

Written Response by the Welsh Government to the report of the Children, Young People and Education Committee report entitled “If not now, then when? Radical reform for care-experienced children and young people”

The Welsh Government is steadfast in its commitment to deliver its vision for transforming children’s services in Wales. This vision explained simply is about more children being supported to remain with their families with fewer children and young people entering care. We want the period that young people stay in care to be as short as possible, consistent with meeting the needs of the young person. While children are in care, we want them to remain close to home so they can continue to be part of their community and friendship groups.

To deliver this, we need to make whole system change across Wales. We need to have in place the right type of care for each child with needs and values-based provision: reforming and joining up services for children who are looked after and care leavers, providing additional specialist support through more affective multi agency working for children with complex needs whilst also better supporting those who care for children.

In our evidence paper and reinforced in our oral evidence session we outlined our plans to do this through delivery of a Transformation Programme based around 8 dedicated Programme for Government commitments and the Children and Young People Plan. We outlined the work already underway to deliver this programme including the development of a National Practice Framework which will set out how we work in Wales in a strengths-based way to ensure the best outcomes for our most vulnerable children and young people, investment in parental advocacy services to upscale existing services across Wales and work to strengthen public bodies in their role as corporate parents.

Central to this work are the voices of children and young people and the Committee will be aware of the inaugural care experienced summit. Since the evidence session the resultant Summit declaration has been signed by the First Minister and 4 of the Young Ambassadors at an event on the 10 May. By signing this declaration, we are fully committed to its delivery, and I believe everyone who attended the event on 10 May will have been aware of the emotion and resounding support behind it. The declaration is available online on the [Welsh Government website](#). Discussions are also taking place for further summits to be arranged.

Instrumental to the delivery of the declaration is the Corporate Parenting Charter. The Charter was published on 29 June with an initial focus on working with local authorities and local health boards. A wider public launch of the Charter will take place later in the summer. The Charter has initially been published on a voluntary basis, we will monitor sign up and consider future steps for Corporate Parenting including the development of guidance to support the implementation and a dedicated chapter on Corporate Parenting to support local authorities in their role as corporate parents within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014. The draft chapter will be subject to public consultation later this year.

The governance structure for the Transformation Programme has been established and the Delivery Group has met on three occasions. One of its first objectives is to review existing data and metrics to measure progress more effectively.

Our Ministerial Oversight Board also met for the first time on 4 May and is jointly chaired by the First Minister and Deputy Minister for Social Services. This Board has strong Ministerial membership showing the importance of delivering our vision children's service across a range of Welsh Government portfolios.

I would like to thank the members of the Children, Young People and Education Committee for supporting care experienced children and young people. The Committee's recommendations will inform the delivery of the Transformation Programme for Children's Services in Wales. I have set out my response to the Report's individual recommendations below.

Recommendation 1.

The Committee recommends that:

The Welsh Government should introduce legislation using the legislative approach taken for the Nurse Staffing Levels (Wales) Act 2016 to place a duty on local authorities to calculate maximum caseloads for children's social workers that enable effective, relationship-centred social work, and to take all reasonable steps to maintain those caseloads for all children's social workers.

Response: Reject

We are hugely grateful to the work that social workers do every day in supporting people who are facing challenging situations and helping them to live more fulfilling and independent lives. Brexit, the pandemic recovery, and the current cost of living crisis present further challenges to social workers, and we remain committed to supporting them by developing both their professional practice and wellbeing. We recognise high caseloads are one of the key factors to pressures on social workers affecting service standards and job satisfaction.

Caseloads are managed at an operational level, and the allocation of cases should be made in relation to the social workers' knowledge, experience, workload and what matters to children and families. Complexity in cases varies considerably, and therefore it could be counterproductive to set a caseload maximum.

Social Care Wales (SCW) is already undertaking a scoping exercise, looking at the workforce planning approaches in all 22 authorities. This includes interviews with key national organisations, stakeholders, and a review of best practice. SCW is also undertaking work to explore training, induction, and support arrangements for newly qualified social workers (NQS) across Wales. Existing guidance for NQS [First three years in practice \(socialcare.wales\)](https://www.socialcare.wales/first-three-years-in-practice) includes complexity of work. A review is due this later this year.

In recognition of the points raised in this report relating to caseloads, Welsh Government, working with SCW and other social work stakeholders will consider how to best support caseload allocation and management. We will work with local authorities and other employers of social workers to better understand how they currently manage caseloads, including organisations in Wales and other areas where caseload policies are already in place and draw from evidence of what works. In doing so we would consider how to support what matters to children and families and the wellbeing needs of the social work workforce.

Recommendation 2.

The Committee recommends that:

The Welsh Government should begin consultation immediately on a comprehensive workforce sufficiency plan to inform the development and implementation of legislation on maximum caseloads of children's social workers. The sufficiency plan should draw and build on the findings of recently completed reports into the social care workforce, and include consideration of:

- routes into social work, including apprenticeships and other forms of vocational routes to qualification;
- pay, terms and conditions, including the feasibility and benefits of extending flexible working;
- career pathways, including how to retain front-line practice alongside progression into management or specialisation as a way to retain caseload experience and prioritise contact time with families; and
- a potential national approach to the pay and conditions of social workers, such as that which oversees the pay and conditions of teaching staff in Wales, to ensure consistency and harmonisation across local authorities.

Response: Reject

Social Care Wales (SCW) is currently consulting on a Workforce Strategy Action Plan 2023-26 that will support implementation of the second phase of the 10 year Health and Social Care Workforce Strategy [Workforce strategy | Social Care Wales](#), which includes social workers. The consultation allows social workers and stakeholders to contribute to the key issues affecting them, and feedback on whether the proposed priorities are the right ones. The Social Work Workforce Plan [Social work workforce plan: 2022 to 2025 | Social Care Wales](#) interprets the strategy for social work, and breaks it down into actions and goals. This is reviewed annually, and we will incorporate feedback from the wider workforce consultation.

The workforce strategy looks at workforce supply and shape, and improvements have been made in a number of areas such as the increase to the social worker bursary. SCW is undertaking work with local authorities to ascertain current workforce planning approaches for social services and areas in need of development of the future. These findings will be published later in 2023. Scoping work is also being undertaken by the Welsh Local Government Association to explore a more consistent approach to social work terms and conditions.

A wide range of work is being undertaken to improve the working conditions, training, and options for social workers, such as the social work qualifying (direct entry) sponsored positions for existing employees to progress into social work positions, and a pathway from the vocational social services practitioner (SSP) into gaining a Social Work practice qualification. We will continue to address the above factors raised in this recommendation working with our stakeholders.

Recommendation 3.

The Committee recommends that:

The Welsh Government should lobby the UK Government to amend section 4 the Equality Act 2010 to add 'care experience' as a protected characteristic.

Response: Reject

The Welsh Government is aware of the stigma often faced by care-experienced children and young people in their day to day lives, this was an area Ministers discussed with the young ambassadors at the Inaugural Care Leavers Summit in December, last year. In signing up to the Care Leavers Summit Declaration on 10 May, Welsh Government has committed to working to eradicate this stigma.

The Corporate Parenting Charter published on 29 June is our first step in achieving this. One of its key principles in the Charter which organisations will be signing up to deliver is to “**Eradicate Stigma** – we Will recognise care-experienced children and young people for who they are, not just by their experience of being in care. This is because all children have a right not to be discriminated against”.

Recommendation 4.

The Committee recommends that:

As part of umbrella reforms to corporate parenting (see radical reform #3), the Welsh Government should introduce legislation making specific provision relating to corporate parenting. The legislation should:

- set out which bodies are considered 'corporate parents', including at least local authorities, health boards, NHS trusts, the Welsh Ministers, the Children's Commissioner for Wales, the Commission for Tertiary Education and Research, and other such bodies as the Welsh Government sees fit following consultation;
- set out the general duties imposed on all corporate parents, including at least duties to: prepare and publish plans relating to the work as corporate parents; to work collaboratively where it would safeguard or promote the well-being of the child or young persons to do so; publish reports on how they have exercised their corporate parenting responsibilities; provide reasonably requested information to the Welsh Ministers; and follow guidance or directions issued by the Ministers.

- align with further specific corporate parenting duties and recommendations against the relevant sections in this report. See: mental health (page 31), housing (page 94), and higher education (page 102).

Response: Accept in part

Welsh Government will be encouraging all public and private bodies to sign up to become corporate parents through the Corporate Parenting Charter which was published on 29 June. The Commission for Tertiary Education and Research (CTER) will not be a direct service provider to care experienced people in the manner of local authorities, local health boards or the higher and further education institutions which it will fund and regulate. There is therefore a question about whether it would be a suitable body to act as a 'corporate parent' on a statutory basis as described in the report. However, CTER will have its own statutory responsibilities for care experienced children and young people (see response to recommendation 27 below), and we anticipate that it will be a signatory to the Corporate Parenting Charter.

To support the Charter, Welsh Government will strengthen guidance including a dedicated chapter on Corporate Parenting to support local authorities in their role as corporate parents within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014. Work is also taking place across Government to identify existing guidance which could also be strengthened to support delivery of the Charter by wider public bodies.

Recommendation 5.

The Committee recommends that:

As part of umbrella reforms to corporate parenting (see radical reform 3), the Welsh Government should introduce legislation to give all children the right to a specialist therapeutic mental health support service. They should have a statutory right to have their needs assessed at intervals and to have those needs met. That service should be available from the point at which they are removed from their birth parents to at least the point at which they cease to be defined as a care leaver. It should be separate and independent from existing mental health services and specialise in trauma-informed mental health support.

Response: Accept in part

The Welsh Government recognises the impact of the challenges faced by care experienced children, including the potential to be further traumatised by the systems which are there to support them if services are not delivered effectively.

From a mental health perspective, all children in Wales have equal rights to the access of specialist therapeutic mental health support services under current mental health legislation. The Mental Health Measure (2010) has established positive rights

for people with mental health problems, whether diagnosed or not, to obtain help at a sufficiently early stage avoiding the risk of further mental health decline.

However, we recognise that children in care can face additional and complex challenges to their mental health and wellbeing and more needs to be done to intervene early and prevent, as far as is practicable, the disproportionate numbers of looked after children needing CAMHS and specialist mental health support.

We have developed the NYTH/NEST framework which is a tool to help service providers develop and deliver services which enable them to hold onto babies, children and young people with trusted adults who are suitably trained, trauma informed and have easy access to expertise to support them. The framework aims to create a whole system approach with services integrating and working together so that resources and expertise can be co-ordinated to identify and provide the right mix of services needed to protect that child's health and wellbeing.

Through local initiative and with the support of the Regional Integration Fund we are already seeing some excellent examples of services coming together to deliver holistic support in this way.

Work is now underway to develop a service specification for CAMHS which will set out the Government's expectation of CAMHS services in Wales, and how it works with other services to establish the necessary arrangements to deliver integrated care. The National Framework for Children's Services will set out our similar expectations for Local Authorities around integration. As part of this and drawing on the best practice we are already seeing across Wales, our ambition is that we can set out a consistent approach using the key principles of NYTH/NEST to providing timely, integrated, person-centred care for all looked after children in Wales.

In summary, we have work already underway that will strengthen support for children and young people but without the need for new legislation.

Recommendation 6.

The Committee recommends that:

The Welsh Government should set out in statutory guidance, or otherwise, requirements for relevant public bodies, third sector and independent providers to routinely gather and publish data on all aspects of the care system in addition to that currently published, including the data gaps highlighted in this report. Stakeholders including academics must be consulted as a matter of priority to inform what's needed. The guidance should be sensitive to the concerns of many care experienced people about their care status and the stigma they face, and set out best practice data protection guidelines accordingly. The data should be verified by the Welsh Government and be published in an accessible format at least quarterly where it relates to the social care workforce, and at least annually for all other data.

Response: Reject

The Welsh Government undertakes a range of data collections regarding children's social care. It has three annual data collections, two of which are at the individual level and cover all [children receiving care and support](#) and another focusing specifically on [children looked after](#). There is also a large data collection of local authority [performance and activity](#), which includes over 50 data items on children specifically. Care Inspectorate Wales will also speak to children and explore their experiences as part of their inspections.

The Transforming Children's Services Delivery Group is currently reviewing data collation as part of its work on metrics for children's services to more effectively measure progress as we transform children's services in Wales.

Recommendation 7.

The Committee recommends that:

The Welsh Government should introduce legislation to give all care experienced birth parents a statutory right to intensive, wrap-around edge-of-care support to reduce the risk of children being removed from their care. The support should include specialist parental advocacy to navigate the social care and family courts systems, and should be modelled on evidence-based services such as NYAS' Project Unity. The support should be available from the 12-week scan of pregnancy (or the earliest point after 12 weeks at which a viable pregnancy is confirmed). If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to support the birth parents to come to terms with their loss.

Response: Accept in part

The Welsh Government has, and will continue, to prioritise early intervention and prevention as part of the work of both the Children's Board and the Transformation Programme of Children's Services in Wales. We know that projects such as Project Unity play a valuable part in providing emotional and practical help to care experienced mothers and the Welsh Government has been able to provide annual funding of £340,000 for the programme until 2025 reflecting our commitment to supporting care experienced mothers and to keeping families together wherever possible.

The Welsh Government accepts the recommendation in principle and will consider and explore its asks as part of the delivery of the Transformation Programme.

Financial Implications: Yes, such costs would need to be scoped and could be considerable.

Recommendation 8.

The Committee recommends that:

The Welsh Government should ensure universal, nationwide access to successful early intervention/edge of care/preventative services, such as Barnardo's Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents. Until the long-term cost benefits of these services have been realised, the Welsh Government should develop a long-term, national, sustainable funding model for them, recognising their potential for financial benefits across different public service bodies.

Response: Accept in part

The Welsh Government accepts and acknowledges the positive work being undertaken by Edge of Care Services such as Barnardo's Baby & Me, Reflect and Jig-So and the benefit that these programmes have on new parents including care experienced young people. The Welsh Government will review the evaluation of these projects when deciding on next steps and future roll out.

Financial Implications: Yes, the continuation of Welsh Government support of these projects will require financial review.

Recommendation 9.

The Committee recommends that:

The Welsh Government must work with local authorities, members of the judiciary and other relevant stakeholders to continue the roll-out of the FDAC model across Wales, subject to a successful evaluation of the Cardiff and Vale of Glamorgan pilot.

Response: Accept

The Welsh Government will review the evaluation of the Cardiff and Vale of Glamorgan pilot to consider sustainable delivery models for a National Rollout. We will work with local authorities, members of the judiciary and other relevant stakeholder to ensure key partners are involved in advising and scoping future FDACs in Wales.

Financial Implications: Yes, any additional costs will be considerable and will have to be identified from existing budgets.

Recommendation 10.

The Committee recommends that:

The Welsh Government should introduce legislation to give birth parents a statutory right to specialist, independent, issue-based advocacy services from the point at which their child is placed on the child protection register or made subject to pre-

proceedings. If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to support the birth parents to come to terms with their loss.

Response: Accept in part

The Welsh Government currently provides annual funding of £300k to the National Youth Advocacy Service (NYAS) to deliver a Parental Advocacy Programme in Gwent, via our Sustainable Social Services Grant Scheme. The Programme pairs parents with advocates who assist them in understanding legislation, processes and systems in the child protection and care process. Additionally, advocates assist parents in communicating with their child's social worker. The programme will run until 2025.

Our Programme for Government sets out that we are committed to expanding the provision of advocacy services to support parents whose children are on the edge of care, helping to avoid statutory social services involvement, escalation of needs and reducing the risk of children entering the care system.

We are investing a minimum of £1.5 million of funding over the next 3 years, through the Care Experienced Children Change Fund. This funding will be used to scale up existing Parental Advocacy projects on a regional basis and to ensure new services are established in each of the seven regions in Wales as part of a national roll-out.

To support consistent service delivery across Wales as part of a national roll out, we are developing a National Framework for Parental Advocacy with third sector partners. This describes the core service criteria that all regions must have in place.

Academic literature and early reports show parental advocacy to be a promising route to reducing the number of children taken into care. We will use the learning from the Gwent initiative and from the national roll-out to determine whether universal access to parental advocacy should be put in place.

Financial Implications: Yes. Any additional costs will be considerable and will need to be identified from within existing budgets.

Recommendation 11.

The Committee recommends that:

The Welsh Government should commission an independent review into the efficacy and availability of parenting assessment placements. The review should consider the ethics, utility and value for money of both residential placements and parent and child foster placements and identify what changes can be made to improve the process for families, and any barriers that need to be overcome to take those steps. The independent review should report no later than December 2023.

Response: Accept in part

The Welsh Government is committed to seeing children and young people living securely with their families, with many fewer ever needing to enter care. For those children who do come into care, we want their stay to be as short as is consistent with meeting their needs, close to home and with strong links to their local community. To achieve this, and to ensure a sustainable network of provision, the shape, scale and structure of current arrangements for the accommodation of and support for children and young people has to change fundamentally to ensure the development of stable, integrated and locally accountable provision. This will include models of care, wrap-around support and models of ownership.

During this Senedd term, as part of this work, we will review the arrangements for parenting assessment placements in Wales, including efficacy, availability and models of ownership.

Financial Implications: Potentially. Any financial implications will need to be resourced from within existing budgets.

Recommendation 12.

The Committee recommends that:

The Welsh Government should introduce legislation to provide children in care and care leavers a statutory right to long-term, independent advocacy support on an 'opt-out' basis. Each child should be assigned an advocate when they enter the care system to provide long-term advocacy support across a range of issues, and continue until the child ceases to be a 'care leaver'. Children and young people could opt-out (and then opt back in later) if they wish but must have an allocated advocate or provider at all times during their time in care.

Response: Reject

Our National Approach to Statutory Advocacy already delivers a statutory right to long-term independent advocacy support that enables children in care and care leavers with the ability to opt in and out as they wish to. This is monitored by the National Provider Forum chaired by Welsh Government.

A core component of the National Approach is the Active Offer which delivers an absolute long-term right to advocacy from a statutory Independent Professional Advocate (IPA) as part of a clear and consistent pathway deliver their rights and entitlements. This pathway is set out in detail within the [Legacy report](#) published by the Advocacy Task and Finish Group in the Summer of 2022. It ensures social workers inform children of their right to advocacy, helps them to understand the importance and benefits of advocacy and with the child's permission, facilitates independent contact between the child and the advocacy service.

The advocacy service makes independent contact with the child to meet with them, to make the Active Offer and subsequently confirm to the local authority if the offer has been taken up or declined. The Legacy Report is clear and confirms that

“Opting out does not mean that the child or young person is no longer entitled to an advocate. If the child or young person decides at a later stage that they wish to access advocacy, the social worker will provide the advocacy service with their details to allow them to arrange an introductory meeting with the child or young person.”

We absolutely agree with the Committee’s assertion that children voices must be heard. We share that position and continue to explore how we can continue to work to ensure that voice is both heard and listened to. The role of the Corporate Parenting Charter will play a critical role in championing children’s voice and the Active Offer as part of the National Approach.

Recommendation 13.

The Committee recommends that:

The Welsh Government ensure that every child in a residential care home in Wales should have access to both residential visiting advocacy and individual advocacy by:

- revising the arrangements in place under the Regulation and Inspection of Social Care (Wales) Act 2016 to make the provision of residential visiting advocacy in each and every children’s home (by a contracted registered advocacy provider) a requirement for registration as a provider of children’s care homes in Wales.
- working with other UK governments as necessary to ensure that every child domiciled outside Wales but placed in a Welsh residential care home is offered an individual advocate.

Response: Reject

Our National Approach to Statutory Advocacy provides access to an advocate to every looked after child in residential care within Wales and outside of Wales. Welsh Government has consistently re-affirmed that advocacy is essential to protect the rights of children and young people and to ensure their views, wishes and feelings are heard, respected and responded to. We have embedded those rights throughout our legislation and guidance across Ministerial portfolios and co-produced partnership arrangements that put those rights into practice through our National Approach to Statutory Advocacy to ensure our shared expectations can be delivered.

Our National Approach includes a clear and unequivocal Active Offer of advocacy to all children in care, not just those in residential settings, but also to those in foster care or kinship arrangements. Our National Approach also secures the same rights to Independent Professional Advocacy for those who may be subject to safeguarding arrangements or inquiries, as well all children and young people as part of local authorities’ wider duties to provide them with care and support under our Social Services and Well-being (Wales) Act 2014.

Good advocacy can have a profound effect on the lives of children and young people. Through the Regulation and Inspection of Social Care (Wales) Act we have developed and delivered clear descriptors to regulate Independent Professional Advocacy prescribing the standards of both the service provision but also that of the service provider and the responsible individual. We have established and delivered other mechanisms to enable children to be listened to and their views, wishes and feelings acted upon. We are working to strengthen the role of the Corporate Parent through the Corporate Parenting Charter which was published on 29 June. Every child looked after has an Independent Reviewing Officer to listen to them and act as their personal champion in holding professionals and services to account and ensure the duties owed to those children are comprehensively and consistently delivered.

Welsh Government will however discuss with other UK Governments the provision of advocacy to ensure that every child domiciled outside Wales but placed in a Welsh residential care home is offered an individual advocate.

Recommendation 14.

The Committee recommends that:

The Welsh Government should work with Social Care Wales to fund and deliver (including to legislate as needed) a national register of foster carers, to be held by Social Care Wales. The register should set out details of foster carers' approval status, approval review date, local authority location, number of placements, and whether they are a local authority or independent provider. The development of that register should be carried out alongside key stakeholder, such as the Fostering Network, and should involve thorough consultation with foster carers and fostering services providers across Wales.

Response: Accept in part

Welsh Government recognises the potential benefits associated with a national register of foster carers and it is therefore something that the Welsh Government is keen to explore with the sector.

A national register would increase the status of foster carers in the team around the child, allowing the role to be more recognised and valued within the sector and by the public. This is especially important as Welsh Government recognises that foster carers are an important part of the social care team supporting the child or young person. It will also address the difficulty foster carers experience when moving from one service to another, by offering a less bureaucratic method of transfer, reducing duplication and delays and will offer a robust safeguarding mechanism which will outline a foster carer's continued suitability to foster.

However, introducing such a register is complex and will need to be undertaken in a timely and controlled way alongside ensuring it can be appropriately resourced. Initial discussions with the Fostering Network have taken place and the next step is to undertake a scoping exercise to establish what a national register could look like in Wales, any legislative requirements and operational feasibility. This will be done in

consultation with our statutory and third sector partners, foster carers and service users.

Financial Implications: The introduction of a national register for foster carers could have significant financial and resource implications and these will need to be established through the scoping work Welsh Government will undertake. These costs will need to be considered before a decision can be made on whether to introduce such a function in Wales.

Recommendation 15.

The Committee recommends that:

The Welsh Government must ensure that a review of the '4Cs' online database is undertaken, involving key stakeholders and frontline practitioners, to identify and implement improvements to the database to streamline the placement commissioning process.

Response: Accept in part

The Childrens Commissioning Support Resource (CCSR) was initially developed by Welsh Government with Data Cymru in 2005 as a database library for looking up providers. In 2012, the Childrens Commissioning Consortium Cymru (4Cs) subsequently chose the CCSR platform as an existing Welsh developed, owned and WLGA-managed platform which could be developed to meet commissioning, contracting and procurement needs. It developed an e-tendering portal to deliver the All-Wales Framework (residential and foster care) and to provide placement finding and matching capability.

This part of the CCSR system is a layer of restricted access to Local Authority and Framework providers only, evaluated and quality assured by the 4Cs, who are compelled under the All-Wales Framework to keep their foster carer, care setting and vacancy information up to date. This is effective and is reviewed as part of daily contract management.

CCSR does provide details of every foster carer who is a provider on the All Wales Framework plus vacancies, and the equivalent details of all Framework residential care settings and vacancies. This is monitored by 4Cs / Data Cymru and is up to date. It also includes Framework providers CIW inspection reports and provider statement of purposes. CCSR has the capability for all LAs to confidentially and securely add all of their foster carer and residential setting provision onto the system.

CCSR also provides the details of foster carers from a small number of other agencies who are not on the Frameworks but still see the benefit of subscribing to the service (non-framework providers) but the annual subscription fee they have to pay for the service is a barrier to some smaller providers using the system.

As this has restricted access, many providers who may have contributed to the committee discussions would not have access to this element of the database and

therefore may not be fully clear on its functions or the live nature of its daily use. They would however have access to the high-level resource library which sits above the 4Cs tendering module and is visible to a wider range of stakeholders. The library is part of a forward redevelopment programme which will be informed by stakeholders.

To support further implementation, Welsh Government will also consider whether it would be feasible to compel all fostering agencies to register on CCSR as part of their registration under RISCA. This work would need to align with our consideration of the introduction of a national fostering register in Wales.

Financial Implications: Yes. The resource implications could be significant and would need to be found from existing budgets.

Recommendation 16.

The Committee recommends that:

As soon as possible, and no later than December 2023, the Welsh Government should consult with Estyn and other key stakeholders to examine the most recent attainment results relating to care experienced children, ascertain the extent to which schools are following the Welsh Government's guidance as set out in its 2017 document 'Making a Difference', the barriers that schools face in implementing that guidance, and set out how the Welsh Government and others will improve the school experiences of care experienced children

Response: Accept

The Welsh Government accepts the recommendation but needs to be undertaken alongside the evaluation of the Virtual Schools Model pilot.

Every child and young person in Wales has the right to expect an excellent education regardless of their circumstances, including in cases where a child has experience of care. The Welsh Government recognises that good educational attainment can provide the gateway to future stability, security and an independent, fulfilling life. The Welsh Government is committed to equality of opportunity and equity of outcome, ensuring that all our learners are properly supported to achieve their full potential.

Tackling inequality is a clear priority for the Welsh Government and this includes removing all inequalities in our education system, recognising that to achieve true equity of outcome, some children and young people will require additional, or different, support to achieve their full potential. The Welsh Government recognises that while some children and young people face barriers to learning for reasons of their individual circumstances, there are also systemic and institutional barriers to learning which many children and young people face across Wales. We are taking action to support all children and young people, to overcome these barriers and reach their full potential.

The Virtual Schools Model is currently in its final year of a three-year pilot, supporting the educational needs of care-experienced children. Thirteen local authorities have been provided with £1m funding to date, with a further £240,000 expected to be allocated in 2023-24. Welsh Government officials are currently undertaking an internal research exercise of the pilot, which will inform the full evaluation phase of the model. In turn, this evaluation will inform the further development of the Virtual Schools Model.

Financial Implications: There are no financial implications as a result of accepting this recommendation.

Recommendation 17.

The Committee recommends that:

The Welsh Government should consult care experienced children and young people, kinship carers, third sector organisations, local government and others to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care, the experiences of children in kinship care, and the support needs of kinship carers. As part of that work, the Welsh Government should explore the potential of amending by regulations the criteria that kinship carers are required to meet to be entitled to the same financial support as foster carers.

Response: Accept in part

Our Programme for Government contains a number of key commitments about a new vision for how children's services in Wales are delivered. Over the course of this Senedd term, we will be working to radically reform children's services in Wales, to ensure they deliver the best possible outcomes for children who are in care. As part of this work, Welsh Government has set up a Special Guardianship Expert Group which will be looking at developing an improved and consistent needs-based approach to supporting Special Guardianship families across Wales. This group has representation from the statutory and third sector alongside service users and as part of its work it will look at ways of capturing the views of children and young people. The intention is to widen the scope of this group in due course to look at the use of and support available for kinship foster carers in Wales.

In addition, Foster Wales is committed to ensuring that kinship foster carers receive the same support as mainstream foster carers and has launched its national commitment which is an agreed package of training, support, and rewards consistently available to all foster carers (mainstream and kinship) in Wales through all 22 local authority fostering agencies in Wales.

Foster Wales is also committed to ensuring that kinship foster carers receive the same financial support as mainstream foster carers. One of the aims of our current work on fees and allowances is to ensure consistency, alongside other elements of the financial support to all approved foster carers. Currently all approved foster carers across Wales (including mainstream and kinship foster carers) are paid at

least the national minimum allowance to meet the needs of children in their care. In addition, all local authorities pay an enhanced allowance/fee to mainstream foster carers.

Through Foster Wales and the harmonisation of fees and allowances work, we are seeking to ensure that the availability of an enhanced allowance/fee is available to all approved foster carers (including both mainstream and kinship foster carers) providing they are assessed to meet the eligibility criteria as set out in the enhanced allowance eligibility policy.

The current legal framework, under the Fostering Panels (Establishment and Function) (Wales) Regulations 2018, necessitates kinship foster carers reaching the same standard of suitability to foster as mainstream carers. The only difference for kinship foster carers is that they are approved to be a foster carer for a particular child under these regulations. Welsh Government is aware that many practitioners, panels and decision makers have struggled with the fitness for purpose of the current regulatory framework for kinship foster care.

To aid the fostering sector, Welsh Government is currently undertaking a scoping exercise to consider legislative changes that could be introduced to enable an alternative and more 'fit for purpose' way forward for the assessment of kinship carers.

Financial Implications: Yes. The resource implications to support the harmonisation of fees and allowances work would be significant and further discussion would need to be held within Welsh Government and with local authorities to consider funding options. There would also be resource implications associated with any changes to the legislative framework to support the assessment of kinship carers.

Recommendation 18.

The Committee recommends that:

The Welsh Government and the Association of Directors of Social Services must jointly publish no later than December 2023 an action plan setting out how they will prevent the use of illegal, unregistered accommodation in Wales. The action plan must include an analysis of the number of times it has been used in the last 24 months, with clear timescales and funding allocations to develop safe alternatives.

Response: Accept in part

The Welsh Government remains committed to reducing the overall numbers of children looked after but recognises the challenges for some local authorities of finding or developing suitable placements to meet the needs of the children and young people in their care.

This isn't just about increasing capacity. It is also about promoting trauma-informed models of care and ensuring there are appropriate joint commissioning

arrangements in place between health, social services and education, so the needs of children are met, and they do not fall between different types of provision. We will continue to work with local authorities to ensure these challenges can be met.

Under our Eliminating Profit Programme Board, we have established a local authority task and finish group to consider the issue of services operating without registration. This is to ensure placement choice and stability in registered provision meets the needs of, and secures positive outcomes for, our children and young people

The group is undertaking a review of services operating without registration in order to gain an evidence-based end-to-end understanding of the issues, challenges, effective approaches and potential solutions as well as the associated impacts for children. The review is due to be commissioned shortly and will report later this year.

Recommendation 19.

The Committee recommends that:

The Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21. The analysis should identify the numbers of children and young people in unregulated accommodation, and clearly break that down between accommodation that it considers to provide quality accommodation and support (such as supported accommodation which is required to meet housing standards), and accommodation that does not (such as bed and breakfasts, AirBnBs, hostels, etc.). The analysis should further break down that data into the age and legal status of the children and young people to clearly indicate how many are subject to care orders and how many are care leavers. Once complete, the Welsh Government should set out its policy position in relation to unregulated accommodation, including the action it intends to take alongside local authorities to reduce the use of inappropriate unregulated accommodation in Wales.

Response: Accept in part

The Welsh Government collects data on the number of children aged 16 and over leaving care by age and accommodation at date of ceasing to be looked after. Our published statistical data for the period 1 April 2021 to 31 March 2022 shows of the 700 young people aged 16 and over who left care between 1 April 2021 and 31 March 2022, 670 (96%) were in suitable accommodation at the date they ceased to be looked after. Accommodation is regarded as suitable if it provides safe, secure and affordable provision for young people. The proportion of young people in suitable accommodation has increased from 92% in 2016-17 when data began being collected.

28% of young people in suitable accommodation were with parents or relatives and 26% were in ordinary lodgings without formal support. The proportion of young people in ordinary lodgings without formal support has generally increased since 2018-19, as has the proportion in semi-independent transitional accommodation

(about 18%). The proportion of young people with parents or relatives, in independent living and in suitable supported lodgings have generally decreased over this time.

Bed and breakfasts are considered unsuitable accommodation, in addition, other types of accommodation are considered to be unsuitable if they clearly expose the young person to risk of harm or social exclusion. The number, and the proportion, of care leavers in unsuitable accommodation has decreased in recent years. The number of care leavers in unsuitable accommodation decreased by 5 (14%) from 35 to 30 compared with the previous year, equating to 4% of care leavers being in unsuitable accommodation at the point of leaving care during 2021-22. This is the lowest proportion since data began being collected in 2016-17.

Whilst it is difficult to see in what circumstances a child under 16 would be placed in an unregulated service as they would be in need of care which would mean the service would need to be registered, we are keen to learn from England's experiencing of prohibiting under 16s being placed in unregulated placements and will keep this under review.

Recommendation 20.

The Committee recommends that:

The Welsh Government should carry out an immediate analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order, and which should be published no later than December 2023. The Welsh Government and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.

Response: Accept in part

The Welsh Government will carry out an analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order.

The results of this analysis will feed into the Welsh Government's Transformation Programme for Children's Services.

Recommendation 21.

The Committee recommends that:

In its response to this report, the Welsh Government should respond to the concerns raised by NYAS Cymru in oral evidence on 15 February 2023, and by the Children's Society in their written response to our consultation, in relation to incidents of

children missing from care. In doing so, it should set out clearly its expectations of local authorities, the police, and other statutory partners in their response to incidents of missing children, and its views on their calls for statutory return home interviews.

Response: Accept

I wholeheartedly agree with the Committee's conclusion of the absolute imperative to talk to children and young people to try to find out the reasons that led them to decide to take the actions they did. Clear and consistent pathways to raise issues, worries and concerns are equally important to prevent children concluding there is no option but to go missing, as are the subsequent conversations about why they chose to do so and understand why they believed there was no alternative decision they could take. The outcome of those preventative and post-event conversations share the same outcome which is to help to identify and put in place support to help them with whatever they are going through, and making it less likely that they will make the choice to run away again.

The risks to children and young people when they are missing are clear. There is unanimity across the sector on those risks as there is that it is crucial for everyone to deploy every resource to help children and young people to be able reach a different decision and mitigate episodes where they go missing. We welcome the evidence from NYAS and Children's Society on this issue. We hear the clear messages they have provided in their evidence to the Committee and as part of our continuing work with partners from across the sector to reach consensus and a shared position wherever possible. This is a challenging issue and one where there is not yet consensus on how to resolve opposing views on the policy and practice around missing children. We have brought together third and public sector organisations, as well as the four Police and Crime Commissioners as part of a round table event on this topic.

As a consequence, Welsh Government commissioned Children in Wales to gather the views of children and young people who have been supported because of going missing alongside a separate project to review policy, practice and procedures to see how we may better achieve consensus. Officials are collating and considering the information and conclusions the projects have identified. Initial analysis suggests that children and young people themselves had varying opinions on the value of return home interviews. However, they can be useful if run well and an important way for professionals to help identify patterns of behaviour and put solutions in place. The evidence and opinions that Wales follow the approach elsewhere of mandating Return Home Interviews appears to remain limited. The next step is to share the findings of this work with partners and explore how we can best achieve our shared intention, impact and outcomes as part of coherent and consistent arrangements that empower and enable proportionate approaches that keep children and their views, wishes and feelings at the centre.

Recommendation 22.

The Committee recommends that:

The Welsh Government should introduce legislation to raise the upper threshold for all of the support offered to care leavers until they are 21 (as set out in sections 103 to 118 of the Social Services and Well-being (Wales) Act 2014, associated regulations, guidance and codes of practice, including the When I am Ready scheme) to 25 for category 3, category 5 and category 6 care leavers.

Response: Accept in part

The Welsh Government is committed to legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25. These changes can be made via Regulations under the Social Services and Well-being (Wales) Act 2014. The Welsh Government has previously written to local authorities about this and the expectations for the funding provided.

Financial Implications: None, any additional costs will be drawn from existing budgets.

Recommendation 23.

The Committee recommends that:

The Welsh Government should amend section 108 of the Social Services and Well-being (Wales) Act 2014 and regulations, guidance and the code of practice relating to the When I am Ready scheme to:

- extend the age limit for all young people who wish to participate in the scheme to 25; and
- remove barriers to the scheme, including the potential for foster carers' approval to be removed; the reduction in payments to foster carers; and
- consider how young people could enter the scheme and receive all of the support available to them without being required to enter into tenancy agreements with their foster carers.

Response: Accept in part

Welsh Government recognises that the transition into adulthood can be more difficult for care leavers than many of their peers of a similar age. It is therefore important that these young people experience continuity when they reach adulthood. This will help ensure they do not experience a sudden disruption to their living arrangements which could have a negative impact upon their emotional stability, education, training or employment, or upon them developing independent living skills.

The Welsh Government is therefore committed to supporting the When I'm Ready scheme and ensuring that all young people who are in foster care are offered the opportunity to continue living with their foster carers beyond their 18th birthday, up to

the age of 21, or up to age 25 if they are completing an agreed programme of education or training.

We are aware there are some challenges with the scheme and during this Senedd will undertake a full review of the When I'm Ready scheme, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes.

As part of this review, we will consider whether there is a need to amend existing legislation and existing guidance to introduce changes that will further benefit our young people and the carers who support them, alongside providing a firmer footing for the When I'm Ready scheme in Wales. At the same time, we will look at ways of monitoring implementation to ensure a more consistent approach across Wales.

Financial Implications: Yes, the cost of commissioning and undertaking the review would need to be scoped.

Recommendation 24.

The Committee recommends that:

The Welsh Government should carry out a review alongside care experienced young people and other key stakeholders to ascertain how When I am Ready can be extended to young people in residential care, the barriers to that extension and what actions can be taken to overcome those barriers. The review should report no later than December 2023

Response: Accept in part

Welsh Government has committed to undertaking a full review of the When I'm Ready scheme during this Senedd term, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes. As part of this review, consideration will be given to the feasibility of young people in residential care being able to access When I am Ready provision.

The work will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.

Financial Implications: Yes, the cost of commissioning and undertaking the review would need to be scoped, alongside any costs associated with future changes to the scheme.

Recommendation 25.

The Committee recommends that:

As part of umbrella reforms to corporate parenting the Welsh Government should bring forward legislation to;

- Amend the Housing Act 1996 to provide that care experienced people have priority in housing allocation.
- Amend the Housing Act 1996 to state that 'local connection' should be disregarded for care experienced people at their election.
- Amend the Housing (Wales) Act 2014 to ensure that care experienced people over the age of 21 retain “priority need” status when homeless.
- Amend the Housing (Wales) Act 2014 so that care experienced people facing homelessness cannot be referred to another local authority due to 'local connection' if they do not wish to be.

Response: Accept in part

Our Programme for Government contains a commitment to reform housing law and implement the Homelessness Action Group’s recommendation to fundamentally reform homelessness services to focus on prevention and rapid rehousing.

To progress this commitment an Expert Review Panel is in place to review and make recommendations for legislative reform. The panel was convened in August 2022 and will report in August 2023.

As part of their deliberations, the panel have considered the experience of homelessness for those who are care leavers and what targeted prevention measures, either facilitated through legislation or via broader policy led mechanisms, would better prevent homelessness for this group.

Following receipt of the Expert Review Panel’s final report the Welsh Government will publish a White paper, setting out our proposals for legislative change to ensure that homelessness is prevented for the majority of those at risk and that, where it cannot be prevented, it is rare, brief and unrepeatable.

The recommendations of the Children, Young People and Education Committee have informed the ongoing deliberations of the panel and the parallel development work on the White Paper and we are committed to taking action to prevent homelessness for those who are care experienced through these reforms.

Financial Implications: There are no financial implications as a result of the response to this recommendation.

Recommendation 26.

The Committee recommends that:

The Welsh Government must carry out a review of the support offered to young people by Young Person's Advisors. The review should consider:

- the concerns set out in this report relating to Young Person's Advisors and the pathway planning process;
- the likely impacts on the collective workload of Young Person's Advisors of the reforms set out in this report (particularly those relating to upper age limit for support for care leavers and those relating to opt-out advocacy services for children in care and care leavers); and
- any action required as a result.

Response: Accept

The Welsh Government will carry out a review as detailed by the Committee in this recommendation. This review will inform the work outlined in the response to recommendation 22 which will be to legislate in this Senedd Term to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25.

Financial Implications: None, any additional costs will be drawn from existing budgets.

Recommendation 27.

The Committee recommends that:

As part of umbrella reforms to corporate parenting (see radical reform 3), the Welsh Government should amend the Tertiary Education and Research (Wales) Act 2022 to:

- impose a duty to promote tertiary education to care experienced people;
- and add a mandatory registration condition relating to the promotion of the participation, retention, reduction of attainment gaps and support for care experienced people.

Response: Reject

The Tertiary Education and Research (Wales) Act places a duty on the Commission for Tertiary Education and Research (CTER) to promote tertiary education to "underrepresented groups" and requires CTER to have a registration condition for providers relating to the participation, retention, reduction of attainment gaps and support for "underrepresented groups". "Underrepresented groups" is defined in the Act as "groups that are under-represented in Welsh tertiary education as a result of social, cultural, economic or organisational factors".

This description is purposely inclusive of care experienced people, and the committee's report further underlines the need for CTER to work with higher and further education institutions to promote participation by, and equality of opportunity

for, care experienced people in tertiary education. The Act as passed will require it to do so.

Julie Morgan, MS
Deputy Minister for Social Services