final guidance has now been published and local authorities will now be required to report how many strategy meetings have been held following a child being identified as at risk of child sexual exploitation. This is likely to assist with indicating a degree of prevalence here in Wales and is an improvement compared to existing arrangements. However I will now be looking for assurance from Government that they can either evidence that it has a sufficient national picture to inform planning (through data collection and/or other sources) or has a clear plan of how it will address gaps in consistent national data collection accompanied with a timeline.  Covid 19  In order to respond to the immediate challenges of the Coronavirus outbreak Welsh Government have paused work in respect of this recommendation. I will however expect this to be resumed at the earliest opportunity to ensure a national picture is available and used to inform planning and decision making within this Senedd term.
Sexual abuse and exploitation	2017/18 I recommend 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.	No change	Provision is still variable across Wales which is affecting children's experiences.  However I acknowledge that positive progress has been made, led on by Cardiff and the Vale LHB, in respect of securing an interim service for these areas. Initial evaluation data suggests this is likely to have had a positive impact on the experiences of children under 14 years of age, compared to previous arrangements. I am pleased to hear that following a discussion with myself that children and young people's views have been sought as part of the evaluation. Whilst training and experience of relevant professionals is not something that can be addressed overnight I will be continuing to press those concerned about the safest but also most timely route to ensure those age 14 and over and have access to

appropriately trained health professionals including the option of paediatric support.

I will continue to monitor the current provision available here in Wales particularly this year where I understand further work will be taken forward in terms of the future delivery of therapeutic provision and other elements of the SARCS service. There are also commitments made related to the delivery of therapeutic provision in year 3 of the Government's National Action plan: Preventing and responding to Child Sexual Abuse. I was pleased that in March 2020 Welsh Government hosted a practice exchange to discuss the work here in Wales and hear from professionals working in the child housepilot in London.

SARCs have continued to deliver their services to children and young people during the outbreak. In North Wales therapeutic support has been adapted with sessions moving online or over the telephone in light of COVID19 restrictions.

However, the pandemic has delayed the implementation of the planned work of the SARC Project Board that is looking to secure future improvement in provision. I am also concerned that delivery of this work is being affected by uncertainty around Governance arrangements. I am aware that discussions are ongoing to firm up the governance and oversight arrangements. This issue must be resolved as a matter of priority to ensure this work is driven forward in 2021. My CSA/E roundtable group will be monitoring this closely.

In Wales we should be looking to provide the best possible support for children and young people who have been sexually abused. My manifesto 2021 calls on all parties to commit to adequate funding for provision, which will assist with their recovery like those, provided for by the child house model.

Healthy Relationships	2017/18 I recommend 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.	No change	I applaud Government's intention to ensuring access to Relationships and Sexuality Education (RSE) through the Curriculum and Assessment Bill, which stipulates RSE as a mandatory cross-cutting element and removes the parental right to withdraw children and young people from RSE. I strongly support this as an essential step to safeguarding children and ensuring all children and young people get age-appropriate information in order to make healthy choices and stay safe.  I also welcome the emphasis on healthy relationships within the Curriculum for Wales Health and Wellbeing AoLE.  My office continues to be involved in the development of the RSE Code and Guidance, through Welsh Government's Relationships and Sexuality Working Group. The intention of this group is to clearly set out developmentally appropriate RSE. My office continues to promote a rights-based and participatory approach to RSE through this working group, and to emphasise the need for this to be integrated with systemic change through ongoing professional learning and the establishment of an expert network, as recommended by the 2017 SRE Expert Panel.
Mental Health/ complex needs residential provision	2017/18 I recommend that 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.  2018/19	Changed from red to Amber	Both prior to and during the crisis we have seen inpatient units struggling to find an appropriate solution quickly for children and young people who are waiting for the care they need. Services have recently made use of a limited number of 'surge beds' commissioned from independent providers when there has not been capacity for young people in inpatient units.  Following the publication of my No Wrong Door report, and the review by Jack Straw and Phil Evans into residential provision for children with complex needs, I was pleased to present to Regional Partnership Boards and Welsh Government, and to meet with both to discuss plans for

Welsh Government should ensure new ringfenced funding specifically for the purposes of jointly commissioned mental health and social care residential provision for the small number of children and young people with the most complex needs in Wales.

Welsh Government should also act to ensure that the existing mental health in-patient units in Wales make changes necessary to extend the range of young people who can safely be cared for there.

Welsh Government should take action to develop secure mental health provision in Wales for the very small number of children who require this care. addressing this gap, on July 1st 2020. I was pleased that Welsh Government tasked every RPB to produce an analysis of resources available and resources needed for such provision to be established. There are encouraging signs of local authority-level bids for such provision, but I am disappointed that only 2 of the 7 RPBs, at the time of writing, have progressed on such plans. Thebarriers in the way of funding such provision need to be overcome urgently, and I urge Welsh Government to play a dynamic role in ensuring plans for this urgent provision turn into action before the end of this Senedd term.

We continue to hear very regularly from families where children are kept in unsuitable settings, or at home, when they require residential provision for their complex needs.

### Profit in care

### 2017/18

The Welsh Government should ensure that local authorities deliver their duties under Section 16 of the Social Services and Wellbeing (Wales) Act 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.

### 2018/19

Welsh Government must commit to taking concrete actions within the next year towards reducing and ultimately ending profit making in children's care services, without detriment

## No change

I am aware that Welsh Government commissioned Professor Andrew Pithouse to explore how care services for children can be "rebalanced", which has explored the current commissioning landscape in Wales for foster and residential placements and alternative models of care.

However, I am aware that the current Coronavirus crisis has resulted in a pause in this policy work for Welsh Government.

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. I have also received letters from professionals who are in support of these calls and would like to know more about how this change can be made in Wales.

	to children and young people's current care arrangements.		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.  Some Local Authorities are bringing some elements of their provision in house but this is taking place individually in the absence of a national directive. CIW's thematic review of Care Homes for Children revealed that just 19% of homes are managed voluntary or by the Local Authority.  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.  We recognise the complexity of this work and would not want any child who is doing well in a placement to be undermined by these calls. Many homes and providers in Wales are delivered by small firms, and Welsh Government should consider how best they can support these to transition to become registered third sector or social enterprise providers. This would ensure greater transparency on the costs associated with placements and give greater assurances to children, staff and carers alike that companies are not profiting from public spending on vulnerable children.  In my Manifesto for 2021, I am calling on all political parties to make progress in this area.
Health Transitions	New for 2018/19 Welsh Government should ensure that health boards have effective guidance that will lead to children and young people having access to coherent multi-agency pathways for	New addition	I am pleased that the Welsh Government has developed and consulted upon draft guidance. I am expecting this to be published in January 2021. I am particularly pleased that Welsh Government have taken on board several of our suggestions, and that the draft guidance has underpinning principles informed by children's human rights. The draft

transition to adult services. Children and young people should be directly involved in the creation of their care plans.

This guidance should also ensure that 16 and 17 year olds accessing health services for the first time, including emergency care, have a clear pathway to age-appropriate care.

guidance also recognises the issues faced by 16 and 17 year olds accessing health services for the first time

However, there are several elements of the new draft guidance which we sought clarity on in our consultation response. Particularly, this involves accountability of health boards to deliver this guidance, and the need for all health boards to have a named individual who is given the time, space and resource to undertake a coordinating role across transitions to adult services.

## This guidance will need to demonstrate:

- 1. That it will improve the experience for children and young people and young adults who we know are not currently getting the sensitively managed, multi-agency approach they need to help them get through moving from children's to adult services in as smooth a way as possible, reactive to issues emerging
- That it will improve the relationships between children's and adult services, where both are jointly responsible for the care of that young person as they move between children's and adult services
- 3. That it will assign responsibility to an individual / individuals to ensure young people's care doesn't 'stall'

ANNEX 1

Recommendations that are no longer actively reported upon.

Adoption support	2015/16 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 change	Positive steps are being made to address the support needs of many children and their families. In September 2020, Adoption UK published their "Adoption Barometer" survey, which explored adopters' experiences of support, access to services and outcomes for young people in each UK Nation. The latest report highlights the positive impact adoption support is having on families and how this can be improved to provide more timely support.  The National Adoption Service, along with Adoption UK, announced the development of a range of adoption support services, supported by £2.3 million in additional funding from the Welsh Government. This will enable families in Wales to access Therapeutic Education Support Services for Adopters (TESSA) and children will be able to access child-specific support services. These support services are being rolled out across Wales and we will continue to monitor this through our position on the National Adoption Service Governance Board and the Adoption Support Evaluation Group.
Advocacy	2015/16 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.	No change	I am pleased to note that the National Approach is now live across all of the regions and children and young people are being actively offered the support of an advocate.  Welsh Government have now published the National Standards and Outcomes Framework for Children and Young People in Wales, which sets out what young people can expect from their independent advocacy service. Through the role of the task and finish group that my office was part of, the framework expressly recognises the UNCRC and its application to advocacy.

### 2016/17

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.

### 2017/18

I recommend that the Part 10 Code of Practice is amended to give statutory force to the National Approach to Statutory Advocacy including all of the associated documents. Renewed <u>Code of Practice</u> relating to advocacy has now been published, setting out young peoples' entitlements to advocacy, including those who come into contact with child protection procedures, care proceedings or require care and support from Social Services.

We continue to monitor the roll out of the active offer, through our I&A case work and position on the Advocacy Providers Group. We are aware that children in residential homes have faced challenges in accessing their statutory entitlement to advocacy. This has been raised in the recent thematic review of children's homes by Care Inspectorate Wales, with further work being underway by TGP Cymru to determine consistent access to provision.

I am aware that the Welsh Government National Approach to Statutory Advocacy for Children and Young People Task and Finish Group is coming to a close. Going forward, robust monitoring arrangements must be put in place to ensure the roll out of the Active Offer continues. Steps must also be taken towards the development of a National Commissioning Framework, in line with the Senedd CYPE Committee recommendation to monitor "annually local authority expenditure on statutory advocacy services". This would further help to ensure that access to high quality, independent advocacy can be universally accessed by vulnerable children and young, and would protect statutory advocacy services for children, as Wales enters its COVID-19 recovery phase.

## Additional Learning Needs

### 2015/16

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.

### 2016/17

### No change

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 passed with due regard to the UNCRC and UNCRPD on the face of the Bill.

The draft Code of Practice and Regulations was subject to consultation in spring of 2019. In September 2019 Government announced a delay to the implementation of the Act. I am continuing to engage with Government to emphasise how the new Code can more fully embed children's rights across their educational experience.

	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.		I also welcome Government's plans to give some financial boost to the current system next year. This investment is essential so that children and young people can be supported immediately and it will also help to increase capacity across Wales before the new law is implemented. I hope this additional investment is not a one-off, and will be continued as the new system develops.
Additional Learning Needs	2015/16 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 strengthen the powers of the Education Tribunal for Wales.  2016/17 The Welsh Government should also strengthen the powers of the Education Tribunal for Wales by extending its remit over health bodies.	No change	The Educational Tribunal will now have powers over health bodies under the Act, including the ability to request evidence and reports for appeals.
Equal protection	2015/16 A bill should be introduced to the Welsh assembly as soon as possible to remove the 'reasonable punishment' defence.  2016/17 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.	No change	I am delighted that the Assembly has now passed the Children (Abolition of the Defence of Reasonable Punishment) (Wales) Act 2020. This change in the law will provide clarity to professionals and parents, and provides a clear message that, in Wales, it is not acceptable to use physical punishment. This law change has been called for by the UN Committee on the Rights of the Child for many years, and brings Wales into line with over 50 other countries worldwide, as well as the Republic of Ireland and Scotland, in making this change.

	2017/18 I recommend that a Bill should be introduced as soon as possible to make sure that the Government's commitment is followed through.		I will continue to work with the Government through the implementation period to ensure that clear information and support are available to all in relation to this change.
Youth Parliament	2015/16 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 national assembly to realise this ambition.	No change	The Senedd leuenctid / Youth Parliament sat for the first time in February 2019 and has commenced its annual cycle of meetings. This is a hugely positive development to ensure young people's participation and representation at a national level.  My team continues to engage with the Assembly team that supports this work, to explore the best means through which the Senedd leuenctid can scrutinise my work, and so we can align our priorities where possible to ensure maximum scrutiny of the Government's work.  In October 2019 I had my first discussion session with the Senedd leuenctid, focusing around the topic of mental health and hope members continue to scrutinise and inform my work in this way.
Young people's participation in curriculum reform	2015/16 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.  2017/18 I recommend 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	No change	At the various consultation stages relating to the Curriculum for Wales, Welsh Government did respond to repeated calls from myself and others to ensure young people were consulted. The consultation on Curriculum for Wales in 2019 used a methodology to ensure children and young people with protected characteristics were involved and a <u>summary of this participation</u> is available. However, Government has not fulfilled the National Participation Standards by publishing feedback to communicating to young people how their participation was considered.  I welcome the guidance on involving learners in curriculum design in the overview to the Curriculum for Wales, which is important to ensure participation in local curriculum design.

	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.		I do not consider this recommendation was fully achieved: consultation was late in the process, and participation was repeatedly put to one side despite engagement and advice from the children and youth sector at the start of the reform process. The opportunity for embedded, high-quality participation was not taken up, and active offers of support from my office were not taken forward. I am no longer monitoring work in this area as the opportunity to systematically build participation into curriculum reform has now passed.
Young people leaving care Council Tax	2016/17 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.	No change	I am pleased that this recommendation has been achieved. All Care Leavers are now exempt from paying Council Tax until the age of 25.
Wales Police Schools Programme	2017/18 I recommend 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.	No change	Following a proposal to reduce the funding for this programme, the Government and Police forces have agreed to reinstate this money for 2019/2020 and this has continued into 2020-21. The Welsh Government Draft budget has confirmed that funding for the programme should be maintained for 2021/2022.  An Operational Review of the Programme was undertaken in 2019, and I am informed that the recommendations are being taken forward through a Police chaired Operational Board, with oversight by a Strategic Board led by Welsh Government. I will continue to have an oversight of the programme through my Child Sexual Abuse roundtable.