

Annual Report

2020-21



**Comisiynydd
Plant Cymru**

Children's
Commissioner
for Wales

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**We had to make sure
Wales protected its
children, and that's
what drove my staff
team every day.**



1. Foreword by Professor Sally Holland, Children's Commissioner for Wales

In March 2020, Wales was put into lockdown because of Coronavirus. It meant that life changed a lot, for us all. For children and young people, it meant that their way of learning, playing and securing support had to change overnight.

Despite us all experiencing change and difficulty, as a team we felt stronger and more committed than ever to make sure the Government here in Wales placed children and young people front and centre of its work. It's meant us changing the way we work with Government, often working alongside providing support on children's rights issues, but always maintaining our scrutiny role by highlighting deficiencies or gaps in support when we saw them. We had to make sure Wales protected its children, and that's what drove my staff team every day. We strove to be constructive, balanced and reassuring to those who we're here to serve. There'll be a time to review how public services in Wales protected children's rights during the pandemic; 2020 was not that time.

Whilst we were blessed with record low sickness levels this year, many of my staff team had some caring responsibilities and challenges of their own during the pandemic. Yet, despite competing pressures, we delivered our pre-pandemic work objectives and a great deal more. Each objective set out was delivered, each element of our work continued without a day's delay, each member of staff embraced additional work to ensure children's voices were heard by those in power. This included us twice leading on the biggest UK survey of children and young people's experiences of the pandemic during two periods of lockdown – which saw us work in partnership with Government and others – and ensuring the results shaped guidance and safety measures at a national and local level.

This report provides an overview of all our accomplishments during the period 1 April 2020 and 31 March 2021 – year 2 of our latest three year plan – and concludes with a series of pressing changes for the Government to implement without delay.

Whilst it seems children have fewer health risks from Covid-19, their lives have been disrupted like never before. I'd like to conclude by paying tribute to the heroic efforts of front line workers who have supported, nurtured and cared for and educated our children this year. And, here's a message to the nearly 700,000 children and young people who call Wales their home: you've been brave, resilient and patient this year and whilst all our work may not be obvious to you, my team and I have listened to you and will press on those in power every day to protect you and your rights.

Sally Holland
Children's Commissioner for Wales

...you've been brave, resilient and patient this year and whilst all our work may not be obvious to you, my team and I have listened to you and will press on those in power every day to protect you and your rights.

**This year's
highlights**



2. This year's highlights

Our year in numbers

Here's what 26 members of staff achieved in the year up to March 2021

44,000

Gathered the views of 44,000 children and young people across Wales through our 'Coronavirus and Us' surveys

30

Responded to at least 30 Senedd, Welsh Government and other organisations' consultations, creating tangible change in a number of new policies and legislation.

663

Managed 663 cases through our Investigations and Advice service

380

380 schools (25% of schools in Wales) proactively engaged in our ambassador schemes

449

Secured at least 449 pieces of broadcast and print coverage for the organisation

694

Engaged in person with at least 694 children and young people across Wales at online events, workshops and meetings

10,000

Secured nearly 10,000 votes in the country's first parallel Senedd election for 11-15 year olds.

11

Published 11 thematic reports on topics ranging from inclusion in the foundation phase to a report to the UN Committee on the Rights of the Child.

200

Sent at least 200 tailored responses to individual queries from young people, parents and carers regarding the impact of Covid policies on their lives.

55

Held focus groups with 55 young people across Wales in a 'listening day' in November to assess the impact of the October 'firebreak' restrictions in Wales

167

Gathered the views of 167 head teachers and college principals in one week in January on digital inclusion

864

Hosted online children's rights lessons for 864 children and young people

800

Hosted training sessions on children's rights for over 800 participants

148

Worked with at least 148 working groups and organisations on a range of children's rights issues and increased our engagement with some critical organisations, including education consortia, third sector organisations and teaching unions

Major achievements

Our major achievements between 1 April 2020 and 31 March 2021 include:

Played a major role in **data gathering** with children and young people during the pandemic: Two Coronavirus & Me surveys, a listening day report and a digital inclusion survey and report.

Influenced a wide range of measures including children's return to school, changes to qualifications arrangements and enabling children in care to have contact with their families.

Undertook the first **formal review** by the office of the Welsh Government's exercise of its functions.

Developed new ways of engaging children and young people using digital technology including live engagement with schools to deliver workshops and webinars, videos to support Right of the Month, and content for our information hub on activities to do at home with children. We also worked with a group of young people with learning disabilities to review and enhance our accessible work for children.

UN reporting: We submitted two reports to the UN Committee on the Rights of the Child alongside our UK counterparts.

Provided **two written submissions** to the Independent Inquiry into Child Sexual Abuse, and appeared as a witness, at the Independent Inquiry into Child Sexual Abuse's Residential School Inquiry.

Created and hosted an **information hub** with accurate, current and accessible information about the pandemic.

'No Wrong Door': The report sets out why Wales needs a 'no wrong door' approach to mental health and wellbeing, and gives good practice examples from across Wales of where this is beginning to happen.

'Building Blocks': This report highlights the findings of our investigation of exclusion in Foundation Phase education (ages 3-7) across Wales, which revealed that, on average, nine Foundation Phase children per authority had been excluded more than once, with one child having been excluded 18 times in a one year period.

Project Vote: Ran a unique parallel election to coincide with Senedd Cymru's May 2021 election and secured almost 10000 votes from across Wales.

Hosted a **d/Deaf round table** to hear directly about experiences of d/Deaf children and their families.

And within our organisation:

Increased the frequency of our meetings with our group of 47 young advisers aged 11-18 to monthly online sessions and utilised their invaluable advice to guide our priorities.

Enabled all of our staff to **work from home** with no interruption of our services.

Supported our staff through hard times in the pandemic with a series of innovative initiatives by our well-being warriors group.

Kick-started a fresh approach to **developing ourselves as an anti-racist organisation.**

Coronavirus and Us



3. Coronavirus and Us

Just two weeks in to our new work plan year, and our office was closed like offices, schools and colleges right across the country, due to the Coronavirus global pandemic. Our work plan for the year, like every year, had been influenced and informed by the views of children and young people and those who care for or about them. We chose to maintain our original planned set of projects, and those are all set out within this annual report in the usual way.

In September 2020 we published the **Coronavirus and Us** report which gave our assessment of the Government's work to uphold children's rights at that point and outlined our work during the first five months of the crisis. Even then we did not expect further lockdowns and restrictions to have had quite such a manifest impact on all of our lives and our work for the whole year, but the actions we took from the outset enabled us to continue to work to support children and young people during the year.

In September 2021 we published Coronavirus and Us: 2nd edition September 2020-September 2021. A full account of our actions in relation to the pandemic can be found there, but here we summarise the highlights.

In the first report, we noted that we had set out for ourselves early on, the following four priorities in the first week of the pandemic being declared in the UK. Here is a brief summary of what we have continued to do deliver these priorities since September 2020.

1.
Make sure children, young people and their families have clear and reliable information and advice.

Since September 2020 we have:

- Continued to update our Coronavirus **information hub** as new regulations and developments have emerged. This has included a 'one-stop' page on qualifications and appeals; as well as specific advice for children who are care-experienced, young carers and those with additional needs;
- Developed a **new Haf o Hwyl/Summer of Fun web-page** outlining free play, organised activities and volunteering opportunities for children and young people over the summer, organised on a local authority basis;
- Worked with others to assist clear communications to young people on crucial matters, including Welsh Government and Qualifications Wales;
- Continued to provide advice and guidance to children, young people and their families who contacted our **Investigation and Advice** service.

2.

Check that children who might need more support than others are safe and getting what they need

Since September 2020 we have:

- Kept closely in touch with our 'closed' settings in Wales (young offenders institution, secure children's home and in-patient mental health units) including listening directly to young people in those establishments. We've continued to support them by raising issues with Public Health Wales and Government as they have arisen;
- Raised issues of isolation rules and contact with families for looked after children and achieved positive changes;
- Highlighted issues and achieved changes in guidance for home educated children;
- Achieved further changes in self-isolation rules for disabled children and those without gardens;
- Published **reports** on the extra impact of lockdowns on disabled children and children from Black, Asian and Ethnic Minority backgrounds;
- Researched and **reported** on digital access for children learning at home.
- Published a **formal review** of Welsh Government's decision not to proceed with planned regulatory changes in relation to elective home education and safeguarding in independent schools due to pandemic pressures.

3.

Make sure that children and young people are listened to

Since September 2020 we have:

- Repeated our **Coronavirus and Me** survey for 3-18 year olds in January 2021, achieving 20,000 responses in less than two weeks;
- Held a 'listening day' with young people most affected by the Firebreak last autumn and **reported** on our findings;
- Continued to hold monthly meetings with our diverse, all-Wales panel of 47 young people aged 11-18 and sent regular summaries of their views and experiences to government;
- Enabled Welsh young people to create their own report giving advice on how governments should respond to the pandemic, enabling them to take part in a **European-wide project** that will produce a young people-led European report in September 2021.

4

Help government and other services hear about and respond to children and young people's experiences and views.

- Swiftly published the **results** of our January 2021 Coronavirus and Me survey, and prior to that sharing in confidence national results with Government the next working day after the survey closed. Locally tailored reports were sent to local authorities soon afterwards;
- Successfully lobbied for 'Haf o Hwyl/Summer of Fun' additional £5m funding from Government to ensure that children and young people of all ages have had access to high quality free provision throughout the summer;
- Continued to report frequently to Government trends and individual issues affecting children reported to our office through our independent casework service;
- Responded individually to hundreds of queries about pandemic regulations from members of the public;
- Convened virtual 'round table' sessions between government and young people, at short notice, to give urgent advice on exam arrangements and lifting of Covid restrictions;
- Provided written advice, often within hours of the request, to government officials on dozens of draft Covid-related regulations and sets of guidance to ensure that children's rights had been considered.
- Our Coronavirus and Us work, including how Welsh Government responded to the findings, have been cited as a particularly good example of children's involvement in decision-making during the Covid19 pandemic, by the World Health Organisation, in its report **'Third high-level meeting on Schooling during the Covid19 pandemic'**

There is more information about changes we directly influenced through ensuring government listened to young people in the rest of the report, available [here](#).

What we did to protect our team

Working during the pandemic

Following a successful year of remote working, we have learnt a lot about ourselves. We are fortunate to be a close-knit team with strong working relationships. This bond has helped us tremendously to support each other through the pandemic and continue to deliver our work programme whilst responding to emergency requests for advice.

We have a fantastic team of Well-being Warriors, established in response to our Time to Change Wales work, who have volunteered their time to keep us connected and keep us smiling. We are very proud of this grass roots initiative and you can read more about our warriors in this [blog](#) and more about our March for Health initiative [HERE](#).

We recognise that unlike many keyworker services we were fortunate to be able to continue with our work from home. However, many of our staff had steeply increased care responsibilities at home. We made sure we supported individuals affected by enabling them to find a flexible working pattern that worked for them. We also enabled some of our staff to spend some time each week volunteering to help their local communities with food supplies and other support. We were encouraged by our record low sickness levels over the last year accompanied by no let-up in our productivity.

Our governance statement in our accounts section highlights some other changes we made to ensure we operated efficiently, effectively and safely as a staff team this year.

Longer-term changes

We have consulted extensively with staff about future working patterns and the sustainable business benefits of remote working and we have developed our first Home Working Policy and our first Working with Agility and Flexibility policy.

We have made a big decision to downsize our office premises, as our lease was due for renewal in July 2021. We have committed ourselves to premises in Port Talbot that are half the size of our old premises and next to a mainline railway station, along with a commitment to move towards a paperless solution for our records.

Despite competing pressures, we delivered our pre-pandemic work objectives and a great deal more.



4. How we've delivered on our commitments

Year 2 of our current three-year plan (2019 – 2022)

Every three years the Commissioner publishes a three-year plan, outlining what we'll be working on to improve the life chances of children in Wales. Our **latest plan**, published in April 2019, was developed from research evidence about children's access to their rights in Wales and our own consultation with Welsh children and adults.

From speaking with over 10,000 children, young people and those who care and work for them, and reviewing the best available evidence, we identified four ambitions for the team to deliver over the three years from 2019-2022. They are:

1. **Wales: a country where rights become reality.**
2. **Protecting rights, wherever you are.**
3. **Learning, understanding and experiencing rights.**
4. **Being accountable to children in Wales.**

You can read a copy of our three-year plan [here](#). Last year's **annual report** demonstrated what we'd achieved in the first year of the three year plan. 2020-21 was the second year of the plan.

Below are details of the projects we committed to and completed this year and some highlights of our day-to-day work:

Wales: a country where rights become reality

What's the issue children and young people told us about?

Our public services still do not meet the needs of our children and young people effectively. Children and their families have to navigate complex systems and are often not helped because they do not fit neat categories or are not helped until they are in crisis. This is a particular problem in our mental health services and disabled children's services. This was a strong message from young people, parents and professionals in our consultation.

Here's what we've done about it.

Project

Outputs

Reporting to the UN Committee on the Rights of the Child

Every 5 years, the United Nations Committee on the Rights of the Child asks for evidence from the UK Children's Commissioners and other organisations on how the UK and devolved governments are doing when it comes to children's rights.

In December 2020, we **published** two reports jointly with the Scottish, English and Northern Irish Commissioners, for the Committee to consider. The first was a report with a list of what we all felt were the most important issues facing children and young people in the UK for the Committee to consider; and the second was a young people's experiences report which was informed by consulting with young people across the UK.

Some of the key issues identified in the first report include:

- The impact of the pandemic on children's rights in the UK
- The need for governments to bring in new laws which mean the United Nations Convention is fully incorporated into Welsh law, meaning all public bodies need to demonstrate how they are meeting the requirements of the Convention.
- The need for governments to tackle child poverty

Some of the things children and young people told us were important to them include:

- Not enough awareness of children's rights
- Not all children and young people are treated fairly or have their views respected properly
- Governments need to take action on the climate crisis
- Governments need to do more to protect children from violence; to support children with disabilities, who need help with their mental health, who are living in poverty or who are otherwise discriminated against because of their ethnicity or sexuality, for example.

The Committee have now published their own List of Issues based on what we and others told them. We were pleased to see many of the issues raised in both reports appear in this List. The next stage is for the UK and devolved governments to respond to the recommendations from the Committee, which they have to do by June 2022.

Day-to-day work

We continue to operate within a children's rights framework ourselves.

The main purpose of **'The Right Way: A Children's Rights Approach in Wales'** is to encourage public bodies and organisations in Wales to adopt a children's rights approach which, in turn, will help deliver real changes in children's everyday quality of life and equal chances to fulfil their potential. We have made a commitment to adhere to the framework's five principles ourselves. You can read more about the progress we've made on page 52 onwards.

We continue to press Government and others to deliver what they promise for children and young people, through our policy and public affairs work.

Our report card on pages 59 onwards highlights the significant influencing work undertaken by our policy team of 5 advisers this year.

Learning, understanding and experiencing rights

What's the issue children and young people told us about?

There is a strong demand from children, parents and professionals for schools to be centres of excellence for wellbeing, inclusion and to equip Wales' children to make positive contributions to society as citizens. This means they are supported emotionally, learn and experience healthy relationships with others and they understand and respect the human rights of those from diverse backgrounds.

Our evidence review and consultation revealed that bullying continues to be a concern for children and young people

Here's what we've done about it.

Project

Outputs

Building Blocks

In response to a trend noted via our investigations and Advice service, the team undertook an investigation of exclusion in Foundation Phase education (ages 3-7) across Wales. The work included an analysis of 21 cases, survey of every local authority in Wales, focus groups with education professionals and participatory work.

'Building Blocks: Inclusion in the Foundation Phase' sets out the findings of this research, and reveals 768 reported incidences of exclusion relating to Foundation Phase children in 2018-9. The true figure is likely to be higher as data was not made available by all local authorities.

Investigations also revealed that on average nine Foundation Phase children per authority had been excluded more than once, with one child having been excluded 18 times in a one year period.

You can read more about this work on page 87.

Project Vote

We planned and hosted the first ever parallel Senedd election this year for young people aged 11 – 15. Almost 10,000 votes were cast in 36 of the 40 constituencies in Wales, meaning more than 1 in 20 young people in Wales aged 11-15 took part. A dedicated site – www.projectvote.wales – was created and hosted tailored accessible resources to prepare young people to take part in the parallel election. The resources and delivery were developed and piloted in consultation with young people and a reference group of schools serving diverse communities. We are very grateful for their commitment in the midst of the pandemic challenges that schools were coping with at the time.

Our package of support for schools included:

- Bilingual, interactive, ready-to-deliver lessons. We also developed accessible lessons for pupils with additional learning needs.
- Free webinars for young people including a 'Dying to Vote' session on the history of voting with Professor Laura McAllister.
- Creative materials for learning about elections and the Senedd for children of all ages.

Here's some feedback from teachers who took part:

"The students are much more interested in politics and are questioning the idea that you should simply vote for who your parents vote for. This has been incredibly powerful in giving them social responsibility and seeing the value of voting."

"A refreshing insight to politics for my 14/15 year olds. They were able to feel important and heard."

Day-to-day work

'Here I Am'

Created in the wake of our previous work on bullying, and the Black Lives Matters protests in 2020, the aim of the **resource** was to tackle stereotypes and celebrate the diversity of Wales. Our young people's panel were keen to promote more work on diversity and tolerance and they played a key role in advising on this work.

The resource includes a lesson plan and videos of groups of young people with different characteristics discussing the stereotypes they face as a member of that group as well things they enjoy doing as individuals. The resource was used as part of our autumn Special Mission for our Ambassadors schools and Community Ambassador schemes. Children were encouraged to use the resources and create something to celebrate their own identities in response to what they had seen.

This resource was widely used in schools and community groups in autumn 2020 and is still available on our website.

We will continue recruiting to and supporting our Super Ambassadors, Student Ambassadors and Community Ambassadors.

We run three **free schemes** which empower children and young people to become Ambassadors for the Commissioner in their school or community group. Ambassadors take a lead role in promoting children's rights and the role of the Commissioner. The schemes also enable thousands of children and young people to feed into the work of the office via Special Missions (a systematic way to consult with and be informed by a range of children and young people about issues linked to the thematic work of the office).

This year we had 336 Super Ambassador (primary) schools and 44 Student Ambassador (secondary) schools signed up to our schemes despite the additional demands upon schools caused by the Coronavirus pandemic. We asked schools to re-register over the summer of 2020 to ensure that we had an accurate picture of the number of active Ambassador Schools.

We continued with setting termly missions during the school year and had a great response to all three missions. We also held livestreams with the Commissioner, in lieu of our usual face-to-face training events, which were joined by 93 primary schools and 11 secondary schools.

We held a session during autumn term 2020 for teachers from our Ambassador secondary schools to meet with the Commissioner to highlight any challenges they faced after returning to face-to-face teaching.

Our Ambassador schools and community ambassador groups played an integral role in our series of 'Coronavirus and Me' surveys this year, enabling us to capture the views of children and young people across the country.

Day-to-day work

Promoting children's rights to professionals

Qualification Wales

Qualifications Wales sought our advice in developing a business case for setting up a young person advisory group. After this was approved we met with staff from Qualifications Wales to offer advice on the practicalities of running a young person's advisory panel, including ensuring the panel was diverse and inclusive, sharing examples of our application form and terms of reference. We peer reviewed their advert, application form, and other documentation before publication, and met with staff to offer advice on safeguarding training and policies.

St John's Ambulance Cymru

We worked with the team at St John's Ambulance Cymru to create activity packs for their Badger and Cadets groups. This followed on from the success of the Scouts and Girl Guiding Cymru badges the office developed last year.

Participation staff also delivered on-line children's rights training to leaders at St John's Ambulance Cymru. As part of the training leaders considered the rights that are relevant to them in their role and how they could support children and young people to learn more about their rights.

Training for Education staff in association with Gwent Psychology Service

Working in partnership with Gwent Psychology Team as part of our Behaviour and Inclusion project, our participation officers created a bespoke children's rights and psychological needs training session. The training focusses on child development, including attachment theory and consideration of children rights in that context. Following a pilot event, the training was delivered to teachers from the EAS integrated education service in Gwent and will be offered to other consortia in the coming year.

Education Consortia teacher training

The team have provided training on children's rights to education consortia across Wales. We delivered bilingual training about children's rights to the north Wales school effectiveness and improvement service, GwE, including for 40 GwE teachers and then separately to over 50 GwE newly qualified teachers.

The team also delivered a session on Pupil Voice for staff from all regional consortia during their National Pupil Development Grant (PDG) Focus Week.

Day and Boarding school teacher training

A half day bespoke training session on embedding a children rights culture within a school was delivered to a whole school staff team at a large boarding and day school. The school had requested the training following our involvement in an investigations and advice service case at the school.

Day-to-day work

Right of the Month

To promote the UNCRC the team adapted a Right of the Month approach used in many schools across Wales as a helpful way to highlight and link certain articles of the UNCRC across the yearly timetable.

Participation staff have created engaging monthly videos covering all key stages in education. The videos focus on a different right each month and set children an activity, challenge or question to consider.

Communications work

Being a source of reliable and accessible information and being a reliable and accessible spokesperson on issues affecting children's lives are two critical elements of our communications work.

During this unprecedented year, we strived to:

- Provide up-to-date, reliable and accessible information to children and their families through an information hub and encouraged others, including the Welsh Government and Qualifications Wales, to do the same. Some highlights of this support included a Welsh Government live press conference broadcasted on BBC Wales for young people where the Minister for Education addressed questions from young people and content directed at learners by the Chief Executive of Qualifications Wales.
- Provide a balanced view on the changes to our lives during media interviews. This year, we saw an increase in interest from UK-national media outlets as a result of devolved approach to the pandemic. Among the 400+ pieces of coverage, the Commissioner appeared on BBC Breakfast, BBC News Channel, Radio 4's Start the Week and featured in the Guardian.
- Not speak out publicly via the media about all issues we were concerned about. This was a conscious decisions so as not to cause alarm and confusion. Instead, we worked with the establishments making critical decisions on these issues to secure change and spoke out publicly when we felt that doing so could influence change.
- Champion children's views in everything we did and supported others to do the same. As a result of this support, we hosted a Q&A session for the Minister for Education with young people about exams and increased our engagement with our young people's advisory panel to be monthly (as opposed to quarterly).

Protecting rights, wherever you are

What's the issue children and young people told us about?

The importance of keeping children safe from harm or abuse emerged as a high or top priority across most age groups in Beth Nawr, from 3 year olds through to professionals.

There was also widespread concern about groups of children that face unequal chances due to poverty, disability, mental health issues and family problems from Beth Nawr and face-to-face consultations with children and adults.

Our evidence review also revealed inequalities brought about by poverty as a major challenge for Wales, alongside the challenges of supporting children's mental health and those with disabilities.

Here's what we've done about it.

Project

Outputs

No Wrong Door – bringing services together to meet children’s needs

In June 2020, we published our report: **No Wrong Door – bringing services together to meet children’s needs**.

The report sets out why Wales needs a ‘no wrong door’ approach to mental health and wellbeing, and gives good practice examples from across Wales of where this is beginning to happen. A ‘no wrong door’ approach means that services work together to make sure that whatever the reasons for a child being in distress, when they ask for help they should not be told they have come to the wrong place, or feel like they have knocked on the ‘wrong door’. They should instead be supported by services coming together to wrap around their needs.

The report found that there was not enough focus on children and young people’s needs and much improvement was needed, but that there were some encouraging things happening in each region.

The report made a series of recommendations to every Regional Partnership Board (RPB) in Wales. RPBs are in charge of making sure health, social care and other services work together for the population in their area. It also made recommendations to Welsh Government of how to support them to make improvements.

The Commissioner will meet with all RPBs in summer / autumn 2021 to find out what they are doing to meet the recommendations we made. Young people will also have the opportunity to directly scrutinise Boards in the autumn.

In 2021/22 we will work closely with the Together for Children and Young People Programme and their NEST / NYTH framework for RPBs. The NEST / NYTH framework is a whole-systems approach to mental health and wellbeing which shares the principles of a No Wrong Door approach.

A Review of the Welsh Government’s exercise of its functions: Home education and Independent Schools

A core element of our current three year strategic plan, is respect for children’s rights in all education settings. In successive annual reports, we have set out concerns regarding inaction in respect of statutory guidance for elective home education, and in last year’s report we documented concerns about protection of children’s rights in independent schools.

It therefore became incumbent upon the office to pursue the formal use of our legal powers, to review the Welsh Government’s ‘exercise of their functions’ (actions/omissions) when it was communicated to us in June 2020 that work in both of these areas would not be progressed due to the pandemic.

No children’s rights impact assessment or considerations was undertaken prior to the making of this decision.

>>>

Project

Outputs

A Review of the Welsh Government's exercise of its functions: Home education and Independent Schools

This was the first time that the Office had used this particular power in respect of the Welsh Government. Given the ongoing pandemic response, we decided to undertake this as a swift paper-based exercise, which commenced in September 2020 and concluded in December 2020. A draft report was shared with the Welsh Government in early January 2021, and the report and full appendices of the work undertaken, were published in February 2021.

This approach allowed us to undertake this Review alongside our own core and project work already planned for the year, and meant not disrupting the Government in their response to the pandemic. It also allowed us to review contemporaneous papers that indicated how decisions had been taken, rather than requesting new evidence at the point of the Review that may have presented a different picture or approach.

The Review found that the Government had not complied with their legal duties under the Rights of Children and Young Persons (Wales) Measure 2011, to protect and uphold children's rights in their work. They had undertaken a lot of activity but ultimately no changes had been brought forward to safeguard children in these settings and ensure they have access to all of their rights.

A series of recommendations were made including: legislative change for both policy areas, consideration of how the Government works across departments to uphold children's rights, how they take forward policy consultations, how lessons from Child Practice Reviews are acted upon and how the Commissioner's own powers require adjustment in order to fully support the exercise of their role as independent champion for children in all settings across Wales.

The Government has accepted the majority of the recommendations in their formal response to the review in March 2021. Whilst some of the recommendations could not be fully accepted at that time without making commitments on behalf of the new Government, the continuation of a Labour government in Wales allows for work already commenced to be carried forward at pace.

We were also pleased to see the reinstatement of a group of senior officials within Government to discuss cross cutting issues and ensure that things do not fall in between departments or portfolios.

We will continue to push for swift changes in both of these policy areas with the new Government, and this includes ongoing discussion of the recommendations that were not accepted.

Project

Outputs

Supporting d/Deaf children and young people

Over several years the D/deaf community has shared with us their frustrations that the needs of the community are not being addressed. We decided to host a roundtable with professionals and children and young people from the d/Deaf community in February where attendees were asked to share their experiences and opinions on progress, continuing barriers and gaps in provision.

Following the roundtable we contacted Welsh Government to share the feedback that we had received and to ask them for an update on the work they had been undertaking in relation to the issues raised which we had originally highlighted in our 2016/17 annual report.

We also used information we had received during the meeting to help inform our consultation responses to two Welsh Government consultations: "Curriculum for Wales guidance: British sign language" and "Qualified for the future – have your say".

Finally, we discussed with the Education Workforce Council (EWC) the concerns that had been raised with us about the standard and quality of BSL for specialist education professionals.

5Rights

This year saw the UN Committee on the Rights of the Child adopt General Comment on children's rights in relation to the digital environment. Its adoption makes explicit - for the first time - that children's rights apply in the digital world.

We provided funds for the 5Rights Foundation to create a young person's version of this 25th General Comment and provided advice to the Foundation about making an accessible version of this. The resources will be translated into several languages, including Welsh.

Day-to-day work

We continue to listen to children and young people who may be particularly vulnerable, through our Community Ambassador scheme.

Community Ambassadors – Our Community Ambassador programme has also continued this year despite the restrictions and challenges of lockdown. **Community Ambassadors** are children and young people who have volunteered as a member of their local community group or special interest group. This includes youth forums, young carers groups and groups for care experienced children. They have been a great support feeding in to many of our projects this year including the UN monitoring project, the Right Way Social Care, Here I Am, and question time sessions with the Education Minister, Kirsty Williams. We have adapted our work to ensure we still had contact with groups and have met on-line, sent them rights challenges and activities, and continued to help teach children and young people about their rights.

We continue to chair the national Child Sexual Abuse and Exploitation Roundtable.

The office continues to host a biannual multi-agency roundtable, considering Child Sexual Abuse, and with a particular focus on child sexual exploitation.

During this year, presentations have been made by the Welsh Government on their 2020 safeguarding campaign and on their Digital Resilience in Education work, by South Wales Police Violence Prevention Unit on their work, by several police forces in relation to support for families when a parent is arrested in respect of indecent images, and by the project partners for the Understanding the Triggers - the Correlation between Vulnerability, Criminality and Exploitation of Children inquiry in the Gwent area.

Such presentations have informed the work of participating organisations and continue to stimulate discussion and information sharing across the group.

In addition, the Office has contributed to the Office of National Statistics' feasibility study on a children's survey measuring child abuse in the UK. Our response to the consultation was informed by discussions from the roundtable. We highlighted the importance of involving children in the discussions in a sensitive way in order to fully inform if and how they wish to be consulted on this topic. We also raised the need for any such work to integrate with or complement the new curriculum in Wales, and any existing child survey mechanisms.

We have also been in ongoing discussions with the Welsh Government regarding support for victims and survivors of sexual abuse, including children. Following a visit to Lighthouse, a multi-agency service in London for children and young people who have experienced any form of sexual abuse, we have been exploring the current provision here in Wales with a view to creating a similar type of service, offering a child-centred approach, guidance and support to help children and young people recover. With the help of members of our roundtable, we've presented a comparison of existing provision in Wales (Ynys Saff Sexual Assault Referral Centre or SARC) and the North Wales SARC with the provision at the Lighthouse. We've noted in particular gaps in the ability to support children and families' therapeutic needs following an incident, the breadth of onsite services, the lack of a child friendly environment and acute support for young people up to the age of 25 in some circumstances.

>>>

Day-to-day work

We continue to chair the national Child Sexual Abuse and Exploitation Roundtable (cont)

Concerns about children's access to SARC provision close to home and in a timely manner have featured in previous annual reports; with the opportunity of new provision being created in Cardiff it is vital that we explore all of the possibilities to ensure the very best provision and care for children in these difficult circumstances.

Lastly, as a result of multi-agency information sharing, we've been able to provide our support to the NSPCC's Close the Loophole campaign. The campaign aims to end the anomalous position where an adult in a position of trust such as a sports coach could be in a relationship with a 16 or 17 year old from their club, despite similar prohibitions for positions such as teachers. We are pleased to note that the Ministry of Justice announced in March 2021 that they intend to extend the Positions of Trust law to sports coaches and faith leaders.

In addition to the work of the roundtable, the Commissioner provided two written submissions to the Independent Inquiry into Child Sexual Abuse (IICSA) and appeared as a witness at IICSA's Residential School Inquiry in November 2020 alongside representatives from Welsh Government, Estyn and Care Inspectorate Wales.

Independent investigations

Independent Investigations

We've followed up on a recommendation from last year's report regarding independent investigations when a member of school staff is accused of inappropriate conduct or behaviour. All local authorities have now confirmed that they have services in place that they can and will access should they need to if an allegation arises in respect of a member of school staff. This was an important aspect that arose from this office's **Clywch inquiry** so we were pleased to receive this confirmation that the independent investigations will continue.

Being accountable to children in Wales

What's the issue children and young people told us about?

The law which established the office states the Commissioner should protect and promote children's rights and welfare in Wales. We believe that for the Commissioner to be a true children's champion, she must be held accountable by the country's children, for the decisions and actions which may affect their lives.

Here's what we've done about it.

Project

Outputs

Accommodation Review

We have decided to move to a new base in 2021. We have a cross-organisational project team who are working together to make sure the organisation delivers value for the public pound, reduces its impact on our planet and climate and allows more flexible ways of working for staff.

Day-to-day work

Accessible resources

Accessible Resources developed in partnership with Bridgend inclusive Youth Club

Two members of our Participation team have regularly attended the YMCA Bridgend inclusive Youth Group. During these sessions, they have been able to improve their knowledge and understanding about the young people's learning needs. Working alongside the club's members, they have adapted some of our current accessible resources as well as updating our ALN session guidance.

Engagement with the Youth Parliament

The Commissioner and her team continued to have regular engagement with our Youth Parliament during 2020-21. This included partnership work on the two Coronavirus and Me surveys.

The Commissioner took part in a formal scrutiny session with the Youth parliament in November 2021.

Publication of Coronavirus and Us

Our Coronavirus and Us reports are designed to ensure that the Commissioner and her team have been accountable to children, young people and the general public during the pandemic and provide an insight into our response to the pandemic.

Supporting individual children and young people to access their rights: our Investigation and Advice service

Our Investigation and Advice service is free and confidential and is run by three dedicated Investigations and Advice officers. It's there to advise and support children and young people or those who care or work for them if they feel that a child has been treated unfairly. 663 people contacted the service in 2020-21, often raising concerns about more than one issue.

Additionally, we responded in writing to over 200 queries from individual members of the public who contacted us about rules and policies relating to the pandemic. This involved the team providing accurate and up-to-date advice about continual changes to governments' advice (UK and Welsh Government) and guidance in relation to the pandemic. The issues that were raised with us were directly fed into government either through direct contact with Ministers and officials or through attendance and participation at regular Welsh government stakeholder meetings.

The number of individuals contacting us increased compared with the previous year. This was despite a dip in new cases when the first lockdown started at the end of March 2020.

What issues were we contacted about?

Issue	Cases 2020/21	Cases 2019/20
Education	369	424
Complaints	82	90
Special Educational Needs	82	102
Advice	77	79
Placement	17	26
Bullying	5	21
Social Services	288	410
Complaints	102	136
Advice	52	64
Provision of service	29	61

Issue	Cases 2020/21	Cases 2019/20
Placements	30	51
Advocacy	29	
Safeguarding	22	
Health	80	109
Complaints	18	31
Provision of service	19	17
CAMHS	12	24
Advice	16	14
Environment	85	83
Legal	79	91
Local authority, other issues, including play and environment	74	14
CAFCASS	13	12
Housing	12	35
Police	11	16
Asylum	1	9

What do these figures tell us?

What was noticeable during this period is that relative to the number of cases that we had in the office, which was more this year than last year, the number of separate issues raised with us by each individual fell quite sharply. We can only speculate as to why this might be the case but the likely impact of Coronavirus and lockdown upon individuals was that they were more likely to focus upon one specific issue and wanting to get that issue resolved, rather than asking for help with multiple issues.

During this reporting period, the team also refined the recording of case issue information during the year to ensure that we were capturing richer data about specific issues. The collection of such data enables us to more easily identify the nature of the specific issue that is being raised with us, and assists us with the analyses of cases and trends which is shared with both management and policy colleagues.

How people contacted us

Phone – 278

Email – 368

Letter – 13

Individual asked for assistance
during an online event or
meeting – 4

What do these figures tell us?

Although the majority of contacts our casework service receives comes from adults on behalf of a child, we saw a doubling of the number of children and young people making direct contact with us about their personal situation from 18 last year to 37 this year. This is likely to be due to the increased on-line presence that we had during the year and two significant surveys of children and young people's views about Coronavirus, which widely publicised the work of the office. In some cases when an adult contacts us initially about a child, our team subsequently speaks to the child or young person.

Other figures remained broadly consistent with previous years.

Examples of outcomes achieved by our investigations and advice service:

Working together to meet the educational needs of a child with ALN.

ISSUE:

Parents contacted us as their child had been out of school for some months and prior to that had been on a reduced timetable, which meant the child had not been receiving an appropriate nor full time education for a significant period of time.

The child's local catchment school had determined they could not meet the child's needs but the Inclusion Department for the local education authority initially wanted to maintain the child there with some additional support. Their parents agreed with the school that the child would not be appropriately supported at the school, given that the school had been unable to cope with managing a reduced timetable with support previously.

The statutory assessment that had been undertaken, to assess the additional learning needs of the child, was also taking a long time to complete and had gone past its statutory time scales.

ACTION:

We communicated with educational professionals at the Inclusion Department in an attempt to move things forward. Discussed in depth with the parents what they felt would meet the needs of their child. To this end, we facilitated a meeting between education professionals and the parents and supported the parents at the meeting where we were also asked for our opinions.

OUTCOME:

A specialist placement was agreed for the child with interim provision taking place in the mainstream school to help them transition back into education. Parents received a proposed statement of SEN. We explained to the parents how best to analyse the proposed statement to determine if it would meet the needs of their child and how best to communicate any matters relating to the statement to the relevant professionals.

Length of our involvement – 5 Months

Communication between parents and health professionals across two Local Health Boards.

ISSUE:

Parents whose child needed an urgent operation contacted us. The operation was vital to prevent ongoing hearing loss. The parent wanted the operation to take place in a health board which was not local to them, as the child had had a particularly bad experience at their local health board and was upset at the thought of having to go there again.

The child, who has a learning disability, had accessed numerous visits and appointments at the favoured health board previously and was comfortable going there. However, the child's local health board had nominated an adjacent health board to perform the operation, not appearing to take into consideration the needs of the child. The parent had not had any meaningful communication from either the consultant or the local health board in relation to their concerns. As a result, this issue appeared to have been dragging on for some time increasing the anxieties of both child and parents with increasing concerns about the ongoing hearing loss.

The family had however been contacted by the designated health board and due to the ongoing pandemic was offered a zoom meeting between the consultant and child which the parent felt was inappropriate given the child's learning disability and hearing loss.

ACTION:

On behalf of the family, we contacted the Referral Manager at the LHB to determine what the current situation was, and we were told that funding had now been agreed for the operation to take place at the preferred health board and the referring consultant had been informed of this but had not told the family.

We then made contact with the receiving health board and informed them about the situation, and they contacted the relevant consultant and their personal assistant.

OUTCOME:

Parents were contacted, almost immediately, to confirm that the operation would take place with the consultant who was known to the child. The family were happy with this outcome.

LENGTH OF OUR INVOLVEMENT – 2 Weeks

Intervening to resolve differences between health and social services affecting care of young person.

ISSUE:

A young person contacted us to help with a placement issue. They were waiting to be discharged from a mental health provision within the local health board hospital. There was a disagreement between health and social services as to who was responsible for organising move-on accommodation.

Action:

Our Investigation and Advice officer spoke with both services and asked to be invited to a multi-agency meeting to discuss the case. At the meeting they suggested that regular multi-agency meetings were held to progress the issue and to ensure there was a common understanding of needs and language. Part of the disagreement between health and social services had arisen due to differences in the way that they described and understood key concepts, for example “residential care”.

OUTCOME:

An appropriate supported placement was identified, funding was agreed and transition and care packages were put in place.

TIME 5 months

Falling between the gaps of Social Services and Health

Issue:

A parent contacted the office distraught that they could not access appropriate intervention for their child who was suicidal and had attempted to take their own life. A number of statutory and third sector organisations had been, or were involved, with the young person, but some services had been withdrawn and others had extremely long waiting times to access their service. At the time of calling, the parent said the young person was receiving no immediate support despite actively self-harming.

Action:

The Investigation and Advice Officer made contact with the different services the caller had provided details of, in order to understand the nature of the problems described. Lack of effective communication between services and disjointed referral systems had contributed to the impasse. The officer raised these concerns with the Clinical Board of Directors within the Local Health Board and the Head of Children's Services in the local authority.

Outcome:

Appropriate mental health support and assessments and appropriate support from social services were provided for the young person, and education initiated the statutory assessment process. The Commissioner used this case example, fully anonymised, at a meeting with senior health and social care leaders, and Mental health and social care Ministers, to press the case for a 'No Wrong Door' approach.

Length of our involvement: 5 Weeks

Hospital transport

Issue:

Parent had been told to get a train to collect their child from a mental health intensive care hospital in England and to accompany them back to their home in Wales on the train as there was no patient transport available and the parents didn't have a car. The parents were unhappy about this as travelling on public transport made their child very anxious.

Action:

We contacted the local authority's Crisis Outreach Team and discussed that this may not be in the best interests of the young person. The issue was raised with senior managers who agreed to provide secure transport for the young person

Outcome:

The young person came home in secure transport following the intervention of the office.

Length of our involvement: 1 day

Voice of the Child, information sharing and appropriate CAMHS placement

Issue:

Parent contacted the office, as they believed their child's voice was not being heard. Child had made serious attempts at self-harm and placement was an issue. There appeared to be a disagreement between the various agencies involved in the care of the young person as to the most appropriate way forward, and concerns that accurate information was not being shared at crucial decision-making meetings.

Action:

An Investigation and Advice Officer spoke with the young person to obtain their wishes and feelings. They then liaised with the young person's school, social services and health to ensure that relevant, accurate information was shared between organisations in order to make an informed decision regarding an appropriate placement.

Outcome:

Young person's voice was heard and influenced a move to a placement with which they were comfortable and which would provide them with therapeutic input.

Length of our involvement: - 1 Month

Young person's experience of a mental health crisis

Issue:

A 16 year old wrote to the Commissioner to share their story of experiencing a mental health crisis. The young person attended A&E as they had been advised to. They were then sent on to the adult emergency unit. After 2 hours the young person was triaged before being told they could go home. The young person refused as they felt unsafe. The young person was told to wait until morning to see a professional. While waiting overnight in the waiting room, the young person witnessed restraints on grown men by police and an adult cause damage to the building. The young person then had a breakdown in the middle of the waiting room.

The young person told us that they believe there should be somewhere that teenagers can go when in a crisis which isn't the adult A&E setting.

Action:

The young person did not want us to take up any individual issues, but wanted to share their story because they wanted to prevent others from experiencing the same. The Commissioner shared the young person's account with the Minister for Mental Health, and as part of our No Wrong Door project on children's mental health care, their story was shared (along with two others) with every Regional Partnership Board (RPB) in Wales, asking for them to respond on how their No Wrong Door work would respond to these issues.

Outcome:

After sharing this issue with the RPBs, we are pleased to say that several of the boards have told us they are reviewing crisis care for young people, including some early plans for new bespoke support for teenagers. We will continue to challenge RPBs on their crisis support as part of their No Wrong Door plans.

COVID related cases

The following case examples demonstrate the wide range of Covid-related issues that our team supported children and families with this year.

Free School meals

Issue:

During a meeting we arranged for a group of young people to meet with a Welsh Government Minister, a young participant noted their parent had not been receiving any payments for free school meals. They thought they were entitled to the payments under their local authority's arrangements for free school meals during lockdowns, when children were being educated at home. The family hadn't received payments for six months. The family lived in a different local authority area to the one in which the school was located. Lack of payment was causing the family hardship. Following the meeting, the Commissioner offered to support the young person.

Action:

An Investigation and Advice Officer contacted the local authority on behalf of the family who undertook an investigation into the matter concluding that the family were entitled to payments and arranging for an immediate payment to the family. The confusion over payments had been due to cross border provision and changes to local authority's policy between the first lockdown and subsequent lockdowns.

Outcome:

The officer contacted the parent who confirmed that the local authority had contacted them and apologised and they were now in receipt of appropriate payments.

Length of our involvement: - 1 Day

COVID Self- Isolation periods on mental health ward following external visits

Issue:

A community nurse asked if we could help with the length of time that a young person on an inpatient mental health ward was having to isolate on admission to the ward, or upon returning from external medical appointment. They were concerned that it was having a further detrimental impact on the young person's mental health.

Action:

Our team raised the concern with the hospital.

Outcome:

Reduction in isolation for this young person from 14 days to 5 days. The hospital changed their policy so that young people are tested on admission and need to isolate only until a negative test result is received.

Length of our involvement: 5 days

IT and school work issues

Issue:

Parent contacted the office, as their children were unable to download schoolwork on their parents mobile or their own computer. The school had advised them to print off the work but the parent did not have a printer. Parent had been unable to raise their concerns with the head-teacher of the school.

Action:

An investigation and advice officer contacted the head-teacher of the school who assured them that they would look into the issue.

Outcome:

Parent contacted us to say that the children will now have paper copies of work sent by the school and have borrowed a laptop that will enable them to download schoolwork set by the school.

Length of our involvement: - 1 week

"I just want to say thank you so so much for liaising with the school, it really seems to have worked wonders and has prompted action from them that I don't think would have happened without your help, I really appreciate it"

(Grandparent who had raised concerns about lack of support for their granddaughter)

Visits to children in residential and foster care on Christmas day

ISSUE:

Children and young people in care in a local authority were told they could not see their family on Christmas day in a residential unit or a foster placements. Children could return to the family home if appropriate. The local authority had imposed a blanket ban on such visits. Not all children would be able to return to the family home and were reliant on family to visit them in placement. In one instance, this meant a child would be in a Children's Home alone (except for care staff) during Christmas.

ACTION:

An Investigation and Advice Officer contacted the Head of Children's Services of the local authority and the issue was discussed at a senior managers meeting. The officer sent the Head of Service updated Welsh Government guidelines regarding visits to residential units.

OUTCOME:

The local authority agreed to risk assess individual children and make sure they had the opportunity to see family if appropriate. The child in question was assessed and contact with family on Christmas day was agreed.

Length of our involvement – 1 day

Feedback from people we have supported

"As a health care professional myself, I can only say that the input given has exceeded all expectations and I would recommend any young person struggling in the care system to get in touch. Thank you [Officer], you really have made a difference"

"Thank you [Officer] you have been brilliant, from the first moment you've supported and informed, when I've been extremely anxious and feeling like I was on a merry go round, spinning out of control. I'm exhausted and disappointed in myself, I've always been able to arrange and organise everything. Now I find a shopping list challenging."

"[Officer] was extremely helpful and really assisted me in thinking through an approach that would prove productive and supportive when thinking of the outcomes for the young person involved. [Officer] asked a few questions related to the case and really listened to what I was saying before suggesting ways in which a resolution could be found."

"Thank you [Officer] for being my voice when I had lost mine"

"I have been highly impressed with the professionalism and support that [Officer] offered my granddaughter. She has been very responsive and really went the extra mile to offer guidance and practical help. This has proved to be invaluable for her and I think that help will stay with her. Very importantly my granddaughter has felt listened to and supported, and this has gone a long way to changing her view of professionals and 'no one cares', enabling her to have more effective communications with her social worker."

"You made it clear some things would happen, and that would be good."

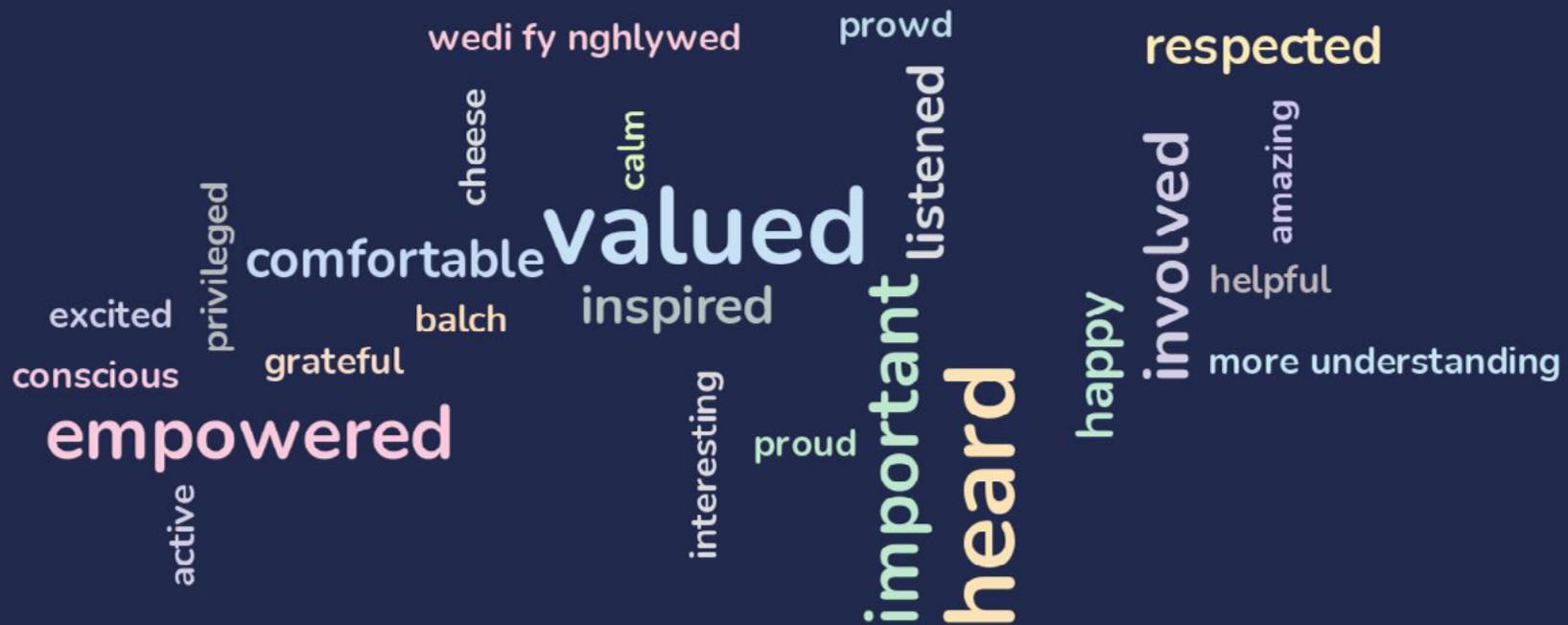
"I found it really helpful and reassuring as [Officer] listened to my concerns and then helped unpick the next steps – she helped me 'untangle the knot' as she describes. I appreciated the emails and phone calls that she subsequently sent to professionals. I found it very disempowering for myself as a parent, who is so pro-active in my son's care to have to involve people like yourselves in order for things to move forward – however [Officer] did help me to feel she understood my frustrations and that I wasn't over reacting. Thank you"

**Our advisory panels
have continued to have
a positive impact on
our work. Here are
their thoughts:**



5. The work and views of our advisory panels

Use one word to describe how you've felt being on the panel ?



The young people’s advisory panel has continued to develop and flourish, this year expanding to 47 members following recruitment and training of 25 new members earlier this year. The panel has also successfully moved from three day-long face-to-face meetings per annum to monthly online meetings, providing us with a rich source of views and opinions about current events affecting young people in Wales.

Here are the thoughts of the Chair of our adult advisory panel, Margaret Provis:

“If this year has demonstrated anything about our Commissioner and her team, it’s demonstrated how resolute they are about protecting children’s rights in Wales and importantly how resilient the systems and processes are that support their work. The volume and quality of outputs from this small team has been extraordinary this year. As a panel, we’ve been proud of the Commissioner’s leadership, listening and engaging directly with children and young people and all of those striving to make the best decisions in unprecedented times. Small teams have been flexible and innovative responding at speed to issues affecting children during the pandemic. The work on the large-scale survey has been hailed as international good practice. It was this work that enabled the Commissioner and her team to ensure that the views of children and young people were heard and responded to at the centre of policy making.

“In addition to the work undertaken as a result of the pandemic, the Commissioner and her team also pursued their existing ambitions including Project Vote. Yet again, it saw the organisation break new ground to provide young people with new opportunities to access their rights. The results were impressive.

“The aim of the Commissioner’s panels is to be a sounding board for Sally and the team. We are pleased that we have been able to play a small part in supporting them this year to deliver real change for children in Wales.”

Panel members have contributed to the following diverse projects and events this year:

Media interviews: several panel members took part in media interviews, representing young people's experiences on a wide range of issues.

Young people attended an online workshop to feed into our response to the consultation: Draft framework guidance on embedding a whole-school approach to mental health and emotional well-being.

Young people attended the first annual Youth Justice Seminar and asked questions on behalf of a wider range of young people.

Meetings with the Education Minister, Kirsty Williams: Two sessions for young people to discuss return to schools and exam assessments.

Future Generations Xchange – young people supported the Commissioner to present on 'Coronavirus and Me' findings.

Coronavirus and Me survey: members of our advisory panel played a role in our Coronavirus and Me survey by suggesting questions and testing the survey.

WEN Café: Two members of our advisory panel were part of a panel discussion for the Women's Equality Network WEN Café webinar.

Statutory counselling services: we arranged a consultation session for members of our advisory panel with DECIPHER (Cardiff University) who were running a consultation on behalf of Welsh Government on statutory counselling services.

A young person attended the round table event with DEFFO discussing the rights and needs of young people who are deaf.

Royal College of Paediatrics: some members of our advisory panel supported the Commissioner in presenting to members of the Royal College of Paediatrics on our 'Coronavirus and Me' findings.

**The 5 principles of a
Children's Rights Approach
are Embedding children's
rights, Equality and
Non-discrimination,
Empowerment,
Participation and
Accountability**



6. The Right Way

The Right Way principles

1

Embedding children's rights:

children's rights should be at the core of planning and service delivery.

2

Equality and non-discrimination:

is about ensuring that every child has an equal opportunity to make the most of their lives and talents, and that no child has to endure poor life chances due to discrimination.

3

Empowering children:

means enhancing children's capabilities as individuals so that they are better able to take advantage of rights, and to engage with, influence and hold accountable those individuals and institutions that affect their lives.

4

Participation:

means listening to children and taking their views meaningfully into account.

5

Accountability:

authorities should be accountable to children for decisions and actions which affect their lives.

a. Our 'right way' progress

1

Embedding children's rights:

the UNCRC underpins all our work and we continue to influence other public bodies in Wales to adopt a similar approach. Our policy and influencing work ensures that laws, policies and practice across all levels of Government in Wales protect children's rights.

2

Equality and non-discrimination:

Our Investigations and Advice service plays a critical role in delivering this principle by helping individual children and their families who feel they've got nowhere else to go with their issues. Through key projects – all of which are expected to be planned with a full equalities impact assessment - we strive to tackle equality and discrimination issues head-on to ensure every child in Wales has an equal chance to be the best that they can be.

3

Empowering children:

Our communications work is focused on increasing awareness of children's rights and the role of the Commissioner, so that children themselves have access to information which enables them to understand and exercise their rights.

4

Participation:

Every member of our staff team has a responsibility to engage with children and young people in all four corners of Wales. We aim to make sure all our work with children and young people is inclusive and accessible. Children's views and opinions inform all our projects and we've listened to over 10000 children and young people's views to us to help shape this three-year plan.

5

Accountability:

Investing in a children's rights approach enables us to have a real focus on the particular needs of children and ensures we create a platform where children and young people can hold us to account on what we promised to deliver. Our advisory panels of young people provide strategic support to the Commissioner and the team and plans are afoot to ensure the Commissioner becomes accountable to the democratically elected Senedd Ieuentid (Youth Parliament) for Wales.

b. How we've supported others with the Right Way approach

Resources and support

This year saw us re-vamp our **Right Way** hub, to make it easier to navigate and to showcase examples of public bodies in Wales embracing the right way approach.

The Right Way: Social Care

The third in a series of guides for professionals, which aim to embed a children's rights approach into public sector practice, this **latest addition** aims to share the common approaches used by services when implementing the principles of a children's rights approach and includes advice, resources and guidance from young people themselves.

This project stemmed from concerns arising from my Investigation and Advice Service that children's rights are not always at the forefront of decisions relating to children's care.

The guide was developed following a series of workshops with young people and young parents with experience of social care services, and social care professionals. We heard many examples of how services are implementing a children's rights approach, both in the delivery of services and in individual practice, as well as some challenges.

A new section has been added to the website: Right Way Social Care to share these resources and show examples of good practice across Wales.

It also aims to further strengthen the responsibility on all those carrying out the functions of the Social Services and Well-being (Wales) Act 2014 to pay due regard to children's rights by bringing to the fore examples of how services are promoting rights and how this duty can be carried out in everyday practice. This guide was launched at a webinar hosted by the office, chaired by the Chief Executive of Social Care Wales and attended by almost 300 participants and here's what one of them said about the event:

"Inspirational and thought provoking - particularly in respect of what we need to do as an organisation to best promote children's rights which should be absolutely integral to everything we do and our key driver for change."

Work has continued to support other key public services in Wales to adopt 'The Right Way'. Here are just a few examples:

Health Boards: held our annual children's rights in health seminar in September 2020. All health boards and trusts in Wales attended to report on their progress and to share ideas and learning.

South Wales Police: training for police cadet hub leads to introduce them to the role of the Commissioner and UNCRC and support them to think about The Right Way in their work.

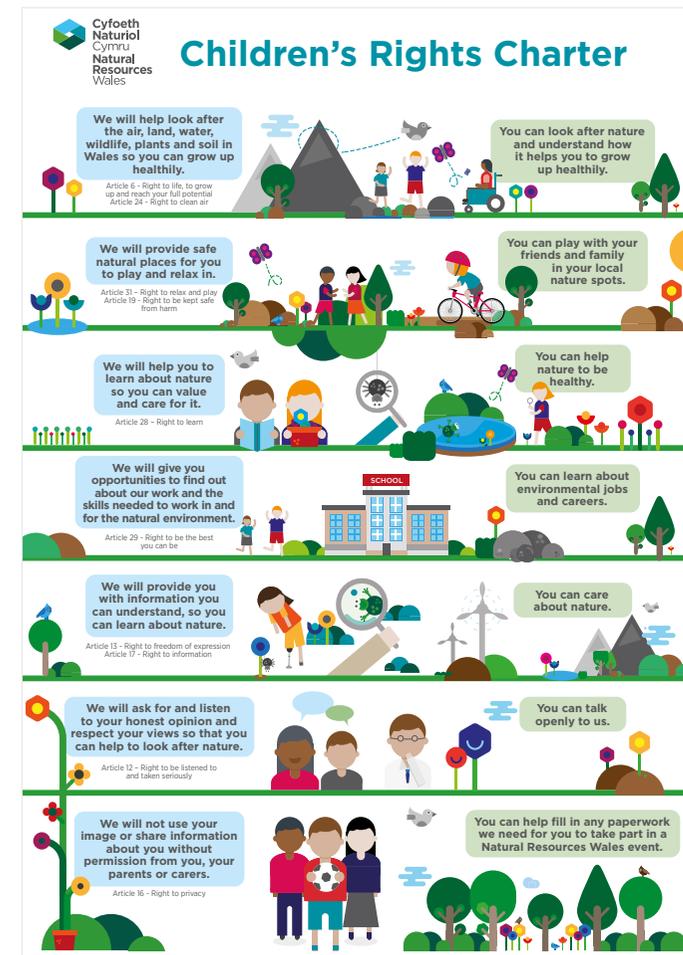
Dyfed Powys Police: training for police who are championing the work of children in the force, part of workforce development with aims to look to embed this more sustainably in the future ongoing training of police officers.

University of Newport: training for youth work students around role of Commissioner and UNCRC.

Pembrokeshire Council: workshop with Council members with a focus on poverty and how The Right Way principles can support council members to consider children and young people living in poverty through a children's rights lens, this included a practical workshop around the principles and the Commissioner's poverty resource "**Check with Ceri**".

Sport Wales: continued support to help them use the self-assessment matrix to identify what work they already are doing to support Children's rights and consider any opportunities they can take to continue to map ways forward.

Natural Resources Wales: assisted them in considering how they can embed The Right Way in their internal structure, reflect upon their participation mechanisms and support them to finalise and launching its first-ever children's rights charter: [here](#)



We also held our first Annual Youth Justice seminar in March 2021. Senior police officers, Police and Crime Commissioners, Youth Justice, National Youth Advocacy Service (NYAS) and the Children's Commissioning Consortium Cymru (4C's) attended the seminar along with young people who were supported to ask questions of the professionals. These questions were answered and recorded and sent on to groups who had posed questions including: Ethnic Youth Support Team (EYST), Race Council Cymru (RCC), Young people in both Parc and Hillside secure units, young people representing NYAS and the Commissioners Advisory board. Feedback from young people who took part was positive and they welcomed the opportunity to be listened to and for them to hold adults to account.

The seminar also provided an opportunity for professionals to share and inspire good practice; all four police forces in Wales are undertaking children's rights work. Our intention is to now host an annual youth justice seminar and continue to support and strengthen the approaches being developed by the forces.

Attendees made pledges on what steps they will take to improve rights based practice in their service. Here are some examples of those pledged:

'Develop Welsh Language Forum at Werrington YOI for Welsh children placed there'

'I pledge to find ways to better involve children and young people in our work'

'I pledge to continue to embed children's rights within all aspects of work in Youth Justice'

'I pledge to accelerate our Children's Charter'

My approach ...has always been to respond to the Welsh Government as a critical friend – to challenge robustly where necessary but to welcome and acknowledge positive developments.



7. Our 'report card'

Policy report card: our report on key policy issues, our work in those areas, and our assessment of Welsh Government's progress

In September 2020, we published our Manifesto document '**happy, healthy and safe**' for the 2021 Senedd Elections. In that document we set out, in a young person friendly format, what young people had told us they wanted to see from the next Government and the issues that we thought they should be addressing.

This report card by the Commissioner reflects the Government's progress against some of those ideas, which were already being worked on by Ministers and officials in the fifth Senedd term. There are other areas of the manifesto that we will continue to push forward on during the sixth Senedd; if they are not reflected in this Report Card it is because they have not been worked on in detail in the last year, but we will be pressing them with Government this Senedd term.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Profit in children's care services

The key issues

For the past three years, I have consistently called for action to be taken to remove the element of profit from children's care services on the basis that private companies offering placements for some of Wales' most vulnerable children should not be incentivised to operate on the basis of making profit. As set out in previous annual reports, this can lead to children being placed far from their home community. It also leads to some children feeling uncomfortable as part of a 'market' system.

How we've influenced

I first called for action to be taken on this in 2016/17 and have since reiterated this in subsequent Annual Reports. I have received broad support for this call from across the political divide, with the calls being directly informed by the children and young people whom I have met who are acutely aware of the costs associated with their care.

I recognise that this is a complex area of children's social care and will require systematic action in the medium and long term to phase out profit making in children's care. Such approach must give stability to the sector and must not be detrimental to children who are currently doing well in their placements.

Despite this recommendation being accepted by Welsh Government in 2017/18, progress on taking steps to phase out profit in children's care services has been slow. However, I feel hopeful that work on this complex area will progress. This is because in Spring 2021, the Welsh Government published their White Paper on 'Rebalancing Care and Support', which proposes developing a National Social Care Framework to set fair commissioning practices for providers. This is coupled with a strong Welsh Labour manifesto pledge to 'eliminate private profit from the care of looked after children' during the next Senedd Term. (This was subsequently published as a commitment in the Programme for Government, which was published in May, beyond the time frame of this Annual Report).

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

This bolder commitment to address this challenge is warmly welcomed. This must build on the steps that have been taken to better understand the landscape of commissioning practices, such as the Public Accounts Committee's inquiry on care experienced children and the recent Competition and Market's Authority study into children's social care provision. I provided evidence to both of these pieces of work.

If Wales is to achieve its ambition of phasing out the incentive of profit for companies in children's care services, then Welsh Government must bring forward urgent proposals to move in this direction.

Recommendation

The Welsh Government must bring forward a roadmap by 1 April 2022 which sets out the timescale and actions they will take to begin safely phasing profit out of children's social care provision.

This would be welcomed by children, staff and carers alike, and would further embed Wales' commitment to children's rights into our services by recognising children's rights to adequate standards of living and specialist care when required.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Support for Care Leavers

The key issues

Having identified from my first year as Commissioner that transition points should be a key area of focus, particularly for care leavers, I am keen to use my remaining term to ensure Wales' new Government will do all it can to improve the support provided to care experienced young people in Wales to help them thrive in the future.

How we've influenced

This year, my Office has been proud to be amongst those who have influenced change for care leavers. Following the publication of End Youth Homelessness Cymru's report '**Don't Let me Fall Through the Cracks**' a number of practical measures were proposed by the Group, of which my Office has been a part, to help address and ultimately end youth homelessness for care leavers. One of these proposals was for the UK Government to bring forward **care leavers' exemption from the Shared Accommodation Rate of Universal Credit**. Acting with my counterparts in England, Scotland and Northern Ireland, in January 2021 we collectively wrote to the UK Secretary of State for Work and Pensions calling for proposals scheduled for 2023, to be introduced immediately. We were pleased to note a subsequent decision by the UK Government that, from June 2021, Care Leavers in England and Wales are no longer be subject to the Shared Accommodation Rate, reducing their likelihood of needing to move at 21 from independent living to shared accommodation.

My team and I have also sought to bring forward regulatory change to reduce the use of unregulated placements for children aged 18 and under. Unregulated placements are not inspected by Care Inspectorate Wales, so the quality and suitability can vary greatly. Often, this accommodation can be used to offer 'semi-independent' living arrangements for young people leaving care, and whilst I am aware of some innovative accommodation options using this type of provision, I am also aware of children being housed in B&B and temporary accommodation, which does not provide the guarantee of a safe and secure place to live or a solid foundation to progress into adulthood. My team and I have discussed this with the Deputy Minister for Social Services and we've embarked on further exploration of this complex area alongside young people and professionals.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Recommendation

The Welsh Government must swiftly bring forward statutory entitlements and policies for care leavers as a coherent package.

Some of these have been long standing calls, following the publication of my **Hidden Ambitions report** in 2017, and which were accepted by Welsh Government at the time. Welsh Government should do the following:

- Amend the Social Services and Well-being (Wales) Act 2014 and guidance, to secure all care leavers' entitlement to a **Personal Advisor** up to the age of 25.
- Extend the statutory entitlements of the 'When I'm Ready' post 18 living arrangements scheme to young people leaving **residential care** to ensure young people leaving care regardless of their placement have the same opportunities.
- Develop national standards to address concerns of quality, sufficiency and suitability for **semi-independent accommodation** for care-experienced young people up to the age of 25. This was proposed by the previous Welsh Government's Joint Housing and Social Services Group, but progress has stalled.
- Work with care leavers and local authorities to produce clear **financial information** that is available nationally, to help young people and their personal advisers access the range of grants, benefits and entitlements that are available when leaving care. This should include eligibility criteria/guidance for the St David's Day Fund to give certainty to care leavers on how they can make best use of the scheme.
- Using data regarding current use of **unregulated care** for under 18s, consider what amendments may be required to the Regulation and Inspection of Social Care (Wales) Act, to strengthen the inspection and regulation of care and accommodation provision for under 18s that does not currently fall under the remit of the Act.

Children and young people's views

In discussions this year older care experienced young people had varied experiences of support; some had great experience from social services being checked on: **"As long as we are open we get the support we need"**. Young Voices Speak Out, whilst others expressed concern over the safety of 16-18 year olds leaving care being placed in unsafe accommodation like B&B's: **"They shouldn't be in a situation where they are so vulnerable."** Community Ambassador group.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Promoting the rights of looked after children

The key issues

Prior to March 2020, my Office along with other organisations supporting looked after children, had participated in Welsh Government's plans to reform Wales' Corporate Parenting roles. This was an exciting prospect, involving a broad number of public organisations and children and young people with care experience, to explore how the role could be strengthened to better improve Wales' care system. However, following the unfolding of the Coronavirus Pandemic in March 2020, the pressures placed on public services has regrettably brought this important work to a pause. You can read more about how the Office has supported looked after children during the pandemic in the [Coronavirus and Us](#) report published September 2021.

How we've influenced

As mentioned earlier in this report, my Office and I have continued with our ambitious work plan for the year, and as a result developed with support from Social Care Wales, [The Right Way Social Care](#), which is a practical framework developed with children and professionals with experience of the social care sector.

We are working with partners to develop Wales' own Protocol to reduce the levels of criminalisation amongst care experienced young people. In 2016, through the publication of the [Right Care Report](#), I called for action to be taken to address the varying practice across Wales which often results in care experienced young people having higher levels of cautions and charges than other children. No child should be made more likely to have a criminal conviction than others, based purely on the fact they may be in care. The Protocol will be published in 2021 and I look forward to a practical toolkit being developed which will help professionals working with care experienced young people to strengthen practice to avoid unnecessary incidents of criminalisation.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Recommendation

Welsh Government must:

- **Strengthen Wales' corporate parenting role through legislation and guidance, to ensure Wales' care system is rights based and enables children to thrive in care.** It is particularly important to progress this work, as large numbers of care experienced young people have so far been involved in the process and will have expectations that important changes are to be made.
- **Oversee and monitor the widespread roll out of the Protocol to Reduce the Unnecessary Criminalisation Of Looked After Children,** supported by resources and training to strengthen existing practice.

Children and young people's views

"Don't assume that someone's angry or naughty because of there way there acting as something bigger might be going on behind closed doors."

"Listen to us, our opinions are just as valid, just because we are young doesn't mean we don't have intelligence."

"Patience is crucial and that it's important not to judge before you know the full story."

"Don't pressure someone, be very caring and take into consideration that some people have been through a lot and may need some extra support."

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Reforming Wales' Youth Justice Sector

The key issues

This year has been an opportunity to further strengthen links with those working in the Youth Justice Sector. Following the publication of the Youth Justice Blueprint in 2019, my team and I welcomed a new vision for Wales' Youth Justice System, which focuses on rights, rehabilitation and reducing levels of criminalisation amongst young people.

However, the pandemic has played a significant role in delaying Wales' progress against delivering the shorter term actions of the Blueprint and I do not feel confident that adequate progress has been made in Wales' reform of its youth justice services.

Important elements of the vision are yet to be finalised, such as what shape and form Wales' secure settings will take and where will they be located. Therefore I remain concerned that the vision may not coincide with other important developments, such as the joint commissioning of secure accommodation of children with complex needs, the re-tendering of HMP Parc YOI and developments at Hillside Secure Children's Home.

How we've influenced

Despite the lack of progress regarding the Blueprint I have welcomed the ongoing engagement from Wales' Police Forces, Police and Crime Commissioners, Youth Offending Teams, YJB, YCS, Wales' custody settings, Parc YOI and Hillside Secure Children's Home and other organisations supporting children who come in to contact with Youth Justice services to learn more about how their services can promote children's rights. As noted earlier in this report, my team and I took action to support this approach by hosting our first children's rights in youth justice seminar.

Whilst there have been promising engagement with the sector, the Coronavirus pandemic also created significant challenges for those working in the sector, and at times, children who are placed in custody have faced significant infringement of their rights. We quickly took action to ensure the rights of those in custody were being protected in their settings. You can read more about the steps we took in the [Coronavirus and Us](#) report.

I am pleased with the commitment of Wales' secure settings to keep children safe and protected from the virus, but to also continue to offer a broad range of educational and wellbeing activities, as well as offering opportunities for children to have virtual and face to face visits with family.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Despite the very low numbers of Welsh children placed in custody (at times in single figures this year) across England and Wales, it has been harder to ensure the rights of those placed outside of Wales have been protected.

Recommendation

The Welsh Government needs to demonstrate progress to further enact the Youth Justice Blueprint, particularly the secure accommodation elements.

Learning lessons from the pandemic, the sectors should also consider how the best elements of practice can continue. This should include preventative approaches and alternatives to custody, ensuring custody settings can offer trauma informed practice that seeks to reduce incidents of violence and focus on rehabilitation. This can contribute towards Wales realising its vision for Youth Justice.

Children and young people's views

Here's a sample of questions from our inaugural youth justice roundtable hosted this year posed by young people held at secure units:

"Why cannot their rooms be more homely and less like a cell?"

"Children should be transported in police cars not in a cage in the back of a van – can this change?"

"How can the Police be more sensitive to the needs of children – it is felt sometimes they are treated as adults?"

"Why are children restricted in the amount of time allowed for others to call them family and friends (i.e. subject to their being enough credit)?"

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Young Carers

The key issues

The pandemic has presented many challenges for children and young people, with young people's rights being directly impacted by the changes we have endured as a society. For many children with caring responsibilities, I have been acutely aware of the additional pressures placed on them during this time as many services and support networks have been delivered remotely.

How we've influenced

Having engaged with young carers' support groups during the pandemic, we're aware that many young carers are likely to have shouldered increasing responsibilities. Many have balanced round the clock caring responsibilities with the demands of school, college and work. We are also aware that for most of this year, support from networks such as school, support groups or social groups will have mainly been virtual. This was reflected particularly in some responses to our Coronavirus and Me surveys, as set out below.

As part of our response to COVID 19, we created a space for young carers to access information and support on our **Coronavirus Information Hub**. This was developed with support from Welsh Government Officials and Carers Trust Wales. We were concerned that Young Carers needed to access clear and accessible information on how they can access services, how their support may have changed (for themselves and those they support) and that they needed support on how to stay well at home.

My Office has been represented at the Carers' Ministerial Advisory group, which has continued to meet regularly during the pandemic to stay attuned to the needs of Wales' Carers. As Wales navigates it way through the Coronavirus Pandemic, it is critical that a focus remains on supporting this group of young people.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Recommendation

As Wales progresses with its Unpaid Carers Strategy, sufficient focus must be given to how services can better support young carers.

Welsh Government should directly engage with children and young people with caring experience to ensure the Unpaid Carers strategy adequately reflects their needs and promotes their rights.

As work progresses to address inequalities with education and work for Wales' carers, these work streams must link with Wales' whole school approach so young carers can access holistic support through their networks.

Children and young people's views

Comments from our [Coronavirus and Me](#) survey:

"My mum is at risk more than others of getting covid-19 and although she is staying safe at home, I get sent out to do the shopping and I get worried I may catch it from someone else in the shops and give it to my mum."

"I'm having to help my 9 year old deaf brother when my dad is working from home and I can't get work do[ne]."

"[I'm worried][Because I'm a young carer looking after my nan that has underlying health conditions."

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Curriculum for Wales

The key issues

The end of the fifth Senedd term marked the culmination of a sustained period of educational reform with the passing of the Curriculum and Assessment (Wales) Bill.

I made recommendations around the reform of curriculum and assessments in my last four Annual Reports, calling for human rights education and learning about children's rights to be embedded across the curriculum.

I also called for a due regard duty to the UNCRC to be placed on the face of the legislation, and for children and young people to be enabled to participate in curriculum reform.

How we've influenced

To achieve my previous recommendations my office has taken a dual approach: first we have sought to support, develop and promote rights-based approaches in education settings throughout Wales; and second we have sustained an ongoing engagement with Government throughout the process of development of the Bill and associated guidance. Both of these strands have continued over this year, with my office continuing to work with the education profession and schools to align curriculum approaches with rights practice, and also engaging with Government to champion the need for this practice to become embedded into the national approach.

At a national level, I submitted a full consultation response to proposals around Religious, Values and Ethics education, and submitted **detailed written and oral evidence** during the Stage 1 scrutiny of the Curriculum and Assessment Bill. This set out why additional measures were necessary to secure children's rights in day-to-day decision making about curriculum and assessment arrangements in their education setting. The **Stage 1 Report** into the Bill echoed my recommendations that the bill ensure a greater role for human rights education and include a duty of due regard to the UNCRC.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Government accepted the recommendation to further secure human rights education in the curriculum, noting the foundation that exists for this in the express inclusion of the UNCRC and human rights education in the developed guidance. However Government again rejected the recommendation for a due regard duty. In response, I wrote to the Minister and the Chair of the Children, Young People and Education Committee setting out why the Bill still fell short of ensuring children would experience their rights through their education.

Subsequently, the Bill was amended at Stage 3 to include a new duty around promoting knowledge and understanding of UN Conventions on the rights of children and persons with disabilities. I wrote to all Members of the Senedd to set out my support for the Bill and to welcome this amendment, whilst noting that it does not meet the standards of a due regard duty in full.

Progress

The Curriculum and Assessment (Wales) Bill was agreed by the Senedd on 9th March 2021. The Act passed with the inclusion of a 'Duty to promote knowledge and understanding of UN Conventions on the rights of children and persons with disabilities'. This duty means that knowledge and understanding of the two conventions must be promoted among all who provide teaching and learning in respect of the new curriculum.

Government has committed to working closely with my office to develop a support package of professional learning and guidance to enable this duty.

It is vital that all relevant staff and governors receive training and support so that they not only know about and understand rights, but that they can then implement these throughout the school's policies and procedures. Knowing about rights is only the first step to ensuring that they are supported and protected and that children experience their rights positively across the school environment and community.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Recommendation

Welsh Government should ensure that all teaching and support staff involved in the delivery of the new Curriculum for Wales receive high quality professional learning and national guidance to develop their knowledge and understanding of the UNCRC and UNCRPD.

Children and young people's views

Here are the thoughts of some young people we worked with as part of our submission to the UN Committee on the Rights of the Child

Are you aware of your rights?
Do people respect your rights?

"Yes, sort of, through school, youth forums and youth parliament."

"We heard we have rights but they don't actually tell you what they are - they just expect you to know."

"It's like it's too much hassle to tell you. We should know them all."

"If they tell us they think we'd have more control over them."

"They should tell us more about them in PSE classes and Skills classes but they don't do much with us in them."

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Relationships and Sexuality Education

The key issues

Young people in Wales have given me consistent messages around Relationships and Sexuality Education throughout the duration of my time as Commissioner. In brief, young people feel that this is an area of their education that is severely lacking, both in depth and breadth; this would be a commonly expressed view in many of my visits to school and other settings. This assessment was supported by the findings of the SRE Expert Panel in 2018.

Ensuring universal entitlements to learn about relationships and sexuality is an essential step to begin a much needed process in Wales that ensures all children and young people receive high quality opportunities to develop their understanding of relationships and sexuality. This will help realise the provisions of the UNCRC to which all children in Wales are entitled as well as to help them navigate and understand the world in which they live. This reflects children's human rights to accurate information, to safety and protection from harm, to non-discrimination, to a holistic education, and to active participation in decisions that affect their life.

I have therefore welcomed the commitments of Welsh Government to Relationships and Sexuality Education (RSE): the Curriculum and Assessment (Wales) Act 2021 includes RSE as a mandatory element and removes the parental right to withdraw children and young people from this important learning.

However, it is important to note that legislation is just one of the changes necessary to ensure a transformation in how children and young people experience RSE, and must be accompanied by a range of supporting measures around professional learning, the participation of young people, and the development of setting-based capacity and expertise.

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How we've influenced

My office participated in Welsh Government's Relationships and Sexuality Education stakeholder group from the summer of 2020 to support the development of the draft Code and Guidance.

The Code will form a statutory basis for the delivery of RSE, supported by more detailed guidance. My office engaged in sustained work on this guidance, promoting the need to ensure that guidance reflects a rights-based and participatory approach.

My office has also collaborated with others across the children's sector to promote accurate, positive and rights-based information about RSE during the legislative passage of the Curriculum and Assessment (Wales) Act 2021.

Progress

The draft RSE Code and guidance was published for public consultation in 2021 and my office has submitted a detailed consultation response, as well as supporting my Advisory Panel of young people to deliver their own response.

The drafting process has been affected by the restrictions imposed by the ongoing pandemic, and restrictions to the operation of education settings in the spring of 2021 has made ensuring the participation of young people more difficult.

The wider recommendations of the SRE Expert Panel, for example around the development of professional learning and an expert network, have not been progressed in tandem with the development of the Code and guidance.

I also remain concerned about children and young people who are currently in settings but who will not be entitled to access RSE under the new curriculum approach due to the phased implementation of the Act; the current timetable means that any child currently in Year 6 and above is not entitled to RSE as outlined in the Curriculum for Wales.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Recommendation

Welsh Government must develop and fund a national offer for high quality professional learning so that by September 2022 each setting in Wales has benefitted from this professional learning, and has identified a specialist RSE lead practitioner who can oversee a whole-setting approach to RSE that is integrated with the curriculum.

Children and young people's views

Here are some quotes from members of our young people's advisory panel on the topic:

"We had a change in curriculum after students complained. They taught us for the first time about consent last week. They taught us but we didn't have any chance to discuss it afterwards."

"I personally think younger years need to be taught on sexual health e.g. year seven because in my school we weren't taught about it until year nine but by then it was too late because I heard numerous stories from friends who've experienced sexual harassment which otherwise would've been avoided if we were educating in the younger school years."

"I didn't know what the LGBTQ was until I asked my friends and in my opinion that kind of information should come from our teachers."

"I think starting from a young age is really important - not necessarily sexual health, but about respecting everyone irrespective of gender/sexual education. By exposing children to these discussions early on they will grow up understanding the importance of respect and consent."

"We honestly do more days about fire safety and smoking than this."

"I also think we need to normalise this subject, lots of people especially adults see this as a taboo subject."

"At my school, we get one lesson discussing sex and relationships during year 8 and you're never learning about topics such as that until LGBTQ+ month, in which we have a week dedicated to discussing different sexual orientations. It's definitely not talked about enough, and I'm disappointed with the things we're taught on these topics, my friend recently came out as gay and has been scared to come out due to hate that he might receive in our school. An example of hate that he's received was from a boy in our year, and the boy went on to call him the F-slur and proceeded to call him something racist. Nobody in our school is ever taught more about LGBTQ+ and because of this, a lot of people within my school do not see how hurtful their comments are, it's so disappointing."

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Qualifications

The key issues

The exam series of 2020 was cancelled in response to the pandemic and alternative arrangements were made to award qualifications. The standardisation model used for general qualifications led to widespread dismay and individual injustice, and in August 2020 a decision was taken to instead award these based on centre assessed grades.

2020 vocational qualifications were also affected by the pandemic, and some young people taking vocational qualifications endured a long period of uncertainty about how these would progress. This persisted for longer, in part because awarding bodies are often based in England, and students in Wales were falling between the restrictions and arrangements operating in the two countries.

Arrangements for 2021 qualifications have also had to be done differently. Government established the Design, Delivery and Advisory Group (DDAG) to explore alternative arrangements and in autumn 2020 the Minister announced that an exam series would not go ahead as usual. Over the winter and the spring of 2021 the alternative approach was announced in stages as it was developed.

Whilst the main issue this year has been to focus on enabling young people to gain qualifications and progress, there have been longer term considerations highlighted over the year. One is that alternative approaches to awarding examinations are possible, and will have both advantages and disadvantages to using examinations as the main form of assessment. Another is the non-devolved nature of vocational qualifications and the disparity this has created in the ability to support vocational students in Wales with equitable information and opportunities.

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How we've influenced

In May 2020 I submitted a response to Qualifications Wales' consultation on arrangements for the summer 2020 exam series. My response called for central elements of the approach to change, highlighting the following was required:

- **More robust processes around centre assessment, with the need for internal and external moderation supported by clear guidance;**
- **A need to secure grades for private candidates (for example home educated young people) so that these young people are not left behind;**
- **A transparent appeals process that enables wider grounds of appeal than proposed;**
- **The need to consider predicted grades as a valuable evidence source in themselves.**

I continued to raise these concerns in the period between May and August directly with the Minister of Education and in meetings and correspondence with Welsh Government officials and Qualifications Wales. I took the decision not to publish any criticism of the awarding process prior to results day, so to avoid any implication that could undermine the achievements of young people receiving results.

On results day, it was clear that the standardisation model being used was failing young people. I made public calls in a number of statements, including appearing on BBC Breakfast, calling for centre-assessed grades to be used. I also made public statements directly addressing young people themselves.

In August 2020, in addition to regular contact with Government and Qualifications Wales about the 2020 series, I set out priorities that needed to be considered for the 2021 exam series. I continued this engagement through the autumn and winter of 2020: my office gave evidence to the report of the Independent Review Panel on qualifications and we were a member of Welsh Government's and Qualification Wales' stakeholder groups for the summer 2021 series, in which we consistently called for an approach that prioritised wellbeing, learning, non-discrimination, and accountability to young people.

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I also promoted the rights of young people to be able to participate in decisions and to have clear information. My office advised Qualifications Wales on how to set up a Learner Advisory Panel, and gave frequent advice and feedback about how to improve communications and messages to young people. In addition, my office facilitated question and answer sessions about qualifications between the Education Minister and young people in order to inform national decision making.

Progress

Advised by professional representatives through the DDAG, and responding to the fluid situation of the pandemic over the winter of 2020/21, Government made a series of announcements in late 2020 and early 2021, which set out key elements of the approach for summer 2021.

Elements of Ministerial direction were in line with the principles advocated by my office throughout the process. These included: flexibility in the approach and the ability of centres to use a range of assessment evidence; emphasis on maximising learning time; approaches to enable private candidates (for example home educated young people) to obtain qualifications; and ensuring the right of young people to appeal their grades.

Whilst announcements setting out the overall direction were made early in the process, details for centres about how to deliver the new arrangements came later, with guidance by Qualifications Wales not published until the end of March 2021. In this timescale many centres found it challenging to put in place a range of assessment approaches. Despite not expecting exams, many young people were issued at the end of March with exam-style timetables for assessment by their school or college.

Over late 2020 and 2021 communications to young people about exams did improve, with clearer and more accessible information made available. Government and Qualifications Wales also developed and responded to participation opportunities. But in spring 2021, young people were still reporting that confusing and inconsistent messages about qualifications were creating worry and uncertainty.

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Recommendation

All young people, including those taking vocational qualifications, need clear and accessible information directed to them about how their qualifications will be awarded in 2022. This information needs to be available as soon as possible and young people should be involved in developing these messages.

Children and young people's views

"Don't know what my grades will be and there's nothing I can do to change what my teacher thinks even if I disagree with them"

"Exams being cancelled means that I am stress free however next year I will have to focus more on my work to achieve the grades I want."

"Online learning requires technology that my family simply can't afford which school normally provides me with. furthermore, the lack of knowledge about how our grades will be awarded, they know kids work harder during easter break rather than mocks and grades go up by one or even two grades"

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Learner Travel

The key issues

Travel to education settings can be a cause of concern for many children, young people and families, with issues including safety of walking routes, availability of transport for post-16, and suitability of transport for disabled children and young people or those with additional learning needs. The Learner Travel (Wales) Measure 2008 therefore needed review to determine how this can better meet the transport needs of children and young people, and I called for this back in my 2015/6 Annual Report.

This Review was also needed in light of new legislation related to education and transport: notably the implementation of the Public Service Vehicle Accessibility Regulations 2000, and the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (the 'ALNET Act'). The 2018 Act applies to young people up to the age of 25, but this is not currently supported by transport entitlements: under the 2008 Measure there are only discretionary obligations to make transport arrangements for children or young people who are not of compulsory school age.

As a result older learners cannot always access education settings easily, and this can have a disproportionate impact on young people attending, or hoping to attend, Welsh Language, Specialist or Faith-based settings, and can also impede young people's access to vocational training and qualifications.

How we've influenced

In my 2018/19 Annual Report I highlighted the lack of entitlement of young people aged 16 + to transport to their place of education. I therefore called on Government to ensure that there is a statutory duty that requires all children and young people covered by the 2018 ALNET Act to be provided with safe transport to their place of education. During the legislative passage of the 2018 Act, proposed amendments around transport were rejected by Government on the basis that these needs could be met by updating secondary legislation around the Learner Travel (Wales) Measure 2008. Government now needed to ensure this was achieved, and I therefore recommended that Government reconsider their response to my 15/16 annual report recommendation to review the Learner Travel (Wales) Measure 2008 and associated statutory provision and guidance.

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Although this recommendation was initially rejected, Government subsequently advised my office 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 children and young people to travel safely to their place of education. Government subsequently expanded the scope of the review to include 4-16 year olds, and to consider the distances that children need to travel, making a public commitment to work with my office to ensure the review delivers improvements for children and young people.

In addition, my office undertook sustained engagement with the Welsh Government team leading the development of the Additional Learning Needs and Education Tribunal (Wales) Code 2021, to advocate for transport to be included in the Code as far as was possible.

Progress

The Additional Learning Needs and Education Tribunal (Wales) Code 2021 was laid before the Senedd at the end of the fifth term, and the phased implementation of the Act will commence in September 2021. My office ensured that transport was included as a mandatory field in the Individual Development Plan (IDP). This means transport will always be considered when planning how to meet the needs of children and young people with Additional Learning Needs, though this alone doesn't entail a statutory duty to provide this transport.

The Learner Transport Review, with its widened scope, was due to complete at the end of March 2021, but had not been reported on by this date.

Recommendation

I have not seen a copy of the concluded Learner Travel Review. Whilst the pre-election restrictions from March 2021 may have prevented publication, this work and subsequent actions cannot be left behind in the fifth Senedd.

I expect the Welsh Government to publish its findings and set out the actions that will be undertaken as a result of their Learner Travel review. Findings can be published on an interim basis if further work necessary, but there must be information published to ensure transparency and progress on this issue.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Whole school approach

The key issues

I have been calling for a whole school approach to mental health and wellbeing in Welsh schools since I was first appointed in 2015.

A whole-school approach includes both what children learn in school about mental health and wellbeing school (for example mental health awareness, child and adolescent development, relationships and sexuality education, expressive arts and physical literacy), and the supportive environment around them at school (which should include anti-bullying measures, school counsellors, opportunities for mindfulness, yoga or physical activity, support groups, evidence-based preventative programmes and nurture areas, as well as support and guidance from mental health professionals and others).

How we've influenced

I am pleased that the Welsh Government has now published a statutory **framework on embedding a whole-school approach to emotional and mental wellbeing**. My team and I have sat as independent members on the joint Ministerial Advisory group and a number of related working groups.

The framework provides guidance for schools on creating an action plan to both improve the school environment in terms of mental health and wellbeing support, and improving schools' links with wider services as part of a whole-system support mechanism.

I welcome this new statutory guidance but schools will need significant support in order to achieve the framework's aims. It is important that schools are not seen as the sole implementers of this guidance – they are one very important piece of a wider puzzle which includes mental services, public health services, social care, youth services, local authorities and regional partnership boards and many others. We have urged the Welsh Government to work closely with stakeholders, schools and importantly children and young people themselves to provide the necessary resource to make a real success of this framework so children and young people's mental health and wellbeing is supported by a network of services which meet their needs as a matter of course, not as an exception to the rule.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Recommendation

Welsh Government should work with stakeholders, schools and children and young people themselves to ensure the ambition of the whole-school approach to emotional and mental well-being is matched by resource, capacity and a whole-system support network across relevant services which meets the particular needs of each school.

Wherever a school is on their whole-school approach journey, they should be able to reach out and access support from relevant external agencies in a way which supports that school's own action plan.

Children and young people's views

"Ask once you should never be turned away."

(National Youth Stakeholder Group)

"Getting people like teachers, social workers, health specialists to work better together."

(National Youth Stakeholder Group)

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Home education

The key issues

As outlined earlier in this report, our 2021 statutory review of the Welsh Government found that the Government had not had sufficient regard to children's rights in respect of home education policy changes. Their decision making around this has been flawed and there has been a lack of urgency or progress to date.

Progress

As the review notes, there has been a lot of activity around this policy area but no concrete changes whatsoever.

The latest consultations undertaken were also based on a restrictive secondary legislation model. This was intended to make swift progress during the fifth Senedd term but in the end this was not achieved. We had supported this course of action only because it would have meant some progress in this area, but we repeatedly made clear our expectations around all children being seen and spoken to about their education at least on an annual basis.

The Government have advised that this will not be possible under the proposed model they have been working to, despite accepting the three tests that we'd laid out that included this requirement. This is therefore not a suitable option to take forward the commitments that the Government have made.

Swift action on this policy area is required by the new Government; there is more than enough evidence from our Review for the case for change.

Throughout the pandemic we've also liaised with Government officials to ensure that home educated children have access to their rights, including ensuring access to qualifications for private candidates and pressing for advice and guidance for reopening community groups for home educating families. This work is featured in our Coronavirus and Us report on actions related to the pandemic.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Recommendation

The Welsh Government must bring forward primary legislation to meet in full its commitments to the three tests for this policy area; that children are accounted for, receive a suitable education and their other human rights, and that to ensure this, every child should have the opportunity to be seen and their views and experiences listened to.

Children and young people's views

"I haven't really been able to meet with my friends since March, all my groups have been closed and if I do go to meet friends and the police stop us we have to lie in case they don't think it is essential travel. I miss museums especially St Fagans and I miss being free, a lot of my learning is outside and I love doing maths at the beach even if it's cold but now I can't do that without worry my mam will get in trouble."

(Home educated young person, 9 years old, South West Wales, taken from Coronavirus and Us survey)

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Independent Schools

The key issues

The Statutory Review also included the Welsh Government's actions in respect of independent schools. A significant case in north Wales had exposed weaknesses in the current legislation and regulations surrounding independent schools and only Welsh Government have the ability to change this. However, the lack of a requirement for independent school staff to be registered with the Education Workforce Council has been a long standing issue that the Government has been aware of but has not taken sufficient action to address.

Progress

Consultations around Interim Suspensions Orders and the subsequent introduction of these Orders in 2021 is a welcome step. It is recognised that Covid-19 was one factor in bringing forward changes to the Independent Schools regulations. But this does not address the wider issues of registration, and of gaps in the regulations in respect of leadership and managements of independent schools.

Recommendation

The Welsh Government must act in two areas:

- 1. To address the EWC registration issues through new legislation; this sits outside of the relevant Regulations and is a separate piece of work, which must be prioritised and urgently actioned; and**
- 2. Undertake a full review of the current regulations for independent schools and bring forward revised and strengthened regulations to address any gaps or deficiencies.**

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Building Blocks: inclusion in the Foundation Phase

Context

In 2018 a parent called the office of the Children's Commissioner for Wales about their six-year-old child, who had been excluded from school for physically aggressive behaviour. At the point of the call the child was not accessing any education, and there was a dispute between the school and local authority about whether it was appropriate for the child to return to the school.

This call to the Commissioner's Investigation and Advice Service was not an isolated case. There had been an increase in similar calls over 2018-19 from worried, sometimes desperate, families about children aged 8 and under. These young children were experiencing exclusions or being taught in isolation from a very young age. Some were receiving no education at all.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

What we did

Whilst the Commissioner's team could intervene and support these individual children, the rise in casework of this nature suggested this could be a more widespread problem. Consequently, the team undertook an investigation of exclusion in Foundation Phase education (ages 3-7) across Wales.

Our investigation included:

- **Analysis of 21 cases from our Investigation and Advice service over an 18-month period relating to Foundation Phase children who had experienced exclusion from school in some form. Themes arising from this analysis informed the central questions for our wider research;**
- **A survey sent to each Local Authority in Wales;**
- **A literature review conducted by Community Action Research Policy Collaborations (CARP);**
- **Focus groups and interviews with education professionals;**
- **Participatory work with young children and families was planned but was unable to take place due to pandemic restrictions.**

What we found

Building Blocks: Inclusion in the Foundation Phase sets out the findings of this research, and reveals **768 reported incidences of exclusion relating to Foundation Phase children in 2018-9**. The true figure is likely to be higher as data was not made available by all local authorities.

Investigations also revealed that on **average nine Foundation Phase children per authority had been excluded more than once**, with one child having been excluded 18 times in a one year period.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

How we're supporting

We know that in schools in Wales professionals work tirelessly to develop the provision needed for children: repurposing spaces in the school for nurture; developing whole school approaches to well-being; and drawing on regional and local approaches to ensure practice is trauma-informed, autism friendly and enables children's rights. Teachers are rightly giving this work high priority as they support children whose lives have been so disrupted by the pandemic.

To assist this work, the Commissioner has developed a **practical toolkit**, with expertise from Gwent Psychology Community Team. This draws on approaches from across Wales to set out a children's rights framework to inclusive practice. Importantly, the language of this framework is positive and affirmative. This is not a deficit model. It is an approach that can support each and every child to access the human rights to which they are entitled, and to develop their talents and skills to the full.

What needs to change

As detailed in the report, change is needed beyond education settings. The issues some children face are not simply about the classroom or the school. A child's family and community may face a wide range of challenges, and there needs to be action to prevent poverty and to ensure suitable housing. Families need advice and networks to support parenting and they need ready access to health expertise, in particular around neurodevelopmental services.

There is also a need to acknowledge and address the issue of exclusion of young children nationally. Welsh Government statutory guidance on exclusion does not include any guidance or advice as to the approach that should be followed for young children. There are no specific considerations in this guidance about how to best support children under 8. Instead, the expectation is that the process of exclusions is the same for children of this age as it is for young people up to the age of 16. This is clearly an omission given the numbers of fixed term exclusions being issued to young children in Wales, and given the fact that some children experience this repeatedly. Exclusion from education is not a solution that addresses the needs of young children. As a measure in itself exclusion can harm the immediate, medium and long term interests of children. In place of this there should be a national drive for early support and intervention that leaves no young child excluded from education in the Foundation Phase.

EDUCATION, CITIZENSHIP AND CULTURAL ACTIVITIES

Recommendation

Welsh Government must set a clear policy aim to prevent exclusions being issued to children under 8 years old. Statutory guidance on exclusion should be amended so that it includes specific considerations relating to the age of the child and to set out clear alternatives to exclusion. This should be supported with an action plan for early support.

ADEQUATE STANDARD OF LIVING

No Wrong Door

The key issues

In June 2020, we published our report: **No Wrong Door – bringing services together to meet children’s needs**. The report made recommendations to every Regional Partnership Board (RPB) in Wales, and recommendations to Welsh Government.

For RPBs, these recommendations included:

- **planning and implementing a ‘No Wrong Door’ approach to mental health and wellbeing which could include integrated teams, panel and hub models or drop-in centres so children receive the support they need when they reach out for it;**
- **making plans to engage directly with children and young people, and work with them to coproduce the work of the Board;**
- **improving the experience of young people with learning disabilities who are transitioning to adult services;**
- **making the Board’s work more accessible to children and young people; and**
- **being better at working with other stakeholders like the third sector and citizen representatives.**

ADEQUATE STANDARD OF LIVING

We recommended that Welsh Government:

- **support and work with RPBs to achieve the recommendations we have made to them, including sharing learning between boards**
- **make sure they are properly holding RPBs to account for their investment in and work for children and young people**
- **make it a requirement that health and social care properly pool their resources to achieve a 'no wrong door' approach**
- **take action on developing new residential provision in Wales for children with complex needs.**

How we've influenced

RPBs have reported to us on their progress following the report, and we are pleased that they have either taken action on several of these recommendations, or are planning to. This includes, for example, the setting up of young person's forums, plans for engagement with children and young people, and the development of 'panel' models, where RPBs have demonstrated learning from each other.

As a result of a series of meetings with officials and the Deputy Minister for Social Services we have been pleased to see progress on plans for new safe accommodation for children with 'high level' complex needs which require the input of both health and social care services. Welsh Government has encouraged bids for Integrated Care Fund (ICF) funding which includes this new accommodation, and we are pleased that all RPBs have made bids to provide such accommodation. The next stage will be deciding which bids will be approved but this progress is certainly encouraging.

We will be scrutinising all RPBs on their progress and challenging them to meet all elements of our recommendations when we meet with them in summer / autumn 2021.

ADEQUATE STANDARD OF LIVING

A large part of a 'no wrong door' approach is to recognise the need for all children experiencing severe distress, in whatever form that takes, and for services to respond in a way which meets the needs of the child. Too often, access to any support is based upon a diagnosis. We believe more needs to be done to recognise neurodiversity and that while some children may not have a diagnosable condition they may still need the support of neurodevelopmental services and others.

The Together for Children and Young People (T4CYP) programme has had a significant focus on these aims as part of its work, but the programme is currently only funded to March 2022.

Recommendation

Welsh Government must continue the Together for Children and Young People programme to support the implementation of a No Wrong Door approach, and the NEST whole-system model, including the specific work within these models for improving support for neurodiverse children.

Children and young people's views

"I am considerably less stressed than I would've been at school and feel that my overall wellbeing has improved considerably. I feel more connected with my family, and also feel that I am now more in control of my learning."

(Girl, 16, Coronavirus and Us survey, 2020)

ADEQUATE STANDARD OF LIVING

Transitions in health services

The key issues

Issues related to the transition from children's to adult services (across health and social care) continue to be frequently raised with the Commissioner by young people and their families, as well as professionals.

Unfortunately, some young people are not supported properly to move on from children's health services and can find themselves suddenly receiving a very different service which they were not prepared for, or receiving no service at all.

We are pleased, therefore, that Welsh Government have consulted upon new guidance for Health Boards in Wales around transitions in health services (and the relationships with other services) as a direct response to our previous Annual Report recommendation. This includes creating new roles of key workers, and executive leads within Health Boards.

How we've influenced

Through our influencing work (including membership of the Transitions and Handover guidance sub-group) and responses to consultations from Welsh Government at various stages throughout the work, we are pleased that the guidance names a children's rights approach under the UNCRC as an underpinning principle. The guidance uses our five The Right Way principles to set out implementation principles; as well as referencing specific articles of the UNCRC and how these apply to the children affected by transitions to adult services.

Publication of the guidance has been delayed. During this time, we have repeatedly raised the elements of the guidance most crucial to its success with Ministers, Welsh Government officials and Health Boards to ensure they are properly presented in the final version.

ADEQUATE STANDARD OF LIVING

While the new guidance is welcome, it is clear that implementing it will be challenging without senior direction from both Welsh Government and Health Board executive leads. Health Boards will also need additional resource to ensure that the new roles are undertaken by individuals who have the capacity to perform those roles properly, and are not seen as an 'add-on' to an existing role. Executive roles will be needed if innovative practice is to be fostered to address some of the systemic barriers to successful transitions, particularly for 16 and 17 year olds.

The Welsh Government will also need to ensure that existing guidance for mental health transitions to adult services is fit for purpose alongside the new health-wide guidance.

Recommendation

The Welsh Government must ensure through the published guidance that there is adequate resource for the new executive lead and key worker roles in every Health Board in Wales.

Health Boards should ensure that there are robust accountability mechanisms to implement the guidance, including a senior executive lead with the authority to make innovative change where needed, to ensure they are linking proactively with other organisations to make significant improvements to children and young people's experiences of transitions.

ADEQUATE STANDARD OF LIVING

Health-related Advocacy

The key issues

I have recommended that health-related advocacy is accessible to all children who need it across Wales in successive recommendations since 2016.

Children receiving care from health services should always be able to get their voices heard. We are concerned that, for those children who need someone to help them to do this, an advocacy service just isn't available in most parts of Wales.

We are therefore disappointed that – following some activity in 2019/20 from Welsh Government - no progress has been made on this agenda. Of course, we understand that the pandemic has led to some delays and reprioritisation, but now is the time to revisit this work to make sure all Health Boards are in a position to make an offer of a health-related advocacy service.

How we've influenced

Prior to March 2021, Welsh Government convened a group to work on the principles of new guidance of health-related advocacy that we'd put forward from our annual health seminar. Plans were being put in place to 'trial' broadening out advocacy from those children and young people legally entitled under mental health legislation, to a wider mental health offer. We understood this proposed action to be a step towards broadening out the offer across health services. However, things have stalled ever since.

We have repeatedly raised with Ministers and Welsh Government officials the need for this guidance to be consulted upon and published, and made clear our wish that this guidance was published by the end of the Senedd term (May 2021).

In May 2020, we contacted Welsh Government setting out our suggested ways forward on this agenda. As the advocacy group convened by Welsh Government (which included several advocacy providers and other third sector partners) had agreed a set of Principles for advocacy in health, we suggested that this document could form the basis of guidance, to be published alongside a Ministerial Circular to all Health Boards. We chased again in June 2020. It wasn't until November

ADEQUATE STANDARD OF LIVING

2020 that we received a meaningful response outlining that the guidance had been delayed because officials had been redeployed across Government to respond to the pandemic. We understand of course that in a public health emergency this will be the case, but do feel that our pragmatic suggestions could have been taken forward during this time, and should be now.

We were told that officials hoped to still consult and publish before the end of the Senedd term. However, there has been no progress on this issue since March 2020, and this continues to be the case.

Recommendation

Welsh Government should publish new guidance for all health boards which ensure every child in Wales has access to independent health-related advocacy should they need it. This guidance should be based on the work done to date, and published during the financial year 2021/22.

Children and young people's views

Figures we have seen from an advocacy service provided in one part of Wales suggest a service can be provided at a surprising low cost through an additional contract to existing social services provision.

Case studies from the service include successfully supporting a home schooled young person to access a dentist for the first time; and helping a young person raise concerns that their mental health needs were not being taken seriously by the GP, which resulted in an apology from the GP and the establishment of a productive relationship leading to that young person getting help from a counsellor and accessing art therapy.

ADEQUATE STANDARD OF LIVING

Children and Young People's Continuing Care

The key issues

A child or young person may have need for a range of potential health support, for physical and learning disabilities, mental health needs, neurodevelopmental disorder and behaviours considered to be challenging. If the child or young person is found to be eligible for children and young people's continuing care (CYP CC) then agencies such as health, education and social care must work together to ensure that there are no gaps in meeting those assessed needs and how meeting those needs with a package of continuing care may fit with other types of support. This is slightly different to Continuing Healthcare for Adults, which is solely provided for by the local health board, in response to health needs.

CYP Continuing Care therefore requires strong partnership working between agencies. However, we have had families contact our Investigation and Advice team regarding difficulties in securing CYP CC for their child. Communication is a particular issue that families unfortunately regularly highlight to us, as well as arguments between agencies over funding.

How we've influenced

In 2019 we participated in a working group on revisions to the guidance for Continuing Care for children. This resulted in revised guidance being published in January 2020.

In late 2020, we were approached by ADSS and Solace with concerns about the operation of CYP CC despite the revised guidance. This includes challenges on the process for establishing eligibility, assessment and funding. Decision making is still led by resource and not need, and there is a lack of transparency in the processes, including around appeals. There is a junction in the system at age 18 when young people move into NHS Continuing Healthcare and this can result in a change in eligibility and the need to restart the process of identifying, assessing and meeting needs.

We met with representatives and subsequently set out concerns in a letter to the Minister and Deputy Minister for health and social services, in March 2021. We also raised those issues in a meeting with those Ministers later that month, prior to the election.

ADEQUATE STANDARD OF LIVING

What needs to happen next?

It is unfortunately clear that the revised guidance has not addressed fundamental issues within the system. The Welsh Government cannot rely on this revised guidance as having dealt with the previous problems and therefore this needs to be looked at again.

The White paper on reforms to social care did not include much detail in respect of CYP CC so it is important to highlight this as an issue yet to be resolved and requiring further attention. With significant reforms planned in social care, the opportunity should not be missed to ensure that CYP CC keeps pace with other developments, in the interests of children and their families.

Recommendation

The Programme for Government to 2026 contains ambitious intentions to reform social care and integrate it with health care. Early work on this priority must address the longstanding issue of Continuing Care, and children and young people and their families must be a part of finding those solutions.

ADEQUATE STANDARD OF LIVING

Child poverty

The key issues

During 2020 we continued to monitor the progress of our Charter for Change report recommendations, with the Welsh Government and with local authorities and schools.

How we've influenced

In relation to the Welsh Government, we continued to meet with the Minister for Local Government and Housing, and her officials, in relation to published plans to tackle child poverty. We had recommended that the Government publish a delivery plan but the Government had rejected this. The Government had undertaken their own child poverty internal review, and found that not everyone was accessing their full entitlements, there is low awareness of entitlements exacerbated by literacy and language barriers, programmes restricted by postcode/area exclude some people in need, and even universal schemes aren't reaching those who need them the most. However the Government decided not to publish this information due to the onset of Covid. We wrote to the First Minister in August 2020 to challenge this Ministerial decision, as the Covid context made such findings even more important. We outlined the need to make the information public and set out the actions to be taken to address these findings, to ensure transparency and accountability for the work undertaken.

Children and their families participated in the Review, and there is a duty on Government to account to those participants as to how their input has been heard and acted upon.

The Government's response was that the data they had gathered would have appeared out of context due to the onset of the Covid pandemic. However, the Government agreed to continue with work to maximise income through publicising information about benefit and grant entitlements. The office has continued to support this work, and we have particularly welcomed a short pilot in early 2020 that used social media to share information about entitlements, resulting in more than £650,000 additional monies being claimed by entitled persons and families.

In addition, the Government has been working with local authorities via the WLGA to ensure that people are proactively provided with information about other entitlements when they make a claim, for example encouraging and enabling a claim for free school meals when a housing benefit claim is being made, where the family is eligible. This

ADEQUATE STANDARD OF LIVING

is a welcome way to tackle the perceived stigma that prevents some families from claiming their entitlements, as well as ensuring all entitlements are being claimed.

Many local authorities referred to this ongoing work in their responses to our follow up letters seeking an update on their progress in this area. We received formal responses from 17 of the 22 local authorities, but there were a number of local authorities who had also proactively shared information with us via other means such as social media.

The letters in themselves stimulated some local authorities to push forward with their plans in relation to school-based poverty issues. The letter reminded local authorities of our recommendations around access to school breakfasts, school uniform recycling schemes and auto enrolment for eligible benefits and grants. As well as responding on their progress on these recommendations however, we also heard of a number of examples of positive practice.

In one local authority they've introduced a 'leftover' meal scheme in secondary schools, where leftover food can be collected at the end of the day. This local authority had also done their own campaign in relation to take up of free school meal provision, resulting in more than a 10% increase. Another has strongly focused on period poverty, working in conjunction with their Youth Council. One local authority is exploring ways to allow for 'carry over' of any unused allowance on a meal card from previous days. At least two local authorities have made our Charter for Change a priority for their schools and other services and have taken county-wide steps to embed this work.

It should be recognised here that the Welsh Government took very positive steps in response to the pandemic, swiftly moving to make alternative provision available for free school meals when school buildings were closed to the majority, and extending the entitlement to provision covering the school holiday periods, to April 2022. The Welsh Government were also relatively early in the UK context to distribute digital devices and data to large numbers of children who needed this.

ADEQUATE STANDARD OF LIVING

What needs to happen next?

Following the appointment of the new Government, there should be a renewed effort to revisit and revitalise actions that were being taken forward at the end of the fifth Senedd term.

The 2021 Labour party manifesto indicated a commitment to provide free breakfasts for all primary school pupils, to build on the School Holiday Enrichment Programme and continue to meet the rise in demand for Free School Meals resulting from the pandemic and review the eligibility criteria, extending entitlement as far as resources allow.

In particular, in light of our findings, and the impact of the Covid pandemic, plans to review this provision need to be taken forward urgently. The commitment to provide free breakfasts for all primary school pupils is welcome as responses from local authorities indicated some children who are eligible for free school meals are not taking this provision up, and there are some children on waiting lists for provision.

Recommendation

Welsh Government must carry out its review of food entitlements in schools without delay, to include eligibility for free school meals, and ensuring that school breakfasts are reaching as many children as possible including those in most need of this provision.

Children and young people's views

"I know my mum isn't eating properly coz she gives me her portion. My dad doesn't notice coz he's too cross but I notice it..."

(taken from the Coronavirus and Us survey)

PROTECTION FROM EXPLOITATION AND VIOLENCE

Child sexual exploitation

The key issues

In previous annual reports we have noted the need for consistent data collection around child sexual exploitation to ensure that appropriate support and action is taking to address needs across Wales. This has highlighted the need for statutory guidance to be in place to ensure that this is a consistent and regular exercise in every local authority area.

How we've influenced

The Welsh Government had been undertaking a review, but this work was initially paused when the Covid-19 pandemic outbreak occurred.

However, I am pleased to say that in March 2021, the Welsh Government issued new statutory guidance under Part 7 of the Social Services and Well-being (Wales) Act 2014 and Section 28 of the Children Act 2004. The guidance sets out Welsh Government expectations about the ways in which agencies and practitioners should work together to safeguard children from the risk of CSE, in conjunction with the Wales Safeguarding Procedures and associated All Wales Practice Guides.

The guidance sets out a range of legislative requirements and agreed definitions. It sets out what is known from research and practice, to assist others in identifying and addressing any potential concerns, as well as preventing abuse and exploitation wherever possible. It highlights the importance of roles across the public sector in spotting the signs and acting upon any concerns or worrying trends that professionals may observe. The guidance ensures that all information is presented to ensure any concerns are appropriately addressed or escalated as required.

PROTECTION FROM EXPLOITATION AND VIOLENCE

Most importantly, it sets out the views and comments of children who have experienced abuse and exploitation, and what they found as most helpful or important in supporting them through their experiences.

Our office continues to chair a six-monthly round table which brings together senior representatives from police, Welsh Government, local authorities, health and third sector settings to monitor progress in protecting children from child sexual abuse and exploitation and to encourage the sharing of best practice and barriers to progress. We will receive reports from the Welsh Government and partner agencies, will reflect their work under this new statutory guidance. All members of the group will be able to scrutinise this work and we will ensure this remains a part of the roundtable's agenda.

**Summary of
Recommendations
and future programme
of work**



8. Summary of Recommendations

In response to the issues reported in this annual report, I draw together here the recommendations to the Welsh Government. Our assessment on Welsh Government's progress against last year's recommendations are available on our website [here](#). We update this assessment on a quarterly basis, ahead of the Commissioner's meetings with Ministers.

Family environment and alternative care

1.
The Welsh Government must bring forward a **roadmap** by 1st April 2022 which sets out the timescale and actions they will take to begin safely phasing profit out of children's social care provision.

2.
The Welsh Government must swiftly bring forward statutory entitlements and policies for care leavers as a coherent package.

Some of these have been long standing calls, following the publication of my Hidden Ambitions report in 2017, and which were accepted by Welsh Government at the time. Welsh Government should do the following;

- Amend the Social Services and Well-being (Wales) Act 2014 and guidance, to secure all care leavers' entitlement to a **Personal Advisor** up to the age of 25;
- Extend the statutory entitlements of the 'When I'm Ready' post 18 living arrangements scheme to young people leaving **residential care** to ensure young people leaving care regardless of their placement have the same opportunities;
- Develop national standards to address concerns of quality, sufficiency and suitability for **semi-independent accommodation** for care-experienced young people up to the age of 25. This was proposed by the previous Welsh Government's Joint Housing and Social Services Group, but progress has stalled.
- Work with care leavers and local authorities to produce clear **financial information** that is available nationally, to help young people and their personal advisers access the range of grants, benefits and entitlements that are available when leaving care. This should include eligibility criteria/guidance for the St David's Day Fund to give certainty to care leavers on how they can make best use of the scheme.

- Using data regarding current use of **unregulated care** for under 18s, consider what amendments may be required to the Regulation and Inspection of Social Care (Wales) Act, to strengthen the inspection and regulation of care and accommodation provision for under 18s that does not currently fall under the remit of the Act;

3.

Welsh Government must:

- **Strengthen Wales' corporate parenting role through legislation and guidance, to ensure Wales' care system is rights based and enables children to thrive in care.** It is particularly important to progress this work, as large numbers of care experienced young people have so far been involved in the process and will have expectations that important changes are to be made.
- **Oversee and monitor the widespread roll out of the Protocol to Reduce the Unnecessary Criminalisation Of Looked After Children,** supported by resources and training to strengthen existing practice.

4.

The Welsh Government needs to demonstrate progress to further enact the **Youth Justice Blueprint**, particularly the secure accommodation elements.

5.

Welsh Government should directly engage with children and young people with caring experience to ensure the **Unpaid Carers strategy** adequately reflects their needs and promotes their rights.

Education, Citizenship and Cultural Activities

6. Welsh Government should ensure that all teaching and support staff involved in the delivery of the new Curriculum for Wales receive **high quality professional learning and national guidance** to develop their knowledge and understanding of the UNCRC and UNCRPD.
7. Welsh Government must develop and fund a national offer for high quality professional learning so that by September 2022 each setting in Wales has benefitted from this professional learning, and has identified a **specialist RSE lead practitioner** who can oversee a whole-setting approach to RSE that is integrated with the curriculum.
8. All young people, including those taking vocational qualifications, need clear and accessible **information directed to them about how their qualifications will be awarded in 2022**. This information needs to be available as soon as possible and young people should be involved in developing these messages.
9. I have not seen a copy of the concluded Learner Travel Review. Whilst the pre-election restrictions from March 2021 may have prevented publication, this work and subsequent actions cannot be left behind in the fifth Senedd.

I expect the Welsh Government to publish its findings and set out the actions that will be undertaken as a result of their Learner Travel review. Findings can be published on an interim basis if further work necessary, but there must be information published to ensure transparency and progress on this issue.

10. Welsh Government should work with stakeholders, schools and children and young people themselves to ensure the ambition of the **whole-school approach to emotional and mental well-being** is matched by resource, capacity and a whole-system support network across relevant services which meets the particular needs of each school.

11. Elective Home Education: **The Welsh Government must bring forward primary legislation to meet in full their commitments to the three tests for this policy area; that children are accounted for, receive a suitable education and their other human rights, and that to ensure this, every child should have the opportunity to be seen and their views and experiences listened to.**

12. **The Welsh Government must act in two areas:**

1. **To address the EWC registration issues through new legislation;** this sits outside of the relevant Regulations and is a separate piece of work, which must be prioritised and urgently actioned; and
2. **Undertake a full review of the current regulations for independent schools and bring forward revised and strengthened regulations to address any gaps or deficiencies.**

13. Welsh Government must set a clear policy aim to prevent exclusions being issued to children under 8 years old. **Statutory guidance on exclusion** should be amended so that it includes specific considerations relating to the age of the child and to set out clear alternatives to exclusion. This should be supported with an action plan for early support.

Adequate Standard of Living

14.

Welsh Government must continue the **Together for Children and Young People** programme to support the implementation of a No Wrong Door approach, and the NEST whole-system model, including the specific work within these models for improving support for neurodiverse children.

15.

(**Transitions** guidance) The Welsh Government must ensure through the published guidance that there is adequate resource for the **new executive lead and key worker roles** in every Health Board in Wales.

16.

Welsh Government should publish **new guidance** for all health boards which ensure every child in Wales has access to **independent health-related advocacy** should they need it. This guidance should be based on the work done to date, and published during the financial year 2021/22.

17.

The Programme for Government to 2026 contains ambitious intentions to reform social care and integrate it with health care. Early work on this priority must address the longstanding issue of **Continuing Care**, and children and young people and their families must be a part of finding those solutions.

18.

Welsh Government **must carry out their review of food entitlements in schools without delay**, to include eligibility for free school meals, and ensuring that school breakfasts are reaching as many children as possible including those in most need of this provision.

Future Programme of Work

In 2021/22, we will be working on projects in the following areas:

1.
ENYA, an annual project run by the European Network of Ombudspersons for Children, which allows government from across Europe to work together on recommendations for children's commissioners and governments across the continent.
2.
Effectiveness of school councils: our research shows that young people in secondary schools feel less able to participate in decision-making than in other schools. This project aims to improve participation in secondary schools so that all young people in Wales experience their right to have their say.
3.
Evaluating our impact: we'll be reflecting on how well we have delivered against our **Three Year Strategic Plan 2019-22**.
4.
Reporting to the UN Committee on the Rights of the Child: we'll be working again with the other UK Children's Commissioners to respond to the UK and devolved Governments' assessment of their progress on children's rights.
5.
Coronavirus and Us: We'll ensure we'll be able to continually respond to issues relating to the pandemic. A key aim will be to ensure that Welsh Government and other public bodies pay due regard to children's rights when forming and implementing recovery plans.
6.
Haf o Hwyl: We'll work with Welsh Government and others to support and develop new opportunities for children and young people to engage in sport, play, leisure and/or cultural activities in summer 2021.

7.
The Right Way: We'll spend the year continuing to promote and encourage the use of our guide on implementing a children's rights approach. We'll also be evaluating the impact of our work in this field over the last three years.

8.
'No Wrong Door' approach: The Commissioner will meet again with health and social care leaders, and others, in every region of Wales to ask what's changed to ensure more joined-up services in their areas to meet the needs of children and young people who need support with their mental health, emotional wellbeing or 'behavioural' issues.

9.
Project Vote: We'll run the first-ever parallel elections in secondary schools in Wales to coincide with the 2021 Senedd election, on 6 May 2021.

10.
Planning for a new Commissioner: Sally Holland's term as commissioner will come to an end in April 2022. Although the recruitment process will be led by Welsh Government, our focus will be on ensuring a smooth transition and delivering on our ambitious programme of work.

11.
Accommodation project: We'll be moving to a new, more sustainable office premises in 2021. A cross-organisational project team will ensure the organisation has better value for money, reduces its impact on our planet and climate and allows more flexible ways of working for staff.

You can read more about these projects on our [website](#).

**Organisational
processes**



9. Organisational processes

As a public office in receipt of public funds, the Commissioner is committed to implementing rigorous and transparent accountability and decision-making systems. Our evaluation framework is designed to provide an overview of the delivery of our core work and the internal processes within the organisation. It focuses on four elements: the Commissioner's people, the Commissioner's organisational processes, the Commissioner's financial sustainability and value for money and children and young people of Wales. You'll be able to read about two of the four elements – our work with children and young people and financial sustainability – elsewhere within the report, and below we've included highlights in relation to the Commissioner's people and organisational processes. Our Governance Statement in our accounts section also touches on elements of this evaluation cycle

Our evaluation cycle



Commissioner's People

Sickness

- Short-term absence was 79 days less than 19/20. This is the third year in a row that short-term absence has decreased, despite experiencing a global pandemic in the last year. Short-term absence has consistently been in the region of 2.5% - 3.5% in the last 8-year period and at less than 1%, this year's figure is the lowest recorded since 2010.
- Long-term absence was 85 days less than 2019-20.

Workforce profile and equal pay profile

We routinely encourage our Team members to make diversity declarations in relation to all of the protected characteristics covered by the Equality Act, because these statistics help us to identify positive actions to improve the inclusive nature of our workplace. On average between 1 and 5 people each year choose the 'prefer not to disclose' option for each equality characteristic so we do not have a complete picture. Nonetheless, it is clear that our current Team is exclusively from a white ethnicity, majority female and heterosexual, living without a disability, largely following no religion or belief and with a high proportion of Welsh language skills. A further more detailed breakdown is detailed below.

There are things to celebrate from an equality perspective about the make-up of our current Team in terms of gender equality and Welsh language culture but there are some important lived experiences absent in our current staff make-up. The diverse lived experiences of members of our advisory panels make a vital contribution, but we recognise we have more to do in this area. During the past year, we have prioritised action in relation to several equality characteristics through our newly formed staff Equalities Action Group and our annual Equalities Action Plan. These actions include introducing a guaranteed interview scheme and running recruitment information sessions. We plan to continue with our policy of advertising all of our permanent posts externally. We have also started a reciprocal project with a third sector organisation specialising in supporting ethnic minority youth where we will share expertise and resources through a series of joint endeavours. We hope that through taking these steps we will improve the cultural competence and diversity of our organisation, while giving something back to a partner organisation by sharing our own expertise in other areas.

We have also agreed that in future years, as well as paying careful attention to protected characteristics, we will also focus on understanding and celebrating our multiple identities and the complex lived experiences of our Team.

Overall workforce diversity

On the 31st March 2021, we employed twenty-six people, of whom 8 were on part-time contracts and one was on placement with us from the Civil Service Fast-Stream. Between 1 April 2020 and 31 March 2021, five people left the Team and there were three new appointments, all of whom were temporary staff or staff on placement/secondment.

Overall, we had a very stable year in terms of workforce statistics despite the pandemic and introducing significant changes to our working from home practice. The changes that did occur were anticipated because they related to the ending of temporary contracts and the consequences of a stable permanent workforce advancing in age.

In summary on 31st March 2021:

- 11.5 % of our workforce on 31st March 2021 was engaged on a temporary, fixed term or a supernumerary secondment basis. This is the same as last year.
- 69% of colleagues work full time hours, 31% work part time hours. This is very similar to last year where 65% worked full time. Only 12.5% (1 out of 8 people) of part time workers are male. This is the same as last year.
- 81% of our workforce was female; this is the same as last year.
- No one in the Team disclosed a lesbian, gay or bi sexual orientation, whilst 73% of voluntary respondents stated they are heterosexual.
- No one in the Team disclosed transgender, bi gender or gender fluid identities in this period.
- 34.5% of our colleagues in this period are aged under 35 years old; this is noticeably fewer than last year where 45% of our workforce was under 35 years of age. 25% of this age group works part time.
- 19% of our colleagues are aged over 55, last year this figure was 12%; 40% of this age group works part time.
- We do not currently employ anyone over age 65.
- 8% of our workforce describe themselves as living with a disability; compared to 22.5% of the Welsh workforce as a whole.
- 100% of our workforce on 31st March 2021 was from a white ethnicity; with 54% describing themselves as White Welsh.
- 69% of employees describe their Welsh language skills as either proficient or advanced.

- Only 34% of our workforce declared their commitment to a specific religion or belief.
- During this financial year, we have supported one person through pregnancy and maternity leave.
- Representatives from all genders, most grades and contract type accessed learning and development opportunities this year despite the limitations of remote working during a pandemic. In addition to individual learning applications, our whole team development programme continued on a reduced level but still enabled part time workers, temporary workers and workers with protected characteristics to have equal access to learning and development opportunities.

Gender and Pay differentials

The Job Evaluation and Grading System that underpins the pay system with us allocates a banding to individual posts based on seven different work factors: autonomy, problem solving, decision-making, impact, management of resources, contacts and communication, knowledge and skills. This system ensures that differences in salaries for posts relate to specific job requirements and contributes to our commitment to eradicate bias in the recruitment process.

Of the 21 female staff in post on 31 March 2021, 4 female staff members, or 14% of the female workforce, are employed in the three highest pay bands; compared to 2 male staff members, or 40% of the male workforce.

Although the smaller number of male employees occupy a disproportionate number of senior roles in the workforce as a whole, the gender balance of the Management Team is weighted toward female members of staff with 4 female participants and 2 male participants.

Female staff continue to be the larger part of our workforce, however, the average salary for a female worker on 31 March 2021 was £34,314 and the average salary for a male worker was £40,569. There is a difference of £6254 this year, similar to last year.

Only female staff members occupy the lowest pay band here, this in addition to the majority of part time workers being predominantly female, all contributes to the average salary differential.

Of the 21 females employed on 31 March 2021, one third of the workers occupy part time roles (33% of the female workforce or 7 people) compared to just one male employee (20% of the male workforce).

Our Processes

Our work on implementing the Welsh Language Standards

Welsh Language Act

The following information provides details about how the Children's Commissioner for Wales has complied with section 44 of the Welsh Language (Wales Measure) 2011 requiring her to adhere to a set of Welsh Language standards imposed on our office by the Welsh Language Commissioner in 2016.

We are proud of our supportive bilingual working environment where Welsh is used every day by our bilingual staff and Welsh learners. Four members of our current team who have learned Welsh as a second language, including the Commissioner, have been supported to develop their skills to the point that they can use Welsh with confidence in internal and external meetings and events.

How we have complied with the Act

During the current reporting period the office has:

- Continued to monitor and ensure compliance with the Welsh Language standards at monthly management team meetings and to provide staff with learning opportunities to develop their Welsh according to their level of skills.
- Responded to a consultation on Welsh Language Standards code of practice.
- Introduced a new initiative to help support staff to develop their Welsh language skills. The "Welsh promise" encourages staff as part of their annual appraisal process to commit to making a promise to use or develop their Welsh language skills according to their current proficiency in Welsh. Staff can commit to making up to four promises, which are outlined in a supporting document. A key element of the promises made is that they are dependent upon staff who are fluent or more proficient in Welsh supporting their colleagues to develop their skills. Through this initiative, we aim to promote and protect the Welsh language and to be inclusive, supportive and patient for all learners. We recognise that learning is a supportive process that succeeds when the learner understands the benefits of the learning, not a tick box exercise.

Number of employees who have Welsh Language skills at the end of the year in question (Standard 145) – As at 31 March 2021 there were 26 members of staff employed at the Commissioner’s office. Of the 26 people employed during that period:

9 describe themselves as proficient in Welsh.

5 describe themselves as having advanced skills in Welsh.

4 describe themselves as having intermediate level skills in Welsh.

0 describes themselves as having foundation level skills in Welsh

8 describe themselves as unable to speak Welsh/entry level Welsh

Number of employees who attended training courses we offered in Welsh during the year (Standard 146) –

In order to help staff improve their Welsh Language skills we commissioned tailored Welsh Language training courses during this period.

Number of new and vacant posts that we advertised during the year that were categorised as posts where:

- **Welsh Language Skills were essential** – Two posts; one temporary Communications Officer post and one maternity cover Administrative Officer post.
- **Welsh Language skills needed to be learnt when appointed to the post** – Nil
- **Welsh Language skills were desirable** – One post; fixed term fast track Civil service secondment.
- **Welsh Language skills were not necessary** – Nil
- **Number of complaints received during the year in relation to compliance with the operational standards with which we were under a duty to comply** – We have received no complaints in relation to compliance with the operational standards.

Our work on implementing the Equality Duty

The equalities project was established in October 2020 as a response to the Black Lives Matter movement and in an attempt to take steps forward to diversify our organisation and reach. The project comprising staff from across the organisation meet bi-monthly and have developed an action plan outlining tangible actions that will help the office to evidence steps towards becoming a more diverse organisation. The project team are working in partnership with EYST(Ethnic Minority and Youth Support team) who are acting as both advisor and critical friend in taking this piece of work forward.

Our work on implementing the Biodiversity Duty

Section 6 of Part 1 of the Environment (Wales) Act puts in place a Biodiversity and Resilience of Ecosystems Duty for public authorities. Public authorities, including ourselves, must seek to maintain and enhance biodiversity, and in so doing, promote the resilience of ecosystems.

In December 2019 we published our **Biodiversity Plan**.

It has been difficult to progress office-based action points from our Biodiversity Plan due to the office being largely closed since March 2020. Nonetheless, there is progress to report:

- Paper-based office processes have ceased.
- ‘Freebie’ promotional materials only being purchased if they meet environmental standards including – recycled/recyclable/biodegradable.
- A green electricity supplier was contracted to supply the office from February 2021.
- Our successful search for new premises had environmental considerations as central criteria – proximity to public transport and eco ratings.
- Ongoing work on new ways of working post-pandemic will cut our carbon footprint – with far fewer staff commuting by car, electronic office processes instead of paper-based and the opportunity to be based in a modern, well-insulated office with electric car charging points.
- We have worked closely with Natural Resources Wales on a children’s rights approach, supporting them to communicate and engage with children on environmental issues.
- We’ve added biodiversity considerations to our project planning process.
- We’ve added biodiversity to our performance framework.

Here's how you can get in touch with us:

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