



Section 2

Keeping children and young people at the heart of what we do

Early beginnings

From the start – even before there was a team of staff in place – the Children’s Commissioner for Wales was determined to make sure that children and young people were key players in setting his agenda and influencing his work programme. Before he even had an office he’d decided from what he’d heard from his travels around schools, youth groups and projects all over the country that something needed to be done about school toilets. After looking into the policy background and finding out what children and young people from all over Wales thought about the toilets in their school and what should be done about them he published a report: **Lifting the lid.**

Later we also involved children and young people in a study of safety on school buses, allowing them an influence on our recommendations and giving prominence to their recommendations, in the report **As long as I get there safe.**

While the commitment was clear and evidenced in our reports, we wanted to do better. So in 2004-05 we put into action our plans to make sure that the things that are important to children and young people really were at the heart of what we do. With the many different kinds of issues coming to our attention through different aspects of the work we needed to set up a fair and democratic system to give them a say in what become priorities for action, rather than making all those decisions ourselves.

We also needed to make sure that young people had a chance to be involved in our day-to-day work and a way of ensuring that what they have told us is accurately reflected in the influencing activity and policy development of the organisation. Our experience to date made it clear that that a one size fits all solution wasn't available so – in addition to the work we were already doing – we developed two new ways to allow children and young people to be involved and to participate in different aspects of what we do.

Involving children and young people in our day-to-day work

Young people have always contributed actively to our work, for instance, during recruitment exercises, commenting and voting on publications or website design or as contributors to specific consultations or projects. We also respond to invitations from schools, projects and youth forums and other groups of children and young people and also have a proactive programme of visits, workshops and attendance at events. Along with our email group, Backchat, these activities give us a great deal of information as well as help us raise awareness of the Children's Commissioner and children's rights in general.

In our last annual report a commitment was made to devote resources to establishing representative and methodical programmes and structures to increase involvement in the organisation and the setting of work programme priorities. Creating a framework for greater participation in our corporate governance and day-to-day work emerged as being just as important as setting up a mechanism for influencing what we choose to focus on from year to year.

“Teachers are unaware of foster children's problems and are less supportive.”



Advisory groups

A draft framework for participation and involvement of children and young people was produced, taking into account the other aspects of our work and the need to ensure that whatever was established needed to be as inclusive and representative as possible. Following a very valuable consultation with young people exciting developments are now underway.

Two advisory groups – who will meet throughout the year – are being established based around the two offices in Swansea and Colwyn Bay. The members have been recruited via existing youth forums from each local authority area to ensure that young people from all over Wales can participate. Making sure that they are familiar with our work and that they gel as a team is the next step. Each group will have around 15 members in the 11-16 age range and will have a distinct role within the organisation, looking at the way we undertake our responsibilities and deliver services. The young people will help with supporting the additional structures now in place to decide on the content and prioritisation of our work programme. They will also be well placed to help write and produce publicity materials and help us plan and deliver workshops and events. The possibilities are many – but it will be up to the advisory group members which roles they would like to take forward.

Reaching out to all children and young people

Peter Clarke ensures that by regularly visiting schools and groups of young people, speaking at conferences and attending events, he can keep up to date with what children and young people feel is important to them and what is currently impacting on their lives. Through the advice and support service and links with outside organisations and bodies he also gets more information about what is causing particular concern.

But ensuring that he gathers such information from ALL Wales' young children is a difficult task, and, although the work of involving children and young people and maintaining a dialogue with them has been underway for some time, the programmes of visits and workshops are designed to make sure that we are systematic in our attempts to reach everybody.

A systematic and targeted programme of work with children and young people in 'hard to reach' and vulnerable groups was begun in early 2004 and continued during 2005. Given the wide geographical area and the broad range of groups involved this means working alongside other organisations and is a long-term commitment. In recognition of the value this type of work we hope to secure funding to employ more Communications and Participation staff in coming years to make this substantial and significant task more effective and to spread the word.

It is essential that the Children's Commissioner's team is accessible and welcoming to all the children of Wales, celebrates diversity and embraces anti-oppressive practice. We are committed to working towards this end. Often this will mean working with those experienced in certain

communication methods or in direct work with a specific group of children and young people. Around half of the staff team are fully bilingual in Welsh and English, while several other members of staff already have a working knowledge of the language or are active learners. We are fortunate that each area of work has at least one member of staff able to provide a service and communicate in Welsh.

Giving children and young people a say in what we do

We felt it was realistic to acknowledge – particularly as time goes by – that the Children's Commissioner's team's work plan is far from being a blank sheet of paper. The different staff groups are all involved in core work such as providing advice and assistance, running Backchat, visiting schools and youth groups or responding to Assembly consultation documents. We've also got a responsibility to follow up issues and recommendations from previous reports and to respond quickly when something relevant to children and young people is getting a lot of attention in the media or if a crisis occurs.

Despite needing to be realistic it is important that children and young people do have a direct say in helping set our priorities and point out key areas for action. The second new component of our participation and involvement strategy is therefore to ensure that they have a real say in what we do in future years.

"There were three people in wheelchairs at school, but there weren't any ramps. So, we set up a committee to do something. But we didn't get round to complaining because we were due to leave school in two years."

Choosing what's next

Where do the issues come from?

They come from all aspects of our work, with a particular focus on what children and young people have told us. This doesn't just happen through visits and workshops, or Backchat and letters to the Commissioner. The Advice and Assistance service is also an important source of information. As well as helping to achieve better outcomes, increased protection or redress for the child or young person concerned, individual cases are a valuable pointer towards identifying the issues, policies or practices that are causing a lot of difficulty. Analysing what went wrong for one young person gives an insight that informs our contribution to a more general debate, consultation response or focused campaign. Children's organisations, professional associations or other bodies may also have brought issues of concern to our attention, and these all go into the pot when we decide what key themes are emerging.

Play areas and leisure

Children and young people told us that there aren't enough places to meet or play, or enough things to do in their spare time.

people's main concerns through their work. Meetings were held and through discussion we were able to identify 5 themes this year. Taking account of the fact that we are already looking at bullying, they are:

Once we had passed the very end of the year we looked at the information gathered through the different communication channels and other managers were asked to consider and comment on what they considered to be children and young

- Education and schools
- Play and leisure facilities
- Emotional health
- Support for children and young people who need it
- Respect

In future years we hope that the advisory groups will help us identify the issues emerging from the evidence we've gathered.

How do children and young people get to choose?

We aim to give as many children and young people a say in the decision as possible, so everyone we come into contact with has a chance to vote – members of Backchat (our email group), anyone checking out our website, school ambassadors, those involved in any workshops or events we attend.



Education and schools

Children and young people told us that if they need help in school they are not always treated fairly, especially if they are in trouble or as struggling with school work or life in general.

The first chance to influence the Commissioner came at the Urdd Eisteddfod in Cardiff, and voting will continue into Autumn 2005. We also hold events especially for children and young people to explore the themes and vote on what they think the Children's Commissioner should look at next.

Emotional health

Children and young people told us that if they are finding it hard to cope with their thoughts and feelings they can start feeling low and bad about themselves and that when they need help there's nowhere for them to go.

The events are intended to be as inclusive and accessible (and enjoyable) as possible and places are allocated through schools, organisations and projects throughout Wales. Those organisations are told that applications are particularly welcome from disabled young people, lesbian gay and bisexual young people, travellers, homeless young people, those looked after or recently leaving care, young offenders and other marginalised groups. But we don't need to know about their backgrounds unless it means that we have needs to meet to help them participate. They aren't there to talk about their own circumstances or to represent the interests of a particular group, but it's important that those taking part reflect the diversity of backgrounds and life experiences of Wales' children and young people.

In 2005-06 there will be two of these events, one for over-11s in the Millennium Stadium and one for 11s-and-under at Bodelwyddan Castle in North Wales. We'll be reviewing and evaluating how these work out but are hoping to increase the number of these opportunities for young people to speak out in future, visiting different parts of Wales from year to year.

And what happens then?

The results of the whole process will be announced in January 2006 in good time for our next financial year. It's all designed to fit into our planning cycle, so the top two issues will become 'Commissioner's projects' and resources will be allocated to further work beginning in the following financial year which will start in April.

A Commissioner's Project could be a review, further research or even a high profile media campaign. The information from the children and young people's events will influence what exactly we do on the two priority issues, and has the potential to influence the approach we use on other themes identified as well.

Support services for those who need them

Children and young people told us that there's very little help available especially if they're not living with their parents or if they're having problems in school.

Respect

Children and young people told us that they don't feel that adults always treat them with respect. They sometimes feel that they aren't listened to or taken seriously, or people always think the worst. This can make things really difficult.

Promoting the United Nations Convention on the Rights of the Child

The legislation says that the Children's Commissioner must have regard to the UN Convention on the Rights of the Child in everything that he does. Workshops and presentations for children and young people or those who work with them would be incomplete if the role of the Commissioner was not explained in the context of the human rights of children and young people.

We promote the UNCRC and children's rights in a variety of ways. We encourage awareness of the principles that underpin the convention among those providing services to children and those responsible for policy areas that impact on their lives. The right to protection, provision and participation is central to our approach to advice and assistance, and of course activities or direct work with children and young people are almost invariably centred on the UNCRC and rights.

Ambassadors: the pilot scheme

The schools ambassadors' initiative is one example of how the aim of raising awareness and improving channels of communication with the Commissioner's team is coupled with promoting the UNCRC. A pilot scheme for the schools ambassadors' initiative ran during the academic year 2004-05 and is currently being evaluated with a view to revising the scheme before rolling it out on a Wales-wide basis. Six primary schools of differing sizes, rural and urban including a Welsh medium school and a special school took part in the pilot.

"I felt like I had goose bumps all over me when I got chosen to be an ambassador."

The role of the 2 Ambassadors elected in each school wasn't just to act as a contact point for the office and to tell fellow pupils about the Commissioner. They also led projects looking at key issues within their schools – for instance looking at bullying, playground facilities or school dinners – and promoted the UNCRC within their school. They kept journals and used cameras and tape to record what was happening. A toolkit was provided to support the Ambassadors and the link teachers in each school and hands-on support was also available from the Communications Officers. We also held 2 AWAMs (All-Wales Ambassadors Meetings) in mid-Wales. The pilot was fully evaluated by the children involved, the link teachers and the Communications Officers leading the scheme and a report is now in preparation.

"Before people thought that they didn't have a say in what went on, but now they do, so now they feel better about themselves. They have a say."

What kinds of qualities should an AMBASSADOR have?

- Able to listen to what other people in the school think
- Make new friends with people from different schools
- Be happy to try and do something different in school
- Ask if you are not sure about something and get help if you need it
- Speak up for yourself
- Speak up for others
- Able to work with other people
- Do things so you can try and make changes for young people
- Organise some things, like putting up posters
- Reliable – will come to meetings and reply to messages

“The way of the school has changed,
and the dinners.”

Speaking out on behalf of children and young people

Getting the message across loud and clear is crucial if a children’s champion is to be effective. Children and young people need feedback on what is being done with the information they give us and we need to make sure that policy makers and those who can make a difference know about the Commissioner’s views and recommendations. We try to reflect at all times what children and young people have told us – not just what we think is in their best interests.

By giving interviews to national, local and UK newspapers, magazines, journals, television and radio programmes, we try to reach as many people as we can. Media enquiries are plentiful, and while we do issue press releases the majority of media opportunities arise from external developments, so we have to remain responsive. The advent of Children’s Commissioners in the other UK countries means that we have a lot of new opportunities. We’ll be recruiting to posts to help us make the most of them and improve the way we get the message out and manage our relationships with the media.

Working with others

Since our work covers such a wide variety of issues we are very aware that we shouldn’t duplicate the work of other agencies. To be clear about how we work together with other bodies we draw up a Memorandum of Understanding with each organisation. These documents are signed by both parties and are very clear about our



responsibilities and what we can expect from each other. Memoranda of Understanding have been or are being completed with Social Services Inspectorate Wales, Estyn, Care Standards Inspectorate Wales and CAFCASS Cymru. Similar agreements with other agencies and organisations will be drawn up in due course. They will help the Commissioner’s team work collaboratively with agencies whose work impacts on the rights and welfare of children and young people.

Influencing and networking

Frequently children’s rights aren’t respected because a system or procedure has been set up to serve an organisation rather than a child or young person. While some of our influencing happens as we promote the recommendations of a particular piece of work, some also relates to safeguarding children or looks specifically at participation. Relationships have been forged with Local Health Boards throughout Wales, advocacy providers, children’s NGOs and professional associations, as well as with special interest groups and Welsh Assembly divisions and Assembly Sponsored Public Bodies.

During the year we have responded to Assembly consultations, basing our policy calls on information gathered through our participation, advice and assistance, and communications work. Influencing government and policy makers involves a wide range of activities. Since we attempt to achieve cultural change, within organisations or wider society, this needs a broad-brush approach. Members of the Commissioner's team participate in networks and working groups – frequently with observer status to maintain independence – ensuring that we are able to influence developments and achieve improvement early in the life of a policy initiative or working practice. Having observer status means that we were able to keep an eye on progress and developments, but also make suggestions, for example about how the working groups could help children and young people to participate in policy development, monitoring and evaluation. We also contribute to a number of other networks and groups related to our work.

Groups and networks we participated in or had observer status on included the following:

- WAG Advocacy Task and Finish Group considering children's advocacy services and the establishment of the Welsh Assembly Government Children's Advocacy Unit
- All Party Healthy Living Group, National Assembly for Wales
- Complaints and Representations Advisory and Implementation Group (CRAIG)
- Safeguarding Vulnerable Children Review, National Assembly for Wales
- Domestic Abuse: Child contact task and finish group considering the Children and Family Court Advisory and Support Services (CAFCASS) approach to children's issues in relation to domestic abuse
- the group reviewing the process followed when Social Services Inspectorate Wales and the National Audit Office Wales jointly review the performance of local authority social services in Wales
- Combating Child Sexual Exploitation working group
- Swansea Family Court Inter-agency Forum
- Wales Public Law and Human Rights Lawyers Association
- Family Justice Council
- Development of the Self Assessment and Audit Tool for the National Service Framework for Children Young People and Maternity Services (NSF)
- Parenting Action Plan working group
- Child Protection Policy Forum
- Wales Family Law Association
- Wales Non-governmental Organisations Children's Policy group
- End Child Poverty Network Cymru
- 'Sdim Curo Plant!/Children are Unbeatable!
- United Nations Convention on the Rights of the Child Monitoring Group
- Children's Legal Network (UK)
- WAG Child Poverty Task Group
- Children in Wales Children's Rights Practice Exchange groups in North and South Wales
- Fatherhood Wales
- Enabling Children and Young People's Participation working group
- Wales Participation Consortium/Unit steering group and sub-groups
- All Wales Young People's Organisations (AWYPO).

Seeing the bigger picture

Regular contact with children and young people and those who work with or act for them is essential. While we may be primarily focused on certain issues, we also need to keep our fingers on the pulse as far as some of the other big issues are concerned. As an office it is important that we fulfil our role as systemic advocates, seeking to influence policy development and implementation and driving the agenda forward. Broader issues come to our attention in three main ways:

- direct contact with children and young people, for example through participation work or advice and assistance
- information shared with us by professionals and organisations
- key aspects of reviews.

This means that we are able to give informed comment on a range of issues – indeed any matter that impacts on the rights and welfare of children and young people.

Europe and beyond

European Network of Ombudspersons for Children

In October 2004, the annual meeting of the European Network of Ombudspersons for Children (ENOC) was held at St David's Hall in Cardiff. Some 50 delegates representing children's commissioners' offices from across the European community attended for an intensive series of talks, discussions over a three day period. At the end of the meeting, the presidency of ENOC passed to Peter Clarke as Children's Commissioner for Wales.

Children and young people from FeFi (a looked after children's drama group) and Funky Dragon presented some




of their work and information about their experiences to the delegates. Children's Rights banners and a large Rights quilt – highlighting the UNCRC Articles most relevant to the children and young people who produced them during our summer 2004 programme of workshops and activities – were also prominently displayed.

Children's Commissioner for the Western Cape Province of South Africa

As the number of countries who want to establish similar posts increases we have had many enquiries from around the world asking us for our advice and also our reflections on the experience of setting up our own office and team. We were pleased to host a 3 month visit from Derrick Schroeder, a senior civil servant with the government of the Western Cape Province in South Africa in the spring of 2005. The purpose of the visit was to assist and enable Derrick to prepare draft guidance and regulations for establishing a Children's Commissioner for the Western Cape; to give him first hand experience of the day-to-day work of a Children's Commissioner; and to help establish links between local authorities in Wales and the government in the Western Cape.

"I'd like to talk to someone about how I feel"

A child is seen through a window with a red frame, holding a bright green sign. The sign has the text "We all have the right to a safe place to live" written on it. The child is wearing a dark green t-shirt. To the right, another person wearing a light blue t-shirt is partially visible. The background consists of green and yellow wooden panels.

We all have the
right to a safe
place to live

Section 3

Using the tools in the toolbox: the Commissioner's statutory powers

The powers set out in the laws that set up the Children's Commissioner for Wales can be compared with the tools needed to do the job. Not all the tools in the toolbox get used every day, but the year's activities and work programme meant that the legal powers were used effectively. The legislation also sets out some things that Peter Clarke has to do to be an informed champion of children and young people, driving forward change to secure a brighter and safer future for Wales' children.

Reviewing policies and procedures

Conducting a review gives us an opportunity to look more closely at how systems and procedures are promoting and safeguarding children and young people's rights and welfare.

Local Education Authorities Review

During the year we completed and collated the data from the review of the arrangements made by LEAs in Wales for children's complaints and advocacy services, and whistleblowing policies. Based on the format used for the review of social services departments reported on in **Telling Concerns**, this was a valuable opportunity to understand the arrangements made, not just in local education authorities, but in local authorities as a whole, since many of the policies were used across all the departments of the authority apart from social services.

We needed to discover how LEAs made information available to children and young people about their right to complain about service provision, and also to discover whether existing LEA policies and procedures were accessible to children and young people and child centred in their approach. The current Welsh Assembly Government revision of guidance about local authority social services complaints policy and procedure provides an opportunity to reform current LEA complaints

policies and procedures. We trust that the findings of our review will inform that process.

The review process had three elements: information gathering by detailed questionnaires to each local education authority, workshops with children and young people, and interviews with senior LEA staff to clarify issues and fill any gaps in information. See the next page for more about what we discovered.



Tackling bullying in Wales: a thematic review

By the end of March 2005 planning and preparatory work was completed ready for the comprehensive thematic review on the issue of bullying announced in the 2003-04 Annual Report. The review is scheduled to run over a period of 18 months and will be conducted by a cross-functional team. Identified as one of the current 'Commissioner's projects' in the corporate plan, the review will involve children and young people in all of its component parts. It will seek to identify gaps and barriers to the effective implementation of anti-bullying initiatives and policies. Although focused primarily on schools, the approach will be holistic and will consider relevant issues around community, cultural and even family life. At the time of writing we are seeking to appoint a secondee to co-ordinate this important and substantial piece of work.

Publishing our findings and disseminating good practice

Children don't complain ... parents do

The report on the Children's Commissioner for Wales' second review of systems for safeguarding and promoting the rights and welfare of children was completed towards the end of the year. The report's title, **Children don't complain ...**, was taken from a comment made by one Director of Education who said during the review process that it was parents who made complaints – not children or young people.

The need for a cultural shift within local education authorities was clear in order to make sure that children and young people as well as their parents and carers are seen as being the beneficiaries of the services and holders of rights. It is hardly surprising that local education authorities receive so few complaints from children and young people given that the systems themselves are rarely child-friendly or accessible and are not actively promoted.

Children don't complain ... reports on the review team's findings that in general local education authorities needed to make greater efforts to inform children and young people about the services they provide and involve them in decision-making processes. Some of the complaints procedures were likely to discourage many adults from making a complaint, and there was too negative an attitude – few appreciated the positive aspect of using the lessons learned to improve the quality of services and help meet children and young people's needs.

Of particular concern were those children and young people in specialist facilities far from their families, since few of the safeguards which would be in place if they were in the care of social services are available to them. Many of the local education authority officers stated that they were aware of these concerns and the need to provide additional safeguards for vulnerable children and young people as well as open up and improve the systems generally.

Many of the recommendations made in the earlier report **Telling Concerns**, which focused on social services departments, also applied. **Children don't complain ...** recommendations include:

- setting up a one-stop-shop providing a contact point for children and young people who want to discuss a concern about any relevant services in each local authority
- reviewing the whistleblowing policies to make sure that the child protection aspects are clear and publicising those policies and procedures among local authority staff.
- making advocacy services available for all children and young people, with the commissioning of children's advocacy within education being a priority.

“A complaint is the first step to making things better by having the confidence or guts to speak out about something that's wrong or something that bothers you.”

Monitoring progress on recommendations

A frequent criticism of reports is that once they have been published and given some publicity they just sit on a shelf. The ability to require a response to any recommendations made, and to monitor them, ensures that this does not happen to the Children's Commissioner's reports.

Clywch Report

Following the publication of the final report on the Clywch Examination in July 2005, work began on notifying all those to whom the recommendations applied requesting their response within the 3, 6 and 12 month timescales respectively. Since so many different bodies, local authority departments and also the Welsh Assembly Government needed to inform us of the way in which they intended to implement the recommendations – and there needs to be consideration as to how effective that response is likely to be in practice – the work generated by this process has been both intensive and varied.

A team has been set up internally to consider the responses and we are working with those concerned giving feedback and encouragement to ensure that the full benefit of implementation in terms of improved safeguards is achieved. The Commissioner's own reflections on this process are contained in Section 5 of this report.

Since the publication of the **Clywch Report** we have worked closely with Welsh Assembly Government: informing them of the relevant individual cases, discussing the draft guidance aimed at improving the investigation and consideration of allegations of abuse and jointly training school governors. We welcome these developments and will continue to monitor their effectiveness through the cases dealt with by the Advice and Assistance service.

Telling Concerns and Children don't complain ...

The responses to the monitoring exercise conducted after the publication of **Telling Concerns** indicated that some social services departments had lost some of the initial momentum and the LEA review and monitoring the implementation of the **Children don't complain ...** recommendations are viewed as an opportunity to ensure that the value of full implementation is appreciated.

All our publications are available from our offices, or they can be downloaded from our website www.childcomwales.org.uk



"If you make a complaint you need to know who to complain to."

Providing advice and assistance

Children and young people are supported in a number of ways, and the further development of the Advice and Assistance service was a priority identified by the Commissioner in our last annual report. The statutory power to provide advice and assistance and to investigate individual cases is considered a valuable tool because:

- 1 It identifies priority areas for investigative and policy reviews, giving us information about the actual experiences of children and young people and of those who are concerned with their rights and welfare.
- 2 Gaps in service provision can be identified including differences between the rhetoric and reality of government policy and this helps us plan the focus of future influencing activity.
- 3 Those providing services or dealing with children and young people are given real-life examples of the impact of a policy or practice and working with them is a valuable learning process for all concerned.
- 4 Information and statistics from the advice and assistance work feeds into our own longer term planning and priority setting for future work with children and young people.

During the year the service developed considerably with the establishment of new dedicated advice and assistance roles. This enables us to provide a high quality service often achieving resolution far earlier than was possible with a rota system of staff from across the organisation. An additional development was a change in opening hours for the adult service. The service is currently available each weekday morning from 10.00 am to 12.00 noon; but a child or young person can get advice and support at any time during office hours.

Case example

A primary school pupil with an autistic spectrum disorder had difficulty being admitted back to his primary school at the beginning of a new school year because his SEN statement did not specify one-to-one support. The school felt that one-to-one support was necessary, but a source of funding for it could not be identified. Following the Advice and Assistance team's intervention the social services department brought in specialist support to help with a structured programme and look into his educational needs.

The focus of the service is on quick and effective solutions where services are failing children. This is achieved by mediation, negotiation, advocacy and signposting. In the main, problems are resolved quickly to the satisfaction of children and their families within timescales acceptable to them.

Case example

The advice and assistance team had a call from the family of a 16-year old who is anorexic and was having difficulty being admitted to a specialist centre in Cardiff or Bristol due to lack of funding and no available beds. The Advice and Assistance worker contacted the various agencies and the young woman was admitted to hospital for treatment a few days later.

Case example

Two children made allegations of sexual abuse against a member of their family. The allegations were investigated and the Crown Prosecution Service decided not to prosecute. Social Services closed the case due to ongoing private law proceedings and supervised contact was agreed by the court. The children were brought to our attention because certain family members felt that the contact arrangements did not sufficiently protect the children. Following our intervention Social Services agreed to re-open the case and conduct a risk assessment to establish whether there were any ongoing risks.

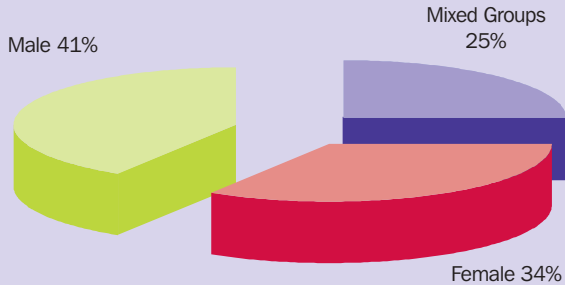
Facts and figures

This has been one of the fastest growing areas of our work and although the initial rate of growth has now stabilised, the number of new cases increased by 11½ % on the year 2003-04. At any one time there will be an average of 100 open cases, with 279 new cases coming to our attention during the period April 2004 to March 2005.

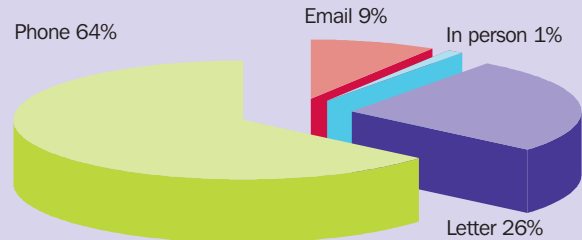
Most of the initial contact comes from a parent, carer or

the extended family, but the child or young person spoken to as soon as possible to find out what they think and feel about their situation. In some cases it is appropriate that the adults – whether carers or professionals – act as advocates for the child or young person and they will be our main contact point. This is particularly appropriate in the case of very young children, or those with certain communication needs. Adults are always informed that we act on behalf of the child or young person and that their best interests, wishes and feelings will guide any action we take, rather than the wishes of the adults.

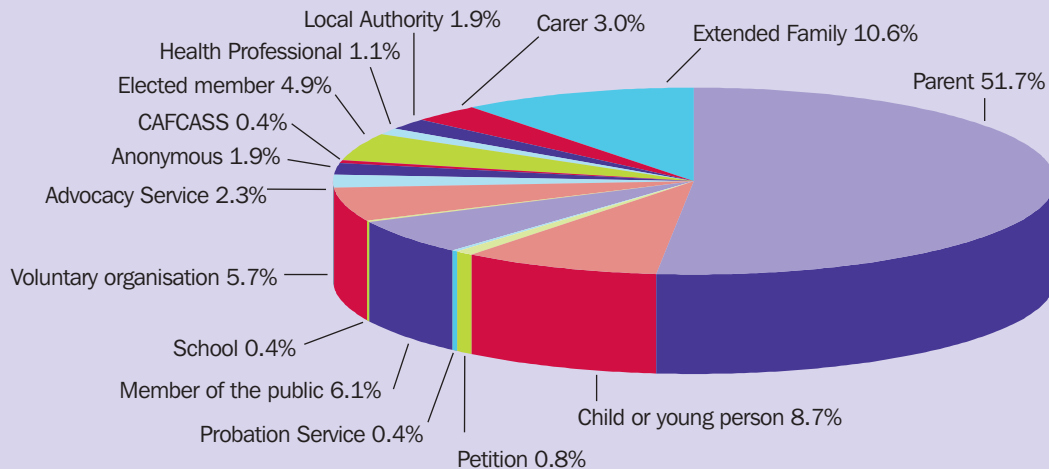
Gender of children on whose behalf action was taken 2004-05



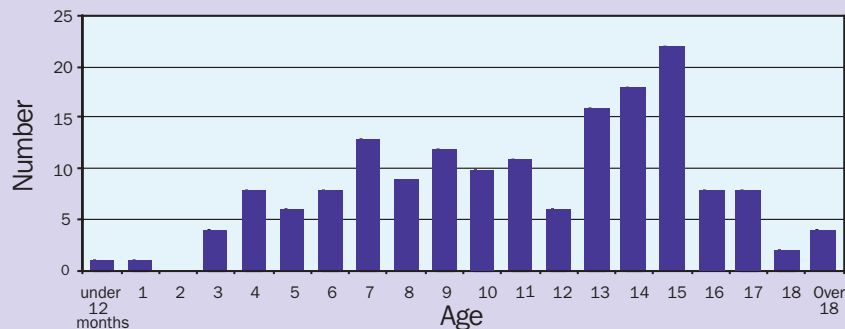
Advice and assistance: how contact was made 2004-05



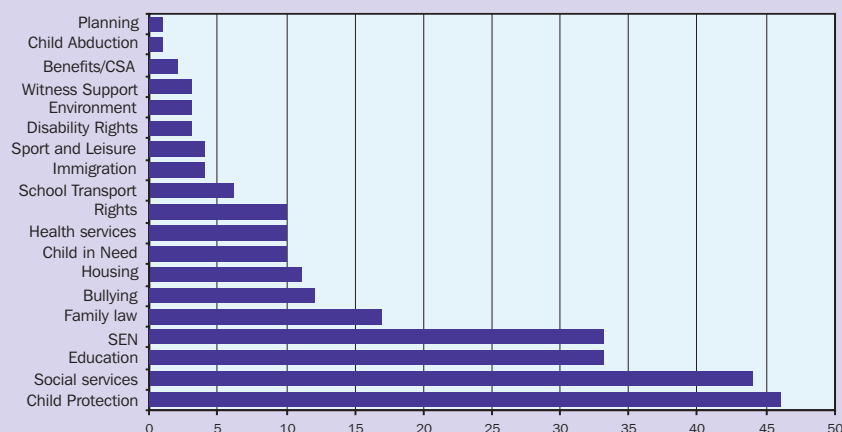
Advice and assistance: who made the initial contact 2004-05



Ages of children on whose behalf action was taken 2004-2005



Advice and assistance: Issues 2004-2005



Case example

A primary school pupil wrote directly to the Commissioner saying that her teacher was bullying her and explaining how upset this was making her. She asked the Commissioner to make the bullying stop. A member of the Advice and Assistance team met with the young girl to find out more and then contacted the school to see if a satisfactory conclusion could be reached. Although the formal procedure had been followed by the adults involved, it was clear that it had failed to resolve the issue for the child. In a sensitively handled meeting with the teacher concerned it became clear that she hadn't appreciated the effect her behaviour had had on her pupil and apologised to her.

What kinds of issues do people contact us about?

The kinds of issues brought to our attention via advice and assistance have been similar from year to year, with education – particularly Special Educational Needs (SEN) – and social services matters featuring prominently. Where we received a significant number of contacts the graph includes separate headings for issues that also fall within the social services or education heading.

The highest number of cases this year has been in the child protection field. These cases come to us when interested parties feel that children are still at risk despite the involvement of social services. We approach these cases by listening to children, young people and their representatives, meeting with the relevant agencies to try and ensure that the agency reconsiders and assesses the risks that we bring to their attention. We closely monitor subsequent investigations.

Child protection cases are also raised directly with other bodies such as Social Service Inspectorate Wales, Local Health Boards and CAFCASS Cymru. We are fully aware that some of the children and young people who come to us have lost faith and trust in the statutory agencies. To encourage them to come forward to tell us about their welfare and the welfare of other children, particularly those in care, we have a higher level of confidentiality than the statutory agencies and will only share information with the child's permission or if we judge that a child or another child is in immediate danger.

Social services cases are predominantly about getting services for children in need. These include asylum seeking children. This category also includes children who are looked after asking us to help them see members of their families in accordance with their human rights, or helping them to change or remain in their current foster home. We assisted children in challenging the closure of their residential home and supported young people to remain out of county where they had been placed and made friends and settled in the local community. Coming into care is a traumatic experience for a child and the quality of the foster home and the choices available to them are important for their welfare and ability to fulfil their potential. Through individual cases we have become aware of the lack of choice and availability of foster homes, of unsuitable homes and of children being moved from foster home to foster home so that family, cultural and peer group links are threatened. This has an unacceptable impact on very vulnerable children and young people. Several cases involve social services not providing the care agreed in care plans. We recognise the tremendous strain on social services in the recruitment and retention of staff but it is crucial that the service promised to each child is actually delivered.

Special Educational Needs cases are dominated by complaints and concerns about the statementing process or about services not being provided to children after they have been identified in their statements. We help parents access support throughout the process and intervene in individual cases to access services where they exist. Frustratingly this is not always possible especially in the case of mental health, speech, language and occupational therapy or for children with physical or learning disabilities.

Education continues to be a major source of concern with referrals from children, parents, teachers and governors. This is not surprising as most children in Wales spend a large part of their day in school. The main problems brought to us were linked to bullying, including alleged abuse by teachers and



Case example

An 11-year old girl was being sent to a different secondary school to her friends and was very distressed and upset. An advice worker met with her and established her wishes and feelings. A letter of support was then sent to pupil services during the appeal process and she was offered a place at the same high school as her friends.

Case example

A parent contacted the office with concerns about the lack of youth activities, groups and centres in her local area. She was also concerned about the reduction in play areas for younger children over the past 10 years. The Advice and Assistance team gave her contact information for appropriate services in her area and passed on the information to Play Wales.

head teachers as well as by other pupils. Usually the child just wants it to stop, to have an apology and be reassured that they are safe. Sensitive mediation and negotiation directly with the Head of the school is required, confirming once again the need for locally based mediation services for children and families. This has often resulted in resolution of

the problem and the child returning to school. We have also assisted children getting into schools of their choice or special schools and in accessing school transport in cases of school exclusion. We regularly advise teachers, head teachers and governors in sensitive situations involving allegations of abuse.

Health cases are dominated by getting the service for the child including CAHMS, trying to enable children to be released from hospital and supported in their communities by encouraging Local Health Boards, Trusts and social services to work together to identify funding. It has surprised us that these cases have been considered on an ad hoc, case-by-case basis. We also remain concerned about the lack of beds for children with eating disorders in Wales.

Housing cases increasingly involve children facing homelessness due to threatened eviction by local authority and housing association landlords. In these cases we try to negotiate with the housing authority and alert social services to the possibility that children may become in need in their area if the eviction goes ahead.

Children are contacting us directly wanting separate legal representation in residence and contact hearings because they do not feel that their voices are being heard. We cannot inquire into or report on any matter subject to legal proceedings, however we do refer children to solicitors on the Children's Panel. We welcome the recent European Court Judgement which extends the right to independent representation for articulate teenagers. We provided financial assistance to one child to be separately represented in a public law case which raised general issues for children in Wales.

Non-devolved issues

We continue to be active in those areas which have not been devolved to the National Assembly and which impact upon

the rights and welfare of children in Wales. In one case this year a police dawn raid to forcibly remove children from their home in Cardiff to Angola caused great distress to the children removed and their friends. The Commissioner received dozens of letters from children concerned about their friends. They were upset, worried and angry that they never had a chance to even say goodbye. We raised this inhumane practice with the Prime Minister who ordered the immigration service to investigate. We also liaised with the Police and have agreed to assist them as they build bridges with the children trying to allay their fears. Through the UK Children's Commissioner's Group we will continue to challenge this inhumane and unnecessary practice and the dire impact upon children of UK Immigration policies.

Naturally, individual cases will sometimes involve Police services in Wales and we have worked together exchanging information and advocating for children. This generally works well but sometimes our inability to access information has caused difficulties. We are working closely with South Wales Police on developing an holistic multi agency prevention model involving children and young people, young offenders and those at risk of offending, in community based neighbourhood improvement projects. We expect this work to be complete next year.





Investigative reviews

Some of the very complex cases which impact generally on children in Wales as well as the specific child or young person involved cannot be resolved by negotiation, advocacy or mediation for a variety of reasons. In these circumstances we have the power to undertake a review which is in essence an investigation. Each investigation calls for different skills and expertise depending upon the subject matter and the issues involved. In order to undertake these investigations to the highest standard within our budget we will be instructing small teams of experts in the next financial year who will be instructed and monitored by the Assistant Commissioner (Legal and Investigations).

We are a prescribed body for whistleblowers who are professionals who witness worrying practice in the workplace that impacts upon children's welfare. Whistleblowers are protected by the Public Interest Disclosure Act 1989 when they disclose information to us. This year we received referrals from whistleblowers and assisted them by bringing the concerns to the attention of the relevant people within their organisations, supported them through the process and monitored outcomes.

respect
involve
voices
rights
listening
open
support
fairness