



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

Y Pwyllgor Plant a Phobl Ifanc The Children and Young People Committee

**Dydd Mercher, 5 Hydref 2011
Wednesday, 5 October 2011**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol**Committee members in attendance**

Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Jocelyn Davies	Plaid Cymru The Party of Wales
Keith Davies	Llafur Labour
Julie Morgan	Llafur Labour
Lynne Neagle	Llafur Labour
Jenny Rathbone	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol**Others in attendance**

Sarah Cooper	Head of Youth Justice, WAG Pennaeth Cyfiawnder Ieuenctid, LICC
Karin Phillips	Deputy Director - Community Safety Division, WAG Dirprwy Gyfarwyddwr yr Is-adran Diogelwch Cymunedol, CLIC
Carl Sargeant	Assembly Member, Labour, the Minister for Local Government and Communities Aelod Cynulliad, Llafur, y Gweinidog Llywodraeth Leol a Chymunedau
Keith Towler	Comisiynydd Plant Cymru Children's Commissioner for Wales

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**National Assembly for Wales officials in attendance**

Claire Morris	Clerc Clerk
Meriel Singleton	Dirprwy Glerc Deputy Clerk
Siân Thomas	Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 9.17 a.m.

The meeting began at 9.17 a.m.

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions**

[1] **Christine Chapman:** Welcome to the National Assembly's Children and Young People Committee. I remind you that all mobile phones, BlackBerrys and pagers should be

switched off. We operate through the medium of Welsh and English. Headsets are available for simultaneous translation on channel 1 and sound amplification on channel 0. As this is a formal public meeting, I remind Members that they do not need to operate the microphones themselves. In the event of an emergency an alarm will sound and ushers will direct everyone to the nearest safe exit and assembly point.

[2] We have an apology from Suzy Davies.

9.18 a.m.

Sesiwn Craffu ar Waith y Gweinidog: Cyfiawnder Ieuenctid Ministerial Scrutiny Session: Youth Justice

[3] **Christine Chapman:** The purpose of this item is to scrutinise the Minister for Local Government and Communities on youth justice. A big welcome, Minister. Would you like to introduce your officials for the record, please?

[4] **The Minister for Local Government and Communities (Carl Sargeant):** Good morning. It is good to be with you this morning. I will let my officials introduce themselves, if I may.

[5] **Ms Philips:** I am Karin Phillips, head of the community safety division.

[6] **Ms Cooper:** I am Sarah Cooper, head of youth justice.

[7] **Christine Chapman:** Welcome to you all. The Members have read your paper and thank you for it. I understand that you are happy for us to go straight into questions, and I will ask the first question.

[8] We know that the Welsh Government has created a rights-based policy approach to youth justice, which differs from approaches taken elsewhere in the UK. The Deputy Minister for Children and Social Services has lead responsibility for children and young people's rights. However, youth justice is held within your portfolio. Why was that decision taken?

[9] **Carl Sargeant:** Thank you for your question. As you will have seen from the programme for government, we have chapters based on themes as opposed to isolated areas. We have done that because there are many cross-cutting themes in Government. You are quite right that the Deputy Minister for Children and Social Services has sole responsibility for children and young people's rights. However, we believe that there are wider implications to these issues involving the police and community development, which sit in my portfolio. It could easily have been placed in Deputy Minister Gwenda Thomas's portfolio, but we think that the theme fits in nicely within mine, because there is a much broader outlook.

[10] **Keith Davies:** The Welsh Government's aspiration that young people should be placed as close as possible to their homes has not yet been realised. Is it the case that there is no capital funding to secure further provision closer to people's homes?

9.20 a.m.

[11] **Carl Sargeant:** That is a very interesting question, but this goes much broader than the secure units. You are quite right to point out that we are trying to establish placements closer to people's homes in Wales. However, our aspiration is to stop placements in secure units, and we are trying to do everything that we can to prevent young people from reaching the point at which they have to be placed in a secure unit.

[12] We have seen huge reductions in the numbers, but we are seeing a bottoming out now in terms of the cases that are perhaps a little more difficult to deal with. We are running at a rate of between 90 and 100 people in placements at the moment. Over 70 per cent of them are placed in Wales, so a small proportion is outside Wales. However, if you look at the detail, some are placed in Bristol and others in Hindley in Lancashire. Those placed in Bristol are people who live in the Monmouth, Newport and Torfaen areas, so there is a negligible difference, in terms of distance from home, between them being placed in the unit in Bristol and being placed in the unit in Parc. So, we are looking for a solution to the issue rather than at a Wales-only solution. We have to look outside that box. The same is true in north Wales, with the use of the unit in Lancashire.

[13] **Aled Roberts:** Darllenais yn yr adroddiad nad oes darpariaeth yng ngogledd Cymru. Os yw'r ffigur am Gymru gyfan rhwng 90 a 100, faint o'r rheiny sydd o'r gogledd? A oes problemau ieithyddol? Rhan o'r ddadl dros gael carchar yn y gogledd oedd y diffyg darpariaeth drwy'r iaith Gymraeg. Mae plant yn cael eu cymryd allan o deuluoedd Cymraeg ac efallai nad oes darpariaeth sy'n addas i'w cefndiroedd os yw'r lleoliad yn Swydd Gaerhirfryn.

Aled Roberts: I read in the report that there is no provision in north Wales. If the figure for the whole of Wales is between 90 and 100, how many of those are from north Wales? Are there linguistic problems? Part of the argument for having a prison in north Wales was the lack of provision in the medium of Welsh. Children are being taken out of Welsh-speaking families and there is perhaps no provision suitable to their background if the placement is in Lancashire.

[14] **Carl Sargeant:** Thank you, Aled, that is a really important point about the cultural issues, of which language is one. We have invested in the unit in Hindley. It is about the numbers of people who are placed outside Wales. We strive to ensure that there is a quality service for Welsh children in institutions outside Wales. There is some work being done in Parc prison, which will be rolled out to the institution in Bristol where there is a need to enhance Welsh-language provision. Karin may have the figures, but it might be helpful for a paper to be sent to the committee giving the current breakdown of the number of young people placed from different areas, which might give you a better indication of where people are from. It changes frequently, and I do not think that it gives a breakdown of the linguistic needs of those people. However, perhaps I can help you by giving you an indication of the number of people based in each unit and from which region they come.

[15] **Christine Chapman:** That would be good; thank you, Minister.

[16] **Jocelyn Davies:** Are these all boys, or are some of them girls?

[17] **Carl Sargeant:** No, there are some girls.

[18] **Jocelyn Davies:** Can you give us an idea of the number of girls and boys when you send us the table?

[19] **Carl Sargeant:** We can, but we have to be careful that we do not share data that could identify individuals.

[20] **Jocelyn Davies:** Of course.

[21] **Julie Morgan:** The number of young people who still need to be placed in custody, in secure accommodation, has gone down to between 90 and 100. I know that the Welsh Government has made a commitment to try to get as many young people as possible into community facilities and to deal with offences through community sentences. How much further will you be able to reduce that figure? You said that you were left with a very difficult core of young people. Are you hopeful of reducing the figure further, and how will you do

that?

[22] **Carl Sargeant:** That is the challenge, is it not? I cannot give you numbers as to what would be a success rate. We have seen a dramatic reduction in reoffending rates and a dramatic reduction in the number of placements, but we are starting to bottom out now in terms of difficult cases. The situation changes all the time as individuals come through the system. My aspiration would be to prevent any child or young person going into any institution, because if we can do things beforehand and offer alternatives, we should. 'Zero' would be the ideal number, but I cannot commit to that.

[23] **Julie Morgan:** Do you think that you can bring the figure down any further?

[24] **Carl Sargeant:** It is right to be ambitious in what we try to do. There are huge opportunities to reduce the figure through some of the things that we have in place, such as restorative justice, but there will always be a need for placements. I do not know what the magic number is, but 100 placements is too many.

[25] **Jocelyn Davies:** You mentioned prevention there, Minister, and the former Communities and Culture committee did a report into this, and the Welsh Government accepted in principle the need to see preventative services strengthened, or certainly maintained. The funding for that generally goes through the Safer Communities fund, and in our briefing we have a table that shows how that money is spent. Although the Government accepted this in principle, there was a caveat that there might be uncertainties around the future budget. The draft budget was laid yesterday, so how did that budget line fare? We also have a breakdown of the funding by local authority, so I would be interested to know whether all the money was spent last year.

[26] **Carl Sargeant:** In terms of the budget line, it is interesting to be asked a question on our budget lines, because it is the first day after the draft budget was laid. There has been a flat-lining over the past two years—there has been no increase, but no decrease either. I am pleased to say that there will be a small increase this year in this budget line—well, hopefully; that is subject to the budget being passed—of around £230,000.

[27] In terms of the breakdown of the figures by local authority, I will ask the question.

[28] **Jocelyn Davies:** Was it all spent? As it is the Safer Communities fund, I guess that not all of this money would necessarily be spent on prevention with regard to young offenders; it would probably be spent on other things as well. However, I would like to know whether it was all spent last year.

[29] **Carl Sargeant:** I will endeavour to pass on that information to the committee. You raised an important point at the end of your contribution about how this money is spent. What we find is that we get better outcomes from working with other organisation stakeholders—local authorities, youth justice boards and community safety partnerships—with their innovative ideas. What we are trying to do is to pick up that best practice and roll it out across Wales, because some great things are happening in some areas. For example, Swansea has a very good project on restorative justice. Where projects are having a good impact, we can roll that out across Wales, so it is about flexibility within the budget. However, I will let you know whether local authorities have spent that money; I would also be interested in that.

[30] **Jenny Rathbone:** Can you clarify, possibly after this meeting, what the budget is for youth justice revenue for 2012-13, because I believe that it went down in this current year, 2011-12?

[31] **Carl Sargeant:** Are you asking specifically about the youth justice budget?

[32] **Jenny Rathbone:** The youth justice revenue—the provision for people in the system.

[33] **Carl Sargeant:** I will look for those numbers and write to the Chair with the information.

[34] **Jenny Rathbone:** Okay. One of your proposals is to give children in custodial settings similar support to children who are looked after, or automatically make them looked-after children, which is a very interesting proposal. Can you give a bit more detail on how you think that that would benefit these young people?

9.30 a.m.

[35] **Carl Sargeant:** When children enter the system, it is very difficult to break that cycle. We recognise that, once the trigger of custodial sentence has happened, these young people are really at risk for their whole lives. Unemployment is increased. Once you tick the box that you have been in custody, finding employment is difficult, and housing is the same. We know that, when we get to that point, it is really difficult to turn that corner.

[36] Therefore, we recognise that, once that custodial sentence is in place, we need to do more to support the individual coming from that system. We believe that legislation would provide the opportunity to put in place the provisions that local authorities are required to deal with, around learning issues, educational issues and resettlement issues; it is exactly the same as for a child in care. I would like to think that that already happens, but, in some authorities, it clearly does not. So, we are considering making that statutory, in order to give these young people a helping hand back into normal living. That is a huge challenge, but we believe that that might be the trigger that is needed to push that agenda.

[37] **Jenny Rathbone:** May I just add another group of children that I feel we ought to focus on, which is the children of prisoners? You will be aware of the terrifying correlation between being a child of a prisoner and becoming a prisoner yourself. A lot of people are arguing that women, in particular, should have different custodial sentences, which do not break them up from their children. Is there any specific focus in your department on the children of prisoners?

[38] **Carl Sargeant:** This evidence session is around the youth justice element—the people within the youth justice system. However, I recognise that there is an effect on children with regard to the justice element. We see this across my portfolio, around domestic abuse and violence against women. There is an internal mechanism—we have to break the cycle, because we often see young people tragically affected by domestic abuse and parents being placed in prison. Sometimes, that can lead to similar behaviour, so the cycle in families is just continued. We recognise that an awful lot of work needs to be done to support children and families as a whole. We look at that work and we recognise the Ministry of Justice element. This is a non-devolved function, but we recognise that, in the communities element of this, there is work to be done in our communities on which we can have an impact in Wales.

[39] **Aled Roberts:** Returning to the extension of the looked-after children scenario for children who are in custody, given the pressure that already exists on child protection departments, would you be willing to consider additional resources for those authorities if they were given extra responsibilities if you decided to extend responsibility? I accept what you say with regard to the difference in approach as far as local authorities are concerned, but that may be due to the relative pressures that those individual authorities are under.

[40] **Carl Sargeant:** I will have to consider all of this, but the reality of life at the moment

is that there is no extra cash about; we know that. That is why I am pressing the agenda of doing things differently to improve public services. What we have to do is look at the whole picture, which is why it would be helpful for you to see the numbers that are affected by each local authority. If we look at around 100 individuals who are placed in custody across Wales, there will, of course, be pressures on certain city areas, such as Cardiff. However, it is about how we could do that on a regional basis, so that there are specialities across the region to support young people. That could be an alternative, whereby we could give a better service and not have to pay that much extra. However, could we afford to do this 22 times? Probably not, but it is certainly something that I would consider.

[41] **Jocelyn Davies:** Just for clarification then, you are thinking that there could be a statutory duty on local authorities that is triggered when a young person comes out of a custody situation.

[42] **Carl Sargeant:** Yes.

[43] **Julie Morgan:** When a young person goes into a custodial situation, would there not be a duty then? I know that there should be a duty earlier on, to aid prevention, but if a young person has a custodial sentence, is it at that point that you should treat the child like a looked-after child?

[44] **Carl Sargeant:** The Bill is not set out yet. We will be looking at the consultation element of that process, and I would welcome this committee's thoughts on that. We are suggesting that, when a person leaves custody, the local authority is accountable for that person as if he or she was a looked-after child. So, when they are in custody, it is an issue for the Ministry of Justice. I would be happy to hear more of your understanding of this.

[45] **Julie Morgan:** I welcome the approach of looking at children in this situation as being children first and foremost and also as children in need. However, we should consider whether that should happen when they are in custody as well, because that is the period when they are influenced by their peers in what is a very difficult time for them.

[46] **Carl Sargeant:** That is an interesting concept and I would certainly consider asking the department to do some more work on that. It is about early intervention, before we get to custodial situations, because we can do so much before that to divert children's situations. We can save a person's life, because the route-map for someone who has been in custody is extremely different to the route-map for someone who has not. So, that is what we need to address here.

[47] **Christine Chapman:** Before we move onto the next issue, Aled Roberts wanted to come in on that point.

[48] **Aled Roberts:** Nid wyf yn ymwybodol o'r sefyllfa yn y Parc. Sawl person ifanc sydd yno ar hyn o bryd sydd o'r tu allan i Gymru? Os ydym yn ehangu'r cyfrifoldebau i'r awdurdodau lleol, a oes perygl y bydd Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr yn gorfod bod yn gyfrifol am y plant sy'n cael eu rhyddhau?

Aled Roberts: I am not aware of the situation in Parc prison. How many young people currently in Parc are from outside Wales? If we expand the responsibilities for local authorities, is there a danger that Bridgend County Borough Council will have to be responsible for those children who are released?

[49] **Carl Sargeant:** Bridgend council being the host of Parc prison is irrelevant to the outcome of whether people may or may not return to their home setting. What we are doing, in effect, is moving the child from a home setting to Bridgend, Bristol or to Hindley. In most cases, I would expect the child or the young person to return home. That does not always

happen, but that happens in life in everyday circumstances. So, I do not see there being a pressure point in Bridgend, but in their host local authority.

[50] **Aled Roberts:** It would be worth looking at that, because, when I was the Welsh Local Government Association housing spokesperson, there were pressures from Cardiff and Newport, in particular, which claimed that pressures on them were not always recognised.

[51] **Carl Sargeant:** I will pick up on that point and on those two areas that you mentioned. I have the figures in front of me for those areas, and, according to these figures, most offenders come from those areas—17 for Cardiff and 13 for Newport. So, given that those cities are their homes anyway, they will be the pressure points.

[52] **Julie Morgan:** I will move onto the children's Bill, within which the Welsh Government plans to strengthen the independence of the Children's Commissioner for Wales. Why is that necessary and how would that be done?

[53] **Carl Sargeant:** I will try to cover that question as best as I can, Chair, but part of the responsibility sits with the Deputy Minister for Children and Social Services. The broad principles behind strengthening the commissioner's independence are the need to recognise that the need of the child comes first and foremost and the need to enable the children's commissioner to comply with that when operating within a non-devolved function. So, the commissioner's view and opinion of support for the child needs to be taken into account, whether in Wales or at a UK level; he has to be empowered to deal with that. We are trying to strengthen that element for the children's commissioner. I hope that that makes sense.

[54] **Julie Morgan:** So, if a Welsh child was in a secure situation in England, the children's commissioner would have the power of entry to interview the child and so on.

[55] **Carl Sargeant:** That is our intention. Again, the detail of that would be better sought from the Deputy Minister for Children and Social Services.

[56] **Julie Morgan:** So, you would not have any information about whether any discussions have been held about this with the Ministry of Justice, for example.

[57] **Carl Sargeant:** I can ask that question of the Deputy Minister for children and write to you with the answer—or it might be easier if the Deputy Minister wrote to you, or you may want to take some evidence from her directly. I will ask those questions for you.

[58] **Jenny Rathbone:** I want to pick up on something in the children's commissioner's report that has been published today. I am not entirely clear whether this is in your portfolio, but he flags up an issue around cases in the family courts. Those sessions are held in camera, so the decisions are not recorded. Someone who is found guilty of abusing a child is, therefore, not necessarily recorded on the publicly available registers for protecting children. Such a person could have a child removed from them, move to another area, have another child, and there might be no record of the abuse that has already occurred. I just wondered if your colleague the head of youth justice could answer on that, or whether this is in your remit, because I think that it is crucial.

[59] **Carl Sargeant:** I have not seen the report, Chair, as it has only come out this morning. I have not given it much thought, but it is clear that the children's commissioner feels that there is a loophole. I would like to engage with him about that, and I am sure that the Deputy Minister for children will do so on the detail. If there is anything that we can do in Wales to mitigate that issue, then we should. I have a feeling that there is probably a Ministry of Justice element to this that is not devolved, but it is something that I will take a look at, Chair.

[60] **Jocelyn Davies:** I guess, Minister, that there are family court cases that do not involve a criminal prosecution; the family courts may have found against someone, because of abuse issues, but they did not face prosecution. They can, therefore, escape the register.

[61] **Aled Roberts:** It is a similar issue to the one that we discussed a fortnight ago, where one person has raised the issue. Although I think that the commissioner has referred it to the national safeguarding children board, I find it difficult to imagine a situation where care proceedings involving a social services department would not log child protection issues. Whether it is a failing in this one case, or a more general problem, we need to test.

[62] Symudwn yn ôl at garcharu plant a phobl ifanc. A oes gennych unrhyw dystiolaeth bod nifer yr achosion o remandio plant wedi gostwng yng Nghymru ers i adroddiad y Pwyllgor Cymunedau a Diwylliant gael ei gyhoeddi yn 2010? Moving back to the issue of imprisoning children and young people, do you have any evidence that the number of cases of children on remand has fallen in Wales since the Communities and Culture Committee report was published in 2010?

[63] **Carl Sargeant:** No, there is no evidence to say that the number of children on remand is going down. I have asked the team to look at the number of nights that children have spent in prison, to see whether the total has been reduced as opposed to the number of children. I have asked the team to start looking at that now, and I will be happy to share that detail with you. However, in actual numbers, there has not been a reduction in cases on remand, no.

[64] **Julie Morgan:** Is there any evidence of how many of the custodial remands end up in secure sentences?

9.45 a.m.

[65] **Carl Sargeant:** There will be. I do not know if my team has any detail on that. I see that they do not.

[66] **Julie Morgan:** Could we have some information on that?

[67] **Carl Sargeant:** It is about that package, and that is why I said to Aled Roberts that it is about whether the remand element has been reduced and whether the demand for service provision has reduced. We are measuring that. There is a knock-on effect: has that reduction gone into institutions? We need to look at that picture as a whole, but I will share that detail with you, Chair.

[68] **Lynne Neagle:** As we know, the Youth Justice Board for England and Wales is being taken into the Ministry of Justice. What action are you taking to ensure that the Welsh Government's views on this issue are considered by the UK Government?

[69] **Carl Sargeant:** We have made representations to oppose that proposal, which we do not think is the right move. I am not yet convinced that it will happen, but it is contained in the Public Bodies Bill. There is still some nervousness about the implications of doing it and, rightly so, the MOJ is seriously thinking about whether this is the right thing to do or not. So, the Welsh Government will be putting in a submission in that guise to the MOJ. However, this move is not something that we welcome because we recognise that the youth justice board has made a huge impact in delivering support for young people in Wales.

[70] **Lynne Neagle:** If the UK Government takes this forward, how confident would you be that the Assembly Government could continue with its rights-based approach to children

under that new structure?

[71] **Carl Sargeant:** We will endeavour to do all that we can to maintain that; our position will not alter. We will just have to try to find new mechanisms to do that, but it will not be easy. When there are changes to the system, we cannot just pick up the pieces in Wales and re-instigate the same stuff again, because we just do not have the finances to do that. However, there are ways in which we can look innovatively at the way that things operate in Wales, which is something that I will be seeking to do.

[72] **Christine Chapman:** The next questions are on the interface with Welsh Government policy.

[73] **Simon Thomas:** Bore da, Weinidog. Cafwyd tystiolaeth ym mis Mawrth gan y cyn-Ddirprwy Weinidog dros Blant, Huw Lewis, ynglŷn â'r effaith y byddai toriadau sylweddol yn eu cael ar y system cyfiawnder troseddol ieuencid yng Nghymru, gan fod gymaint yn dibynnu ar wariant San Steffan, sydd yn gyfrifol am tua hanner y gwariant ar iechyd a thai, ac ati, gyda Llywodraeth Cymru yn gyfrifol am yr hanner arall. Pa dystiolaeth sydd gennych hyd yma o effaith y toriadau hyn—sydd ond newydd ddechrau; yr wyf yn deall hynny—ar gyrhaeddiad y timau cyfiawnder ieuencid, er eghraifft?

Simon Thomas: Good morning, Minister. Evidence was received in March by the former Deputy Minister for Children, Huw Lewis, on the impact that substantial cuts would have on the youth criminal justice system in Wales, as so much depends on Westminster expenditure, which accounts for around half of the expenditure on health and housing, and so on, with the Welsh Government responsible for the other half. What evidence do you have thus far of the effects of these cuts—which have, I understand, only just begun—on the achievements of the youth justice teams, for example?

[74] **Carl Sargeant:** As I mentioned earlier, there are no budget reductions for us and there will be a real terms increase in the next budget line, if the budget is approved. I am never one to defend the Westminster Government, generally—

[75] **Angela Burns:** Go on, you know you want to. [*Laughter.*]

[76] **Carl Sargeant:** In answer to the question, 'Is this group of individuals being disproportionately affected?', I would probably say, 'no'. In answer to the question, 'Are children being disproportionately affected?', I would say, 'yes'. That is different. So, in terms of the question on youth justice, probably not, but as a whole, we have seen evidence from external bodies that women and children are being disproportionately affected. We are not seeing that this specific group is being disproportionately affected, but it is early days.

[77] **Simon Thomas:** Yn benodol, ble mae'r ffin rhwng y grŵp sy'n cael ei effeithio, sef plant a phobl ifanc, a'r grŵp yr ydych yn dweud sydd heb ei effeithio hyd yma, sef troseddwr ifanc? Pan yr ydych yn sôn am gynlluniau atal troseddu, yr ydych yn sôn am y rhyngwyneb rhwng y ddwy elfen hynny. Beth yw'r hanes hyd yma o effaith y gwahaniaeth hwn, achos er bod y cynnydd yn eich gwariant i'w groesawu, nid ydych yn gallu gwario arian Llywodraeth Cymru ar gynlluniau sydd i fod i gael eu hariannu gan San Steffan?

Simon Thomas: Specifically, where is the border between the group affected, namely children and young people, and the group that you say has not been affected, namely young offenders? When you talk about crime prevention schemes, you are talking about the interface between those two elements. What is the story so far of the effect of this difference, because although the increase in your expenditure is to be welcomed, you cannot spend Welsh Government money on schemes that are meant to be financed by Westminster?

[78] **Carl Sargeant:** You are right. As I said earlier, while I will try to mitigate reductions in budgets that have an effect on Wales, I cannot just step in to fill that gap. It is difficult to measure that. As a Government, we are doing a piece of work on the effects of welfare reform and other actions taken by the Westminster Government on the Welsh budgets. It is early days yet because it is a moving feast and there are some big ones coming along the line.

[79] One of the Welsh Government's proposals—one of the things that we can do—is to introduce police community support officers. That is one of our flagship elements coming through following a manifesto commitment. It is a community safety element and it fits into the whole package. They are not police officers, but they are sometimes able to have discussions with young people about turning their lives around, for instance. A shocking example in one local authority is that of a young person who was arrested for dropping chip paper on the floor. We know that that was not the right thing to do, but surely there was an alternative method of dealing with that young person other than arresting them. As a result of being arrested, they now have to go into the system. This is just not right. So, we are saying that there are things that we can do, and PCSOs may be able to offer a helping hand to guide the young person in a different direction. We also have our Communities First programme and so on. So, there are reductions in budgets elsewhere that will have an effect at some point, but, currently, we are not seeing a disproportionate effect on these young people.

[80] **Simon Thomas:** You mentioned PCSOs and Communities First, which are examples of where there is an interface between Welsh Government activities and non-devolved activities, such as youth justice. Are there any other examples of good cross-cutting work? Is it an intention to work much more hand in glove with the Ministry of Justice as these plans come along, perhaps as we see changes in services? Also, you mentioned some monitoring that you have started as a Government. Are you going to increase that monitoring because surely we need to be able to track the effect of this, not only in the immediate term, for example the withdrawal of service x, but what effect the withdrawal of service x has on youth offending?

[81] **Carl Sargeant:** Absolutely; we have to be well-informed about our actions. I test this right across my portfolio now by asking what we invest in and why, and what the outcome is of that. People may have been accused in the past of funding schemes because it was nice to fund them. We are at a point now with finances where we really have to test the system to ensure that we are getting good value for money and making best use of that money.

[82] It would be fair to say that our relationship with the MOJ has been reasonable in terms of moving forward. We are seeing that by working together we have a better impact. However, I do not know what that will mean for the future. You are quite right that we are doing some measuring and benchmarking relating to where we are and how that may change for the future. We will get a better understanding of what we do, what they do and how we can work together. I do not think it is in anyone's interest, whatever their political colour, to have children in prison. We have to work together closely to prevent that.

[83] **Simon Thomas:** You mentioned earlier children leaving prison and consideration as to whether a duty should be placed on local authorities to consider those children as looked-after children. Usually, when Government puts duties on local authorities, they scream out for money to go with those duties. I am not thinking of anyone in this room in particular. Do you foresee that you might be asked for that, or do you think that this is simply a clarification of what a local authority should be doing?

[84] **Carl Sargeant:** I have no doubt at all that I will be asked for the money. I hope I was clear to Aled that there is no more money and we have to do things differently. It is a real shame that we may have to introduce some statutory duties on local authorities to deal with children who are leaving an institution as looked-after children. If there is a cost to that, we

must surely bear that in mind as well. However, I go back to my earlier point: on the numbers alone, do we need to do this 22 times or is there an operation that would allow us to work on a regional basis, delivering a good service? A key point is that we can all have local services, but do we want local services or good services? That is the key point. In this financial climate, we cannot always have both, so we need to measure that.

[85] **Christine Chapman:** Thank you, Minister. That takes us to the next issue that Members wanted to hear about, namely the regional delivery of services. Thank you for your comments on the issue of youth justice. We have about five minutes left, and Angela Burns has some questions on regional delivery.

[86] **Angela Burns:** Yes. Thank you very much for your answer to my colleague Simon Thomas. On the regional delivery of services, in July this year, a Cabinet paper, ‘Public Service Reform: Promoting Regional Coherence’ was approved. I agree very much with one of your statements in that paper:

[87] ‘Currently, collaboration is organised on a number of different footprints—this creates complexity which is likely to get worse as collaborations develop into joint service delivery.’

[88] We have talked before about the fact that we now have these education consortia, the proposals for local government collaboration, the four police forces and so on. Can you give us an overview of the strategic direction that you are aiming to take? I know that a great deal of that affects education and social services, but, with regard to your role as the Minister for local government, it is going to affect the county councils disproportionately. So, can you give us an overview of the strategic direction and the timetables that you are looking at? That would be more than helpful.

[89] **Carl Sargeant:** This is a well-rehearsed argument with regard to moving this agenda on. Let me start by saying that this is not reorganisation. Every time I speak about this, I am challenged that this is reorganisation by stealth or other means. It is not. I have set out a route-map for service delivery for the future, showing how local authorities can start to work together on a regional basis. This is not a new way of thinking. This has been happening for some time in certain areas. North Wales has been a key region in this. Gwent is already operating on this mapping system—voluntarily, I may say. All I have done is put it down on paper and say that this makes sense, that it is working and that we should look to work like this in future for the betterment of services, including youth justice. It is about how we can develop that relationship across authorities.

[90] I am very keen to say that I also recognise the sovereignty of the organisations as 22 local authorities. That is really important to me as well, and I have said to councils that they have their own democratic rights and accountability for the delivery of services. However, that need not get in the way of regional operation. I know that there are some complexities, usually with regard to human resources elements, such as pay structures and so on. That is probably the most complex bit of all of this. However, we have seen this operating and if there is a will to do this across authorities, it happens.

[91] I have just set out this mapping, and you touched on the issue of education and social services and the complexities of lots of regions. If we take education to start with, looking at the education improvement scheme—or whatever it is called; Leighton has just announced it, but I cannot remember what it is called—we think that the cash saving is £3 million to £4 million across those two regions and Bridgend, which is the complexity in the middle of those two regions. That is really good. That is £3 million going back to the front-line of school education. That has got to be right. However, if we look at £3 million on the scale of £15 billion, there is an awful long way to go. So, is this causing adverse complexity in the system?

Actually, I do not think that it is. I think that it is making headway in saving money and the authorities are working together. It makes sense. I have said to people that we should not unpick good things. This started before I made this regional announcement.

10.00 a.m.

[92] With regard to the social services element, the WLGA has come up with an interesting plan of having three regions. If we break that down, those three regions are made up of three lots of two. We would still have our six regions, but they would each work beyond their boundaries, so I have told them to get on with that. Let us work towards the regional operation, as it makes sense. Local authorities could say that they could do it on an all-Wales basis, and I would not stop them from doing that. If it will save money and give good public service—which is what we should all be focusing on—let us do it. This is progression, and we must keep going in the right direction.

[93] We have had a three-year settlement, basically a three-year projection of budgets. I believe that local authorities received a fair settlement from what we were able to give at the time. We are in a different place compared to what happened in England, but surely, that opens a window of opportunity for change because, when we come to year 3, I do not know whether the Minister for Finance will be as kind as she was in the first round, when she had support from her colleagues in the last administration. I do not know what will happen. Maybe a reduction will have to come, but if we are not prepared for it, we will see cuts like the ones that are happening in England. So, we should prepare ourselves, change the way that we operate and move forward on that agenda. At what point do I have to make it statutory? I do not want to go there; I am not even thinking of that in the short term. I am thinking that the journey is about changing public services. There are some people who are on board with this; they have got it. There are some, however, who should have got on the train but are still at the station.

[94] **Angela Burns:** I picked up with interest your point that you currently have no agenda to make this statutory. It is one of those ‘how long is a piece of string’ questions. Do you think that you will be able to win the battle of the hearts and minds with all of those county councils in order to have this in a truly collaborative way, where they look at each other’s organisations to cherry-pick the best from each?

[95] **Carl Sargeant:** We have just established the public service leadership group. It includes the great and the good from all organisations across the public sector. The north Wales example is led by Mary Burrows, the chief executive of the Betsi Cadwaladr University Local Health Board. There have always been difficulties in the interaction between health boards and local authorities, and no matter who I ask, it is always the other one. Mary Burrows is the largest single public spender in Wales, and she is on that board. It is important that we get the right people to drive this leadership agenda of change forward. We have a great team within the partnership element, including local government chief executives. We have also strengthened the partnership council—that is the politics in this, because there is also an issue of how we manifest change. There is always personal interest, because, while you do not want to provide a worse service, there could be some elements where there will be no services at all if we do not change. That is what really worries me: if we do not make the changes now, we will have no services in the future. As I said, some people are really up for this agenda, seeing it as a really exciting time for new public services delivery, and some people are still catching up.

[96] **Angela Burns:** You did not give us a timetable.

[97] **Carl Sargeant:** The programme has just started. I am not saying that I will do this or that if it has still not happened in two years or so. I have no agenda for reorganisation; I am

being perfectly honest, and people may or may not believe me on that point, but I am saying that it is not my agenda. My agenda is about sovereignty of organisations that must work together, not because I am saying that they should, but because it makes sense if we want good public services.

[98] **Christine Chapman:** I want to close this part of the meeting now, because of the time. We have the children's commissioner coming in shortly. I thank Members for their questions and I thank the Minister and his officials for attending this morning.

[99] **Carl Sargeant:** It was a pleasure, Chair. Thank you all.

*Gohiriwyd y cyfarfod rhwng 10.04 a.m. a 10.15 a.m.
The meeting adjourned between 10.04 a.m. and 10.15 a.m.*

Comisiynydd Plant Cymru: Adroddiad Blynyddol Children's Commissioner for Wales: Annual Report

[100] **Christine Chapman:** The purpose of this session is to consider the annual report of the Children's Commissioner for Wales, Keith Towler. Welcome to the meeting, Keith. Thank you for providing copies of your report in advance of the meeting, and could you introduce your report before Members come in with questions?

[101] **Mr Towler:** Thank you, Chair. This is a fantastic opportunity for me, to be sitting in front of you once again; this is the fourth time that I have presented my annual report, but it is the tenth anniversary of the Children's Commissioner for Wales. So, I am in a rather reflective mood; I have been looking back at the last 10 years, trying to see what we have been gauging. What you have in front of you is the normal annual report. It is my opportunity to provide the 'state of the nation' address for children, and I will be presenting it later to the First Minister—we have children and young people coming to the Senedd later to take part in that celebration. I look forward to our discussions and hope that they will be fruitful.

[102] **Christine Chapman:** Okay, thank you. I will ask the first question. Section A of the report talks about the cases that your office is dealing with. Your report shows that the number of social services-related cases that your staff are dealing with has almost doubled, specifically focused on problems with foster placements and young people leaving care. Why has there been an increase with these two specific issues? As a quick supplementary question to that, is there a danger that the casework team in your office is dealing with cases that should be dealt with by local advocacy providers?

[103] **Mr Towler:** Thank you for that. Part of this increase reflects what has been going on in the media and what has been playing out in the last year. There have been quite a lot of safeguarding and child protection concerns and failures and some high profile cases. There is no doubt that that general concern about safeguarding and child protection has affected the issues that have been brought to my office. Something that definitely happens is the correlation between that and when I pop up in the media or when I am doing things in and around Wales to do with safeguarding issues, so I think we have seen increase in concerns around social services. I do not think it is that much of a surprise.

[104] To answer the question about advocacy services in particular, you will know that I have announced a review of advocacy services for looked-after children and children in need, and part of my reason for doing that is that I have met with children in the looked-after system who do not know about advocacy services or how to access an advocate. We are very careful when these calls and enquiries come in to the casework team that we only handle cases that no-one else will handle or manage, so quite a lot of our work will be about referring to the appropriate agencies—to social services or the police, if it is a child protection issue.

We stand squarely within the all-Wales child protection procedures—I would not want to give you the impression that we are safeguarding or entering into direct child protection work, because that is not our remit. It is our remit, however, to support children and to ensure that they are safeguarded. In the last year, I have spent an awful lot of time talking very carefully in the media, and taking as many opportunities as I can to say that I know times are tough, but that there is nothing more important than keeping our children safe. Some of that has driven the concern that has come in and been reflected in these results.

[105] **Lynne Neagle:** I want to ask about housing. You have highlighted a very big increase in housing cases—66 per cent. Are you seeing any trends within that?

[106] **Mr Towler:** One of the things that came through in the work that we did with looked-after children and young people was the issue of transition from care to independence. So many looked-after children gave me direct information about living on people's sofas, being homeless and not having places to live and said things like 'we've left care'. That could be a 17-year-old who said, 'I've left care; I'm on my own now'. There are huge issues for me in that, because there is a responsibility on local authority children's services for the continuation of care. So, one of the issues is about children as they prepare for independence, and part of what we have to do is to recognise the fact that young people need support in relation to securing tenancies. When you are 17 or 18 and have left care, it is a difficult time—it is difficult enough for children who come from supportive families. A tenancy might break down because a young person does not behave appropriately or something happens. The issue for me then is the support that those young people should be able to enjoy. I know this from personal experience with my children; when things have gone wrong with my eldest son, he has come back to the family and we have sorted him out. I would expect local authorities who have responsibilities for looked-after children to do much the same. There is something about supporting single young homeless people in tenancies, and that is the kind of theme that we are seeing. They cannot make their bonds; they are falling out of tenancies quite quickly; they need support to get back into appropriate housing—it is a critical issue. The issue arises for me, too, when I do casework in young offender institutions. It is remarkable how many of those young people come from a looked-after background and how many of them talk about being homeless.

[107] **Lynne Neagle:** So, are you saying that local authorities are not providing that service on a consistent basis?

[108] **Mr Towler:** Not on a consistent enough basis. I have seen these issues and have reported on them in the report that I have published, called 'Lost After Care'. I was really pleased that the Deputy Minister was clear in saying, 'We are going to have to pick up these recommendations'. Local authorities have been good at recognising the issues that young people were telling me about and responding to those things. One of the issues for me is ensuring that I continue to monitor how that works for children who have left care, because the support for those young people is critical.

[109] **Aled Roberts:** Mae tystiolaeth bod y ddarpariaeth yn wan mewn siroedd unigol. A oes problem? Yr ydym yn sôn drwy'r amser am arfer da ac yn y blaen, ond mae'n syndod os yw'r sefyllfa yn newid o sir i sir. Mae'n bwysig bod gennym arfer da ar draws y wlad.

Aled Roberts: There is evidence that provision is weak in individual counties. Is there a problem? We are always talking about good practice and so on, but it is astonishing if the situation changes from county to county. It is important to have good practice across the country.

[110] **Mr Towler:** I could not agree more. Consistency is the key in all of this, but I am seeing rather patchy provision. There are examples of very good practice and we need to ensure that that is happening across the whole of Wales. This is particularly important for that

looked-after population. There are just over 5,000 children and young people in care, so in any one year there will be 300 to 400 leaving care. It is not a huge number of young people, so I would contend that getting this right and consistent is not that big a task.

[111] **Aled Roberts:** A oes tystiolaeth o ba le mae'r arfer yn wael? Mae'n bwysig bod y Cynulliad yn monitro problemau mewn siroedd unigol.

Aled Roberts: Is there evidence of where there is bad practice? It is important that the Assembly monitors problems in individual counties.

[112] **Mr Towler:** There is some evidence. The casework that comes into my office can be made freely available to you, so that you can see where those things are coming from. That would give you a broad feeling of where things are not going as well as they might. I have yet to come across a local authority that does not recognise that it wants to do the best that it can for those young people. They take it on the chin and they are responding appropriately. I am comfortable that people have listened to what I have said about this. So, evidence exists, but I am clear about the fact that heads of children's services—who I met only last week—have taken that on board and are going to work hard to make that happen. The issue for me is not only the extent to which authorities use their own resources, but also their relationships with the voluntary sector, particularly in supporting homeless young people.

[113] **Keith Davies:** O'r bron 500 o achosion a ystyriwyd gennyh y llynedd, yr oedd 60 wedi codi oherwydd bod plant wedi cysylltu â chi. Ai dyna'r cydbwysedd yr ydych am ei weld, neu a ydych am weld mwy o blant yn cysylltu â chi?

Keith Davies: Of the nearly 500 cases that you looked at last year, 60 arose because children had contacted you. Is that the balance that you want to see, or do you want to see more children getting in touch with you?

[114] **Mr Towler:** I am really pleased that we have seen that. Those 62 young people represent a 15 per cent increase on what we have seen year on year, so I am pleased to see that children and young people are contacting the office of the children's commissioner directly. It sounds quite an easy thing to do, but I think that, if you are child or young person, picking up the phone or using the text service is actually quite a tough thing to do. That results in some of our targeted work as an office. We decided to target our programme work—I remember discussing this last year in this committee—on particular vulnerable groups of children. I was talking about looked-after children, disabled children and young people, Gypsy/Traveller children, and targeting our awareness-raising strategy at the most vulnerable groups.

[115] As a result, we are seeing some vulnerable groups feeling more confident about getting in touch with the commissioner and that is a great thing. However, it is still only 62 and I would like to see that increased further. It is quite a big jump this year, which I was really pleased about, and I would like to see that being developed further and that children have the confidence to engage with their commissioner. In response to Aled Roberts's question, I said that I cannot believe that the 5,000 children in the looked-after system would not bring issues to me if they felt confident enough and knew about the commissioner. Therefore, we should see an increase in the number and my team is working hard to give young people the confidence to do so. I should also say how much those young people are encouraged by professionals to get in touch with the commissioner directly. It is not just about my team—it is about people recognising across the piece that children and young people should be able to get in touch with their commissioner.

[116] **Angela Burns:** Could you provide us with a breakdown of the age range of the 62?

[117] **Mr Towler:** The majority of them are male and between the ages of 11 and 14, but we can provide you with further information.

[118] **Angela Burns:** That answers my question.

[119] **Mr Towler:** Okay, but we can provide you with more detail, if you want it.

[120] **Christine Chapman:** Thank you. The next question is about the media, which we have already talked about a little bit.

[121] **Jocelyn Davies:** You mentioned earlier that you have secured significant media interest and your report mentions it as well. You obviously consider that to be important or you would not have included it in your report. Could you outline why you think that that is important? I am following you on Twitter, by the way—

[122] **Mr Towler:** Yes, I know.

[123] **Jocelyn Davies:** I think that you are following me as well.

[124] **Mr Towler:** Yes.

[125] **Simon Thomas:** It is a love-in. [*Laughter.*]

[126] **Jocelyn Davies:** What percentage of your staff is dedicated to communications work? It is not just about your appearances on television—there is Twitter, the website and other things. We spoke about the increase in inquiries and you would imagine that the increase in coverage would result in more cases coming forward. However, I can see from your report that there were 477 cases in 2010-11 and 475 cases in 2009-10—so that is only two more. There were 529 cases in 2008-09, so the numbers have gone down by 50 cases from the year before. Therefore, if there are more inquiries and communications are so good, why is the number of cases static? Does that mean that you are just signposting people elsewhere?

[127] **Mr Towler:** There are a lot of questions there. I will start with the media work. When I became commissioner three years ago, the profile of the commissioner was pretty low. I made a deliberate decision to raise awareness of the UN Convention on the Rights of the Child and the role of the commissioner. That meant thinking about our media profile and our communications activities. It is a deliberate strategy to raise the profile of the children's commissioner, to the point that adults, children and young people recognise that they have a commissioner and that children's rights is the framework within which the commissioner is working. There is no doubt that there is a correlation between the media profile on particular issues—as we have done with safeguarding and child protection—and what that funnels in to my office.

[128] You are right about the numbers of cases. As far as I can look back over the last 10 years, apart from the early days when it was 200 to 300, it has always averaged out at around 400 to 500 cases. It has always been at about that level. We have always signposted to the agencies that we think can deal with those cases most appropriately because we are not a service-delivery organisation in that sense. Therefore, we deal with those cases as full cases that other organisations cannot handle. We take a view that only intervention will see it through. We signpost appropriately to the organisations that are closest to the child and can seek that resolution. However, we would always support the child through the referral process.

10.30 a.m.

[129] So, we always make sure that even those cases that are one-off cases and the cases that we signpost are picked up on and seen through. The media strategy, using Twitter and

other communication methods, is just part of raising awareness. I think that we have been successful in doing that. It has given more children and young people the confidence to get in touch. However, when you see the quite big things that happen in the media, where things do not go so well—we have seen considerable failings—I would still expect the casework to go up. What the figure does not reflect is all of the policy issues or other issues that people bring into the office. We do not monitor that number in the same way as we monitor the casework. So, the activity is quite high.

[130] In answer to the question about the number of staff who are dedicated to this, during the course of the year in question I have had one full-time communications officer who handles all of the media work, all of the Twitter accounts and all of the website stuff, which is part of the development as we redesigned the website. Her work is pivotal and dedicated to the external communications strategy. She and I work closely together; it is a close working relationship. That is the basis of the investment. We do not use external public relations agencies or anything like that. We handle it ourselves.

[131] **Jocelyn Davies:** I suppose I am following her on Twitter then, rather than you.

[132] **Mr Towler:** Well, I write most of the tweets.

[133] **Jocelyn Davies:** So there are about 500 cases, you raise awareness, and probably expectations, but the case load remains the same. Is it the case that your office can handle 500 cases and cannot handle any more, and if you had more staff you would be able to handle more cases?

[134] **Mr Towler:** We expect to always get around 400 to 500 cases; that is what happens. I have a team of four people who respond to those inquiries. I would love to see that team worked off its feet. There are times when it is hectic and mad. Some of the 170 cases that we take on as full cases can be six to nine months of intensive work. I still think that we need to drive that up. If you raise awareness we will get more children and young people and people who support them coming into contact with the commissioner. So, it is a never-ending process of raising awareness. That team works pretty hard most of the time. If we ever became inundated, the Welsh Government knows that I would go back to their door and say, 'I need more resources to cope with this'. However, at the moment, that figure of 400 to 500 has been static. I would like to see it increase.

[135] **Jenny Rathbone:** I would like to focus on your messages to people who are responsible for the wellbeing of children. On the school toilets issue, why do you think your message has not got across to all school governing bodies? It is nothing to do with money, but such basics as whether the toilet has a lock and loo paper.

[136] **Mr Towler:** I look forward to the day when I do not have to talk about school toilets.

[137] **Jenny Rathbone:** How effective is your communication on this?

[138] **Mr Towler:** I think that the communication of it has been pretty effective. I have been really disappointed by the Welsh Government. It has now produced guidance for governing bodies, headteachers and local authorities. It took ages to produce that guidance. The guidance is good and clear, but it should not have taken that long to produce. I have been quite critical of that. From that point of view, the message was heard by the Welsh Government, and it did something about it, but it took an age. So, the guidance has been released, which will, hopefully, give people confidence that they need to do the right things for children in relation to school toilets.

[139] Some headteachers, governing bodies, school councils and children and young people

have been working effectively, and saying that they will paint their own toilets, put mirrors up themselves and are going to sort this out. I am really impressed with their commitment to do so. However, some are not on board; this is a really basic issue and I am fed up of talking about it frankly. In terms of whether the messaging was right, I think that it was. People decided they were going to respond to it at government and local level. Hopefully, the guidance will give clear pathways for governing bodies and headteachers to sort this out. It is not all about money; it is about attitude. I cannot imagine another part of public service where we would allow such disgraceful toilets to exist.

[140] **Christine Chapman:** We move on now to questions on children and young people's participation in the work of your office.

[141] **Julie Morgan:** Keith, I know that you have chosen four groups of children to concentrate on to get them to participate more. Your work is going to concentrate on those four groups. Can you say why you chose those four groups? What about asylum-seeking children? Perhaps you could talk about that a bit.

[142] **Mr Towler:** We chose the four groups because we were looking at the casework that was coming through and thinking about issues in relation to vulnerability. When I was appointed as the children's commissioner three years ago, I felt that, with regard to impetus, particularly for looked-after children and young people, the Waterhouse report had given everyone a real focus on that group. However, I felt that they were probably still the most vulnerable group of children and young people, and I also felt like that about disabled children and young people, Gypsy and Traveller children and those caught up in the youth justice system. I completely take the point about asylum-seeking children, and, of course, this does not mean that we are focusing exclusively on those four vulnerable groups. We do an awful lot of work, and some casework, on asylum matters. To me, there is always the issue of the matters that are devolved and non-devolved. As you know, I speak out on asylum issues even though it is a non-devolved matter, and I do what I can to influence positive outcomes for those young people. However, I realise that I am on weak territory in relation to my remit and powers because they do not extend to non-devolved matters.

[143] Our participation strategy has tried to focus on the fact that I am the children's commissioner for all children and young people in Wales. So, rather than setting up specific advisory groups, we have been trying—through the school visit programme, the youth work programme and the project visits, including asylum-seeker children—to raise awareness constantly of participation, voice, and children and young people being part of the decision-making process. One of the things that disappoints me, although we have achieved huge successes on participation structures, is when you hear, as was the case just recently, joint inspection reports that say that children's voices have not been heard and that people are minimising safeguarding concerns. That still bothers me. There are things going on around the voices of children that take us straight back to Waterhouse. They take a straight back to the Clywch inquiry and the Waterhouse inquiry. Massive progress has been made on the extent to which we are really listening to children and young people, but there are still many, many examples of times when children would say, 'Actually, we're not being heard'. Children in the asylum system would say that pretty loudly as well, and they do say that to me as often as they can.

[144] **Julie Morgan:** How are you going to target these four groups more than you have done already? What extra are you going to do to engage with them?

[145] **Mr Towler:** We have now established a pattern of a way of working in the strategic work programme. Those matters that come into the office that we cannot predict, which children and young people bring in either through the casework advice or other things, we deal with as and when they happen. However, with regard to thinking about those four

particular groups, producing the work we did this year for looked-after children, the 'Lost After Care' report and My Planner, which was largely directed and produced by young people, meant that, the year before, the team and I were having loads of meetings with children in the looked-after system, doing scoping work, with children and young people informing and directing our work for the following year. So, we are doing that work now with disabled children and young people and Gypsy/Traveller children and young people to think about what our programme of work will look like next year. We are also doing that in relation to youth justice. So, we are targeting very specific groups of children and young people.

[146] We also run the ambassador programme through primary schools in Wales. Children become ambassadors for the children's commissioner in their schools, taking on particular projects. That has proven to be massively popular in primary schools and is really building a consensus among children and young people and involvement in children's rights. In the past year, we have formalised the relationship between my office and Funky Dragon, the Children and Young People's Assembly for Wales. So, when Funky Dragon is raising issues of concern, it is bringing these to my attention. There is an advisory group of volunteers from Funky Dragon who work directly with me so that they can take a look at our programme. They are shadowing me. They will be here today in the public gallery, watching what is going on and holding me to account. We have tried to think of as many ways as we can to get children's participation driving all of the work of the children's commissioner's office.

[147] In part it is about giving children confidence. It is also, for me, in terms of raising awareness, never a done job. As a method of working, it is something that we have to keep going. The looked-after work, particularly the production of the report and the planner, which was a real product for children in the looked-after system, happened because of that participation strategy. It happened because young people who were in the looked-after system were working with us and owning what the solution was going to be. I think that has impressed adults who work within that system to respond to them.

[148] **Simon Thomas:** I have a quick question on an issue that cuts across the groups that you have identified as your key groups. This is only anecdotal evidence, but I have had it brought to my attention that a young person who wants to go to university, or has ambitions to go ahead with higher education, for example, will find it difficult if they do not have a permanent address. This involves Gypsy and Traveller children or homeless young people. It is not so much the university or college that has a difficulty with the lack of an address, but the whole funding system, due to the need to get grants and to set yourself up for a life of debt—as we know, that is what the current system involves. Doing that without a permanent address is very difficult. Is that something that has been brought to your attention? What should the authorities be doing to ensure, for example, that looked-after or Gypsy children are able to access the same rights and opportunities as children living in a separate community?

[149] **Mr Towler:** The issue about permanent addresses has been brought to our attention. In terms of the looked-after work that we did, one of the things that came to light was the issue of national insurance numbers. If a child comes into care and the local authority takes parental responsibility and control of that child, there will be no record of child benefit or housing benefit and, therefore, that child may leave care without a national insurance number. When you do not have a national insurance number, you do not have much chance of accessing anything at all. So, part of the work that we did in producing the report was to get on to HM Revenue and Customs to point that out. As a result, it has changed its arrangements. We provided advice in the planner document enabling us to tell children, 'If this happens, this is what you should do.'

[150] The issue of having a permanent address is huge. With regard to Gypsy and Traveller children, you are right about the access to university placements and other institutions. The other problem that arose only two weeks ago was about passports, particularly for Gypsy and

Traveller children who move around, and whether professionals with sufficient status in the passport application process could vouch for the fact that they had known the children for five years or more. Everyone said that they could not do that. So, Gypsy and Traveller children are not getting passports. It very much corresponds with your experience and it is something that we want to do a bit of work on. The casework team are looking at the Gypsy and Traveller stuff and the passport issues in particular at the moment. If you would like to bring that anecdotal evidence into the office, we would be pleased to look at it.

[151] **Jenny Rathbone:** I want to ask you about the rights of the children of prisoners. There is a lot of concern that the courts just do not take into consideration the rights of children before they remand somebody in custody, particularly in the case of women who may be remanded into custody, but who are then not given custodial sentences. The disruption to family life in the meantime—

[152] **Mr Towler:** I am really concerned. The youth justice board has worked really hard to reduce the number of children and young people who are sentenced to custody. We have seen those sentences reduce. However, when you look at the remand in custody figures, particularly in relation to those individuals who go on to receive community penalties, you have to ask yourself the question, ‘Why are we remanding children into custody if the seriousness of their offending warrants a sentence that is a community-based one?’

[153] **Jenny Rathbone:** I am focusing on the children of adults.

[154] **Mr Towler:** The same problem occurs with adults too. In terms of the disruption to families, it is massive. The other thing with regard to women who get sentenced to prison is that they are going to be many hundreds of miles from their local area because there are so few women prisons. Therefore, the disruption to family life is huge. When mothers with small babies are sentenced, I know that colleagues in the prison service work hard to try to make that prison experience as normal as they can for the mother and child. However, you are still talking about an environment that is predicated against a kind of warm atmosphere.

10.45 a.m.

[155] I have seen first-hand, given that I used to work in the criminal justice system before I became the children’s commissioner, really dedicated prison officers doing what they can to mitigate the effects of the immediate surroundings. However, you cannot get away from the fact that imprisonment is massively disruptive for family life. I think that it also impacts on children in later life. The aspirations, self-esteem, opportunities and attainment levels of children all take a knock as a result of that experience.

[156] **Julie Morgan:** The role of the Children’s Commissioner for England has been reviewed and changed. What impact will that review have on your role? The Welsh Government wants to give you more independence, but what frustrations have you had regarding what you have been unable to do so far?

[157] **Mr Towler:** How long do I have? I was pleased with the outcome of the John Dunford review into the England commissioner’s role and office. John Dunford came to Wales, and visited other countries, as part of his review, and I spent some time talking him through the role and remit of the Children’s Commissioner for Wales. That helped him get an appreciation of the impact that the children’s commissioner has in the devolved country that is Wales, and he took on board quite a lot of the things that we were saying. I was particularly pleased with his recommendations for England’s children’s commissioner, because, in essence, what he was saying was that if you are going to have a children’s commissioner in England, it must be done properly and well, and sufficient powers should be given to that commissioner.

[158] He also said clearly—and people talk about working within the spirit of Dunford—that every commissioner in the UK should have the powers and a remit that extend over devolved and non-devolved matters. I was very strong on that matter when I met him, not least because it does not make sense for children and young people who are going through the asylum system or the youth justice system, who are normally resident in Wales, to come to their children’s commissioner to find that I do not have the same remit for them that I have for other children. It is also true of issues in relation to child poverty. Dunford recognised that and I was pleased that he did. I was also pleased to hear the UK Government state that it would take those recommendations seriously.

[159] I have met with Sarah Teather on one occasion so far to talk about the implications for Wales, and you rightly say that the Welsh Government has made a clear statement that it wants to look at the role and remit of the Children’s Commissioner for Wales, which is a good thing. It is good, not least because 10 years have now passed, but because the legislation for the Children’s Commissioner for Wales is a bit messy at times and could do with tidying up. We now have a legislature and an Assembly, which we did not have back then, and so the issue of the children’s commissioner holding the Government to account and scrutinising the work of committees like this one needs to be considered.

[160] So, we talk about strengthening the role of the children’s commissioner and I am asked what powers I want, but I am not sure that it is all about powers and having the ability to electrocute people, for example, if they do not do the right thing by children. However, I would like the remit to extend to non-devolved matters. That is my biggest area of frustration and it is the part that I find difficult to explain to children and young people generally. If I could get your support on that, as that process rolls out, I would be very pleased indeed.

[161] **Julie Morgan:** Do you want to be in the position of having the same powers to act for every child who lives in Wales?

[162] **Mr Towler:** Yes. Those children who find themselves living in Wales and want to bring something to the attention of the commissioner ought to be able to do so, on any matter. That is my view. There are times when I feel that I am a bit out on a limb and that I am pushing my remit further than I should, because what I do, and what I ask the team to do, is to deal with all children in exactly the same way. However, I know that we are on a bit of a sticky wicket and if we are challenged, we are challenged. So, yes, having that power would make a significant difference. One thing that I have not mentioned is the Rights of Children and Young Persons (Wales) Measure 2011. As that comes through, we will have to start to think about where children will go if they are unhappy that people are not giving them something—they will go to the commissioner. The routes for coming to the commissioner are changing. We need legislation that reflects modern Wales and 10 years on is a good opportunity to do that. We could get this right for the next commissioner who will come on board in April 2015.

[163] **Aled Roberts:** The consultation on the Dunford recommendations finishes this weekend, I think.

[164] **Mr Towler:** Yes, it will finish pretty soon.

[165] **Aled Roberts:** How problematic do you think that this issue of non-devolved responsibilities will be, if we have a situation in which the English commissioner is set up on a similar basis to that in Wales? Are there legal hurdles that will have to be overcome for UK-wide responsibilities, given that we will then have four commissioners?

[166] **Mr Towler:** If you look at the remit of the four commissioners, you will see that they

are all very different. In Scotland, for example, Tam Baillie does not have the ability to review individual cases in the way that I do and that Patricia Lewsley does in the north of Ireland. If we see the commissioner for England becoming a commissioner who has the power to review individual cases and do examinations and the work that you would normally expect me to do, there will then be complex legal issues that we will need to unravel. I know that the Welsh Government feels quite confident that it is able to legislate to increase the remit of the children's commissioner. The debate that Welsh Government and Westminster Government lawyers will need to have is about the route to do that, if the political will exists to achieve that aim. As commissioners across the UK, we have been trying to take the spirit of the Dunford review and work collectively together on non-devolved matters. So, you will see us jointly producing what we are calling the mid-term report in November, which is in the middle of the reporting cycle to the UN committee, and that report will focus on those non-devolved areas in which we all share particular concerns. So, we are trying to find ways of working together. Officials from Governments across the UK are sitting around tables with us too, starting to think through what those complexities are. I will not kid you; I am not a lawyer and I do not know how we will get through this, but if the political will is there to achieve this, then the task for the lawyers is to make that happen.

[167] **Lynne Neagle:** In your report, you refer to the fact that we are living in an age of austerity, which I am sure that we all recognise, when the Government is cutting deeper at a time when children are facing more challenges. Can you tell us a little about what you think needs to be done in that context to ensure that children's rights are upheld in Wales?

[168] **Mr Towler:** I have been in a reflective mood because of the tenth anniversary, but just thinking about my three years as the children's commissioner, when I was appointed we had the mantra that one in four children were living in poverty, but we are now talking about one in three children living in poverty. The big issue is that we know that 32 per cent of our children are living in those circumstances. We have become much better at understanding that that is not necessarily about deep-rooted unemployment. It is about families struggling on low incomes and that has a massive impact on the attainment levels of our children and the opportunities open to them.

[169] It was interesting to hear the Government budget announcements yesterday and the discussion about economic regeneration. We have to maintain our focus on the child poverty strategy that we had in place and the commitment to work on that, but we must also join up our thinking around economic revival and economic strategies with what that means for children and young people going through the education system today. One of the things that we need to reflect on more, particularly in schools, is recognising and valuing vocational and skills-based training, but we must match that to job opportunities. So, I do not want to see the economic regeneration strategy and the child poverty strategy handled separately; I want to see them brought together. Otherwise, we are on a hiding to nothing. We set targets for 2020 and if we are serious about bringing ourselves back on track and meeting them—it is tough and it is not all within the gift of the Welsh Government—we need to bring this together.

[170] **Simon Thomas:** Yr ydych yn nodi yn eich adroddiad mai eich prif bryder yw'r methiant i weithredu cyfreithiau a pholisïau cenedlaethol yn gyson. Hynny yw, yr ydych yn dweud bod bwlch gweithredu. Mae'r polisïau yn eu lle, ond nid ydynt yn cael eu gweithredu yn iawn. Mae'r pwyllgor yn ymwybodol bod hynny wedi dod i'r fei yn ddiweddar mewn rhai rhannau o Gymru. Yn fwy penodol, pa gamau allwch chi eu cymryd, gan gydweithio gyda Llywodraeth

Simon Thomas: You note in your paper that your main concern is the failure to implement national law and policy consistently. That is, you are saying that there is an implementation gap. The policies are in place, but they are not being implemented properly. The committee is aware that that has recently become very apparent in certain parts of Wales. More specifically, what steps can you take, working in partnership with the Welsh Government, to improve this

Cymru, i wella'r sefyllfa hon?

situation?

[171] Hoffwn gyfeirio yn ôl at y drafodaeth a gawsom yn gynharach ynglŷn â nifer yr achosion sydd gennych—rhyw 500. Yr oeddech yn dweud eich bod am weld mwy o achosion. Fodd bynnag, eich swydd chi yw gweld llai o achosion, gan mai ein swydd ni yw sicrhau nad oes un achos yn dod atoch.

I would like to refer to a discussion that we had a little earlier regarding the number of cases that you have—some 500. You said that you would like to see more cases. However, it is your job to see fewer cases, because we all have a job to ensure that no cases are referred to you.

[172] **Mr Towler:** Absolutely. Would it not be great to get to the point at which we do not need the Children's Commissioner for Wales? That would be fantastic.

[173] I spoke about the issue of the implementation gap when I published my last annual report. I am pleased to hear the Government saying that it is all about delivery and improving that. For all of the things that we want in terms of good outcomes for children and young people, we have good policies and strategies in place. We have got the framework right. However, we have social workers, play workers and health workers who are really under the cosh and who are still feeling undervalued. So, in terms of thinking about what we need to do to improve outcomes for children, I think that we need to focus on practice and on training and development for our front-line staff.

[174] In all of the budget considerations, we need to maintain front-line workers; we really do. I have done lots of work with looked-after children who refer to social workers, foster carers and nurses as having saved their lives. They use that language. That is certainly a good outcome for children, but as to whether that meets a performance indicator, I do not know whether we have ever had one. So, when reports are published that refer to failings and you ask what the children's commissioner can do, one thing that I feel that I have to do is to publicly value that work and inspire people to do the right thing by children. No-one came into any of their professions to make children's lives miserable; they all came in to make a difference. However, we saw recently, in the review of the work of social services, that social workers were reporting real frustration at the amount of time they spent in front of computers and filling in forms, and how little time they were spending face to face with children and families. Social workers come in to practice with kids, as do nurses, police officers, and everyone else. That is the agenda. For me, that is what it is all about. If we are going to drive up those outcomes, we need to support our front-line staff.

[175] **Simon Thomas:** Do you see your office having a role in that? With regard to the recent reports in Pembrokeshire, for example, your office was there as part of the process of looking at what happened. Do you feel that you should be a part of the solution? You talked about valuing front-line staff, which you can demonstrate through the media and the declarations that you make, but what about designing and supporting the services and the improvement that could be made? Do you see yourself as having a role there?

[176] **Mr Towler:** There is a fine line and this would require a judgment call. I do not want my team to be drawn into becoming a mainstream service delivery agent for children. Using the Pembrokeshire example, a joint inspection report was submitted, the inspectorates briefed me on what was happening—I knew what was going on. The report was then published and the media stuff starts to kick in. I met the chief executive and the leader of the council, the leader of education and the director of education and told them that I was seriously concerned about what was being said, but that I had confidence in the quick response of the Welsh Government and the work that the joint inspectorates were going to do to follow up. I will monitor that very carefully indeed. The leader of the council took what I had to say seriously. I felt that he responded appropriately. He said that they will work with the inspectorate and he asked whether I would help them to start to shape things up. Yes, I will do that; I will give

them that kind of confidence.

11.00 a.m.

[177] **Simon Thomas:** You cannot do that all over Wales, can you?

[178] **Mr Towler:** Absolutely. I cannot do that everywhere. I have to hold the inspectorates and the Welsh Government to account. So, for example, if the Welsh Government said that it was not going to do much about Pembrokeshire, I would jump in very quickly and say, 'If you are not going to do it, I will'. I have 22 full-time posts covered by 26 people; that is my resource. I cannot inspect and monitor; I do not think that it is appropriate that I do so. However, I can try to do what I can to influence people to do the right thing and to hold them to account.

[179] **Simon Thomas:** Do you think that people understand that?

[180] **Mr Towler:** I think that it is sometimes a struggle, for example in the media work, especially with regard to safeguarding and child protection. I have listened back to some things over the last year, and people talk to me as if they think that I own the solution to issues, when, in fact, I do not.

[181] **Lynne Neagle:** This implementation gap is at the heart of this matter. It was a constant theme in the work of the last Assembly's Children and Young People Committee. What could Welsh Ministers do to change this? It seems hard to fathom that there can be so many good policies and, yet, the implementation can be so poor. Have you had any discussions with the Assembly Government about the new delivery unit that will be coming on stream, and how that might impact on delivery for children? Finally, you have referred to some of the changes that may be in the pipeline for your post. Is there anything specific that you would like to see changed with regard to your post that might help to deal with this implementation gap?

[182] **Mr Towler:** I have said to Ministers that I would be pleased to meet with the delivery unit to get a feel for what it is going to do with all of that, and I look forward to having those discussions. We talked about article 12 of the convention, which is about all children having a right to have their voices heard when decisions are being made. We hear that rhetoric a lot. However, in practice, we do not always see that working in the way that we want. To answer your question about the role of the children's commissioner and holding people to account, we may see this coming through as the Rights of Children and Young Persons (Wales) Measure 2011 takes effect. I want to know how children and young people have had their voices heard, and how those direct experiences have been heard by the people who can make a difference for them. For example, in relation to the looked-after children work that we did—because that is most current in my mind—children who express concerns about issues such as their future, foster placement, breakdown and homelessness and so on, and their experiences in that respect, have to inform the way that social work managers and homeless agencies organise their work.

[183] One thing that the Government can do is to strip out quite a lot of the bureaucracy to do with partnerships and the performance management indicators. The performance indicators that fly back to Cathays park, so that civil servants can monitor what goes on, will tick off boxes such as 'child's voice', 'school council' and a number of other things, but is it really making any difference to children's lives? I do not know; I do not think that it is. So, I think that we need to see something that values what children and young people have to say, and evidences how people are organising their resources to meet that need. We do not really have that at the moment. We have many frustrated professionals and committed professionals who want to get to that point, but the bureaucracy of partnership is pulling them away from that.

[184] Some of the issues that are played out between Welsh Government and local authorities are issues such as boundaries—have we got too many local authorities? Can we make them coterminous with health areas? I have conversations with young people about these issues and they see them as adults just tinkering around the edges. Unless the health service is there when you are ill, or someone comes to look after you because you cannot be looked after, to be frank, children do not care where it comes from. They just do not. What they will care about is some trusting relationship with individuals, so we need social workers and health workers to be seen; children need to be able to trust these people who are important to them in their lives. In the looked-after work that we did, one of the things that really struck me was that the children in that system were referring to social workers as really important, powerful, but distant figures. They thought of them as the people who made decisions on their life, and they did not want to upset them, but they did not know who they were, really. They would say, ‘It used to be Fred, but now it is Mike, and tomorrow it might be someone else’. That is not a criticism of social workers, because they are under huge pressure, but what children and young people want is a consistent relationship. That is what the delivery task is all about.

[185] **Christine Chapman:** We have a number of questions that we want to cover about the report. I just remind Members that the commissioner has to leave by 11.40 a.m. at the latest, because he will be attending a very important event with the First Minister and children and young people. We move on now to Angela.

[186] **Angela Burns:** I have three questions on ‘Aim 1: Flying start in life’. Under the section entitled ‘Parenting’, you comment that there is much confusion around the number of Government strategies, such as Families First and parenting support. Could you expand on that a little? I listened carefully to your answer to Simon Thomas earlier about being there to monitor rather than provide the solution, but I will ask if you have a view about a solution to that confusion.

[187] **Mr Towler:** It was pleasing to see the Welsh Government respond to the work of this committee and accept your recommendations. The critical point is that parents need support. Parents and families are under pressure, and we will often hear concerns about parents not getting the kind of support that they want. It seems to me that there are valuable lessons to learn and things that we can do much better in supporting parents. Going back to the discussion that we were just having, Lynne, about what delivery looks like, success looks like really happy family units with parents who are able to parent their children and have good relationships with them. We need to be clear about the framework for delivery, and the issue, I suppose—I feel as if this will become a bit of a mantra for me—is that, when we talk about holistic support for children and families, we should spend less time pathologising the behaviour of individual children, and more time thinking about how we brigade or organise our services in health, and in children’s services, so that they make sense for parents and families. It still feels to me that, despite our partnership agenda, local authorities are struggling to have effective working relationships with health, which is a massive concern. There is a lot that we can do, and still need to do, to really bed this in, so that parents know where to go for support. Support comes in from all kinds of places, and it is not as joined-up or effective as we would want it to be. People fly in and out. It goes back to that quality relationship—it plays out for parents as much as it does for children and young people.

[188] **Angela Burns:** I cannot let this opportunity go without getting on one of my favourite hobby horses, which I know you have heard about before—the definition of ‘parent’. We spend so much time talking about vulnerable children, Gypsy/Traveller children, refugee children and so on, but I do not know any parent who has not gone through a crisis of one sort or another with a child during their parenting life. I hold my hand up there, and we have had this conversation before. Could you, therefore, comment briefly on how the support

for parents in general—because I know that an awful lot of the parents who are excluded from all these groups that we target are desperate to get on to parenting programmes, and take advantage of them. They try to wriggle on to them or pay privately to go to parenting classes. Being a parent in today's society is incredibly difficult, and we do not have the social network that we used to have 50 years ago—Mum does not live round the corner, or Granny, or best friend. It is a tricky job.

[189] As they grow older, the pressures of society on the rank and file children of Wales are enormous. We have already talked about the sexualisation of children and so on. Every parent wants to be able to ask someone who has been there before their opinion. What concerns me with this talk of parenting support is that we are missing out the blob of those in the middle who also need it.

[190] **Mr Towler:** I could not agree with you more. Unless we get support for parents right, we are not going to stem the flow of children who are coming into care. To put it bluntly, that is what that is all about. We often talk about the number of children who are in need. That number represents families and parents who are under pressure. Parents need support at critical times. I have been there; everyone has been there. What we tend to do is to focus on those who are most vulnerable. However, we need to be clear about what we are trying to do and ask ourselves more questions such as, 'What kind of a childhood do we want every child in Wales to have?' and 'What are the experiences that children need to have as they grow up?' and 'What kind of support do parents need to cope with increasing demands?' You have already mentioned sexualisation; you could also mention Facebook, social messaging and the like, along with how you cope as a parent in a changing world where children are using a language that you no longer understand. Where parents go to get support is critical.

[191] I recently met a group of parents in Llandybïe, Carmarthenshire, in a parent support group. We were sitting down, drinking tea and talking, and they said that they were grateful for the opportunity to get together once a month to chew the fat over important issues to them. There was someone there talking about a second child and what needs to happen with prams and nappies and so on. Someone else was pulling her hair out over what to do about a 16-year-old that she felt was losing the plot; she felt that she had lost her relationship to her daughter and wanted to get her back. It is about having a supportive environment where parents can openly share their concerns without criticism, without being told that they are failing, and without feeling that they are doing everything wrong.

[192] If there is a handbook on parenting and how to do it well, I would love to see it. Parenting is challenging; it is the most important thing that any one of us will ever do. We should value those support groups more. Parents get a lot out of them. Parents who are working find it difficult to access opportunities for parenting support groups because they tend to be held during the working day, when children are at school. Parents who work are very lonely because of that. Mum may be working different shifts to dad and perhaps they do not see each other that often. The children will have individual relationships with them because they are struggling to cope. I am not sure how you would provide for families who work those kinds of shift patterns, sometimes on low incomes, and who struggle to find time off to spend together. The point you make is right. We have got to get it right. That is the experience that we want children in Wales to have in their childhood.

[193] **Angela Burns:** My second question is on young carers. You say that you will be monitoring developments closely, holding the Government to account, and drafting regulation guidance for local health boards and local government in developing and implementing their local strategies. It is about how we tie things together for young carers. This is less of a question and more of an appeal: I have real doubts about how individual secondary schools in particular handle young carers, in the slack that they cut them and in their acknowledgement of the fact that young carers have pressures on them that will have an impact on examinations

and so on. I ask that when you conduct the review that you look at that, because I do not think that they are singing from the same hymn sheet at all.

[194] **Mr Towler:** I agree. I have heard of good examples where secondary schools and local authorities took on board what I said in the ‘Full of Care’ report, and what young carers were saying, and worked hard to identify young people with caring responsibilities within schools in a sensitive way so that they recognised the pressures that those children are under. We also need to address the inconsistency of the statistics. I am pretty sure that there are more than 900 young carers in Wales, without doubt. So, thinking about caring responsibilities and how many young people are involved in caring, the figure is probably a lot more than 900. The other thing that struck me about the work that we did was that when I was interviewing 120 young carers, and we were asking them about the stress that they were feeling—I think the question was, ‘When did you last feel stressed?’—54 per cent of those young carers said ‘today’. I think that is still quite a significant finding. The challenge for secondary schools is to respond appropriately and consistently to their needs. We are a way off that, so I take that point completely.

11.15 a.m.

[195] **Angela Burns:** Finally, you will know that this committee looked at child budgeting in quite a lot of depth. Where has it gone? We do not know where it has gone; have you any clue where it has gone?

[196] **Mr Towler:** It has just gone. [*Laughter.*] The Government, it would be fair to say, has acknowledged the delay, but it has rather gone. I think the Rights of Children and Young Persons (Wales) Measure 2011 has to be the driver, and the due regard duty within that Measure has surely got to mean that child budgeting re-emerges. It has to, otherwise how on earth do we know that Ministers have due regard to the rights of the child? Any work that you and we can do collectively on that, we need to do.

[197] **Angela Burns:** It has been a source of immense frustration for us. In the budget that has just been announced, did any of the Ministers’ civil servants sit down and listen to the voice of a child? I would be surprised.

[198] **Mr Towler:** Me too. What is good is the child and young people’s wellbeing monitor publication that looks at statistics, and in the last year, we saw the monitor taking on board what children and young people were saying. That provides us with a really good baseline for what is going on, and it is a pretty good indicator for Government to start thinking about child budgeting. We know what the issues are, and now that we have the rights Measure coming in, it should not be that hard for the Government to do something like this and stop people like me and you getting more and more frustrated.

[199] **Angela Burns:** Maybe, Chair, we can crack the whip a little with the Government and ask for a response to some of that commentary. Thank you very much, Mr Towler.

[200] **Mr Towler:** Thank you.

[201] **Aled Roberts:** Yr ydych eisoes wedi sôn am bwysigrwydd y gyfundrefn addysg yng ngolwg plant, ond mae’r adroddiad hefyd yn nodi ar ôl canlyniadau’r Rhaglen Ryngwladol Asesu Myfyrwyr, bod cyrhaeddiad addysg naill ai yn aros yr un peth neu’n gwaethygu. Yr ydych hefyd yn dweud bod cyrhaeddiad, i ryw raddau, yn is

Aled Roberts: You have already mentioned the importance of the education system in the view of children, but the report also notes that following the Programme for International Student Assessment results, educational attainment is stagnant or deteriorating. You also say, to some extent, that attainment is lower than what you would

na'r hyn y byddech yn ei ddisgwyl o ystyried yr adnoddau sy'n cael eu rhoi i'r gyfundrefn addysg yng Nghymru. A oes gennych unrhyw sylw am gynlluniau'r Llywodraeth o ran gwella cyrhaeddiad addysg, a pha mor hyderus ydych y bydd y sefyllfa'n gwella? expect considering the resources that are put into the education system in Wales. Do you have any comments on the Government's plans in terms of improving educational attainment, and how confident are you that this situation will improve?

[202] **Mr Towler:** I welcome what the Minister for Education and Skills has done in terms of the plan that he has set out. For me, there is an absolute connection between attainment and attendance. Attendance levels at school, in some parts of Wales, are not as good as they could be. I gave the General Teaching Council for Wales a lecture on Monday night and used that as an opportunity to talk about the children's voice in all of this. So, while we have concerns about attainment, and while some of our school buildings are falling apart, we have children and young people who are making massive contributions in some of their schools. For me, a lot of that issue of attendance and attainment is built around the leadership that is displayed in our schools—leadership by headteachers and by governing bodies. If children and young people feel valued and respected, and feel that their opinions are taken into account, the evidence is there—and the studies show it, too—that children and young people's attendance grows because they trust the school, they want to be there, they are enjoying their learning and they are feeling safe, which is another key part of all of this.

[203] I also think that we need to think much more about vocational routes to training within school, as well as the focus on academic routes. We still underplay the importance of vocational qualifications in some of our schools. Like everyone else, I was rocked when I saw the PISA results and where we sit. We have an awful lot of work to do. Apart from this year, when we have seen a rise in the number of social services cases, most children and young people and their families usually raise things with me about education, bullying and complaints processes. Sometimes, that makes you think that the whole education system is falling apart, but a lot of it is centred on the children's voice and whether they feel respected and valued within those schools.

[204] **Jenny Rathbone:** I am still struggling to understand why we need a Welsh Government Measure to get local education authorities and school governing bodies to implement simple measures to do with school toilets. Having said that, I note your recommendation that a national safeguarding board should be established in terms of game change. You are critical of local safeguarding boards being focused on child protection, with very little attention being given to safeguarding. However, in the context of some of the acute cases that they have to deal with, I find it difficult to understand how they would ever get around to safeguarding.

[205] **Mr Towler:** It is a really good question. That comment reflects what local safeguarding children boards say to me, which is that their focus is dominated by child protection. I do not think that anyone would not want them to do that. However, the challenge for all of those agencies around the table with the LSCB is that the focus and the amount of work on child protection means that the safeguarding elements are not given the same attention as we would all like to see, because they are firefighting. We say that safeguarding is everyone's responsibility, and I think that that is true, so that means all agencies wanting to work to improve the life chances and the health and wellbeing of our children, so that, if children raise an issue with you, me or anyone, we respond appropriately. That is not always about child protection, but it is about safeguarding.

[206] In terms of the establishment of a national safeguarding board, I was on the forum that the Deputy Minister put together, and one of the issues that we flagged up very quickly—and I was not the only one that flagged this up—was about accountability. LCSBs do a lot of work in relation to child protection, but the accountability strands are not always clear. So,

when things go poorly and we have serious case reviews, someone from the LCSB will be saying things such as, 'We've learnt the lessons from this; we're going to do everything we can to ensure that this won't happen again'. When you hear four or five such comments played out in the public domain, you start to think, 'How are we learning the lessons? Where does the accountability for all of this rest?' I think that an independent board with some authority on accountability is needed, so that it holds those LCSBs to account, it makes sure that people learn the lessons, and it has some authority to make sure that training and development needs are carried out across all LCSBs.

[207] The other issue is that while that work is going on, we need to recognise that safeguarding is a critical part of everyone's work. I do not expect to hear teachers, nurses, police officers or social workers wondering why they have safeguarding responsibilities. All of us have to make sure that children are safe, and then we can do what we need to do with them, whether that is to treat them, educate them or give them a play opportunity. As long as they are safe, that is the most important thing.

[208] **Jenny Rathbone:** You talk about child sexual exploitation, which gets a lot of publicity, but an aspect that I am interested in is female genital mutilation, which is about adults considering that children should be mutilated to improve their marriageableness. How can we make schools aware of how to prevent this?

[209] I agree with the concern. We are seeing some success in what the school-based counselling services are beginning to show. I know that it is early days and we that will get reports around all of that, but I am hearing from children and young people that they trust school-based counsellors and that they are using the service. So, in terms of female genital mutilation and other areas that are difficult to talk about, if children and young people are showing trust in the school-based counselling service, we need to respond to that. If they are going there to have those kind of confidential discussions or to raise issues about anything—you also talked about sexual exploitation—let us value what those counsellors are doing, because the early evidence suggests that children are using that service in droves. I have heard anecdotal evidence from children that there was a concern around ensuring that school-based counselling services co-operate in a confidential manner. There seems to be less day-to-day concerns about that, because there are queues of children and young people waiting to get through the doors to see the school-based counsellor. So, the service is being used, it is being valued and it is going to be rolled out in primary schools. That is the route to ensuring that children have the confidence to raise issues and that they are raising them in a trusted environment. I know that it is early days, but it seems that the counselling service is good.

[210] **Lynne Neagle:** One of the most depressing things that I see as a constituency Assembly Member is when a family with a child with health problems comes to me and they are struggling to get the healthcare that the child needs. I have always felt strongly that children should not have to wait a long time for treatment and that their families should not have to battle to get that treatment. You have highlighted in your report that we are still waiting for the continuing healthcare guidance for children. Where are we with that? Are you confident that, when it arrives, it is going to deliver the goods, or are we going to see a situation where we are beset with implementation problems again?

[211] **Mr Towler:** Thank you for the question; it is such an important area. I would like to use this as an opportunity to put down a bit of a marker in relation to children's rights and, in particular, my role in relation to health. I want to give some focus to this, not least because we are getting the same kind of issues coming to us that you have been hearing about. I am incredibly concerned about issues around continuing healthcare. I cannot believe that the guidance has not happened. It puts professionals working within the health service in a really difficult position. We have seen some really brave general practitioners and nurses doing the best that they can with cases that are incredibly complex. Health needs and the services,

support and treatment that children require are complex—this is not easy stuff. Families are completely stressed out, which comes back to the point that Angela was raising earlier about the stress that families have. I do not understand why the guidance has been as delayed as it is. I just do not get it. We need to do anything that we can jointly to hold the Government to account. We should recognise what practitioners in health services are saying. They use the health seminars that I have with children’s champions every year to flag up their concerns with me, and that is why I feel I need to put down that marker.

[212] This also takes me back to the national service framework. If we had managed to implement the NSF, we would not be in this mess now. It is a mess and we need to be honest about the scale of children’s health issues. One of the things that struck me about the reorganisation of the NHS and the establishment of the LHBs was that, when you looked at the documents about the reorganisation and did a word search on ‘child’, ‘children’ or ‘young people’, you did not get many references. I think that children have slipped down the priorities for health and we need to raise the game. This is why I want to put down a bit of a marker to note that I am certainly keen to do some work on this. I would be pleased to work with you to think through what those issues are, because parents, families and children are being let down.

[213] **Lynne Neagle:** I welcome what you said, Keith, and I would certainly like to see us move to an entitlement for children to have the healthcare that they need when they need it. I was also going to ask, Chair, if we could write to the Minister to express our serious concerns about the delays in this guidance and ask that it is brought forward as a matter of urgency.

11.30 a.m.

[214] **Christine Chapman:** Okay. I agree with that. We have about 10 minutes left. Julie has some questions next.

[215] **Julie Morgan:** We have touched on some of these issues as we have been going along. You are going to undertake a review of advocacy services and you do not think that they are up to scratch across the country as a whole. Will you say a bit more about that and whether you think the Government has done enough?

[216] **Mr Towler:** It is interesting, because when I announced that I would be using the powers of the commissioner to review advocacy for looked-after children and children in need, colleagues in England said, ‘Good grief, Keith, why are you doing this? Wales has really got this cracked—look at all those commitments to advocacy’. However, the sad truth is, when we are doing our work with looked-after children and when we look at the casework that comes in—as I mentioned earlier—we see that too many children and young people have very little idea of what an advocate is and how they can access independent advocacy services. There were children who said such things as, ‘Yes, I did hear about advocacy; it was mentioned in my pathway plan’, I would respond, ‘Great; that is really good. Did you need the services of an advocate to help you?’, and they would say, ‘I was told I didn’t need one’. That is a significant snippet. I do not want to minimise what social workers, families and others do to advocate on behalf of children, because I think that does happen. However, I am concerned about the commissioning arrangements for independent advocacy services. I do not think that children in the looked-after system or, indeed, children in need, are getting access to those services. The review will look at the commissioning arrangements, how advocacy services are advertised and how information is made available to children. I will take evidence from children and young people, the Government, the independent advocacy board, chaired by Howard Williamson, advocacy providers and those who commission services. I will publish the review findings in the spring and I want to give some focus to making sure that the most vulnerable children can get their voices heard. I have enough evidence to suggest that that is not happening in practice.

[217] **Angela Burns:** Our predecessor committee produced a report on advocacy about three years ago. The Government accepted every single recommendation, except the first one, which was that advocacy services should be completely independent. We fought for it tooth and nail and the Minister was adamant that not having independent advocacy would not harm the provision of advocacy for children in Wales. I hope that you will examine what she said when she came before the committee and look at that in relation to this report, because we were 100 per cent sure that the Government would let us down on that issue, and so it has proven.

[218] **Mr Towler:** The issue of independence is critical and I have had enough anecdotal information on that—which is why I am reviewing it. I am pleased with the response that I have had. There has been 100 per cent return on the initial questionnaires that have gone out to providers and local authorities. So people are coming back to us on the information that we have been asking for, but I share the concerns that you have. I hope that you support the idea that I should be looking at this, because I think that it is one of the critical issues for our most vulnerable children. We are going backwards if they are not supported independently to get their voices heard, so I want to maintain that focus, but I am pleased with the early response.

[219] **Julie Morgan:** How many independent advocacy providers are there?

[220] **Mr Towler:** That is one of the questions in the review. I struggled with finding out where the advocacy providers were and what they looked like—as did your predecessor committee. I do not know but I hope I will know by the spring.

[221] **Julie Morgan:** We have covered children seeking asylum but we wanted to raise the issue of the age assessment. I know that you have concerns about that, as does everyone else. Have you seen any progress on that?

[222] **Mr Towler:** I have concerns about that. We have a case that is running at the moment on age assessment, which is difficult. I want the UK Government, the Welsh Government and the other devolved administrations to come up with very clear guidance around age assessment. The UN Convention on the Rights of the Child makes it clear that if there is any doubt about age then you should treat that person as a child, with all the protection and safeguards that children have. There is a dispute running at the moment that my office is involved in where the matter has gone through a court process and there has been a judgment, but the local authority that houses the individual did not make a full assessment and treated the person as a child, and all credit to the authority for that, but at the point that the removal process kicks in the person—he in this case—is then treated very much as an adult. There is confusion about what the age assessment is about. We have to come up with clear guidance. The Welsh Government has a role to play in this. I urge everyone to ensure that if there is any doubt, and there always seems to be doubt regarding age assessments, the person is treated as a child and we provide the safeguards that a child requires, otherwise that person is not going to be safe. We are in dereliction of our duty if we do not do that. Some of the treatments that I, and you, know about cause me great concern. People are not safe.

[223] **Christine Chapman:** I apologise to Members, as I know that a few others wanted to come in, but I want to get to the question on poverty as Mr Towler has an event to attend.

[224] **Keith Davies:** Yn adroddiad y **Keith Davies:** In the report of the children's commissioner 10 years ago, there was talk comisiynydd plant 10 mlynedd yn ôl, yr oedd sôn am dlodi plant. Fe wnaethoch sôn am y about child poverty. You talked about this mater yn gynharach a dweud nad oedd pethau earlier and said that things have not wedi gwella. Pam nad yw pethau wedi improved. Why have things not improved? gwella? Mae'r sefyllfa yr un mor wael ac yr The situation is just as bad now as it was 10

oedd hi 10 mlynedd yn ôl.

years ago.

[225] **Mr Towler:** I agree. We had strong UK Government targets on eradicating child poverty by 2020. However, in 2010 we realised that we had not even hit the half way mark. We were all concerned that we were not getting there. We are not helped by the present worldwide economic situation. However, in the short time that I have been commissioner, it is now one in three rather than one in four. We need to recognise the pressure that that puts on families. We have played that out in our discussions today. The Welsh Government's contribution to this is getting the resources we have to the front line of our service delivery. We must ensure that children and families are getting the best possible chances. I am concerned about how a lack of opportunities lowers children's aspirations. Children do not feel that they are good enough or valued enough to be able to have a holiday, or have the kind of experience that we would want them to have in some sort of a leisure facility. Children are being let down massively. If we are serious about this, then we must join up economic regeneration and the work that we are doing with children and families to ensure that our communities can sustain themselves. It is a massive challenge, and we must not underestimate it. That goes back to the point on the Welsh Government's delivery unit; that is where it must make a difference. I recently met university graduates—my own son graduated from university a few years ago—and they are really struggling to find jobs. When you go through an education system and emerge at the other end to find nothing there, it is pretty grim. We must do something about it. I know that times are hard, but, looking at the Welsh Government's total budget, we are still getting a lot of public money. It is about how we organise that and use it to its best effect.

[226] **Christine Chapman:** Thank you very much, children's commissioner. It has been an excellent session. You talked a lot about trust and ensuring that children and young people have a consistency of support and care. That is very important. We are in difficult times as far as funds are concerned, but a lot needs to be done on getting people to work together for the benefit of children and young people. This committee is 100 per cent behind that, we are the real champions for children and young people. Thank you very much, Keith, for your report. I know that today is going to be a very busy day for you because you have a lot of events on. Thank you for attending. I am sure that we will see you in due course. Thank you, Members, for your questions.

[227] **Mr Towler:** If I may say one quick thing, you mentioned that Members might have other questions. If you want to write to me or drop me a line, we will answer whatever questions we have not been able to cover this morning.

[228] **Christine Chapman:** Thanks, I am sure that we will take that up. Thanks very much.

[229] Our next meeting will be on Thursday, 13 October, when we will continue taking evidence for our inquiry into children's oral health.

[230] **Lynne Neagle:** Before you close, could you—*[Inaudible.]*

[231] **Christine Chapman:** Yes, certainly. Yes, we will do that. Thank you.

Daeth y cyfarfod i ben am 11.40 a.m.

The meeting ended at 11.40 a.m.