

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair,
Children, Young People and Education Committee
Welsh Parliament,
Cardiff Bay,
Cardiff
CF99 1SN

10 August 2023

Dear Jayne,

Thank you for your letter dated 14 July 2023 concerning the Welsh Government's response to the Committee's report "If not now, then when".

I was pleased to accept the invitation to the scrutiny session with the Committee. I welcome the opportunity to have a further constructive discussion on our response to the Committee's report.

I note your request for a written paper responding to the questions outlined in the annex to your letter. I intend to provide Committee with a response to questions 1 and 2 in the annex by 25th August, as you requested. However, it will not be possible to provide a written response to your remaining questions by that date. I will however respond in detail to all the questions raised, in person, at the session on 14 September.

Yours sincerely

Julie Morgan MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Jayne Bryant, MS
Chair
Children, Young People and Education Committee
Welsh Parliament,
Cardiff Bay,
Cardiff
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25 August 2023

Dear Chair

I write in follow up to my letter of 14 July 2023 concerning the Committee's request for further written information prior to the scrutiny session scheduled on 14 September.

I am pleased to share with the Committee a response to questions 1 and 2 within the annex of your original letter. I look forward to answering the Committee's remaining questions at the session on the 14 September.

Yours sincerely

A handwritten signature in black ink that reads "Julie Morgan". The signature is written in a cursive, flowing style.

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services

Question - General issues

For each recommendation accepted in part, a clear breakdown of exactly which part is accepted, and which part is rejected.

Recommendation 4.

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

- set out which bodies are considered 'corporate parents', including at least local authorities, health boards, NHS trusts, the Welsh Ministers, the Children's Commissioner for Wales, the Commission for Tertiary Education and Research, and other such bodies as the Welsh Government sees fit following consultation;
- set out the general duties imposed on all corporate parents, including at least duties to: prepare and publish plans relating to the work as corporate parents; to work collaboratively where it would safeguard or promote the well-being of the child or young persons to do so; publish reports on how they have exercised their corporate parenting responsibilities; provide reasonably requested information to the Welsh Ministers; and follow guidance or directions issued by the Ministers.
- align with further specific corporate parenting duties and recommendations against the relevant sections in this report. See: mental health (page 31), housing (page 94), and higher education (page 102).

Welsh Government response:

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

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

placed across Government to identify existing guidance which could also be strengthened to support delivery of the Charter by wider public bodies.

Accepted

Set out which bodies are considered 'corporate parents', including at least local authorities, health boards, NHS trusts, the Welsh Ministers, the Children's Commissioner for Wales, the Commission for Tertiary Education and Research, and other such bodies as the Welsh Government sees fit following consultation.

Set out the general duties imposed on local authorities as corporate parents, including at least duties to: prepare and publish plans relating to the work as corporate parents; to work collaboratively where it would safeguard or promote the well-being of the child or young persons to do so; publish reports on how they have exercised their corporate parenting responsibilities; provide reasonably requested information to the Welsh Ministers; and follow guidance or directions issued by the Ministers.

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

Rejected

The Welsh Government should introduce legislation making specific provision relating to corporate parenting.

Set out the general duties imposed on all corporate parents.

The legislative programme for this Senedd term is already well-developed, based on the Welsh Government's Manifesto and the Co-operation Agreement.

We will use existing levers to support the Charter including a dedicated chapter on Corporate Parenting to support local authorities in their role as corporate parents within the Part 6 Code of Practice (Looked after and accommodated children) under the Social Services and Well-being (Wales) Act 2014.

Recommendation 5.

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

Welsh Government response:

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

From a mental health perspective, all children in Wales have equal rights to the access of specialist therapeutic mental health support services under current mental health legislation. The Mental Health Measure (2010) has established positive rights for people with mental health problems, whether diagnosed or not, to obtain help at a sufficiently early stage avoiding the risk of further mental health decline.

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

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

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

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

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

Accepted

Children in care can face additional and complex challenges to their mental health and wellbeing and more needs to be done to intervene early and prevent. . We are setting out a consistent approach using the key principles of NYTH/NEST to providing timely, integrated, person-centred care for all looked after children in Wales.

Rejected

The Welsh Government should introduce legislation to give all children the right to a specialist therapeutic mental health support service.

Current legislation provides all children adequate access to specialist therapeutic mental health support services.

Recommendation 7.

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

Welsh Government response:

The Welsh Government has, and will continue, to prioritise early intervention and prevention as part of the work of both the Children's Board and the Transformation Programme of Children's Services in Wales. We know that projects such as Project Unity play a valuable part in providing emotional and practical help to care experienced

mothers and the Welsh Government has been able to provide annual funding of £340,000 for the programme until 2025 reflecting our commitment to supporting care experienced mothers and to keeping families together wherever possible.

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

Accepted

The need for support for intensive, wrap-around edge-of-care support for care-experienced parents to reduce the risk of children being removed from their care. This support needs to be modelled on and developed from evidenced based practice. We recognise there are a number of support models in place upon which practice can be built.
. The support should be available from the 12-week scan of pregnancy (or the earliest point after 12 weeks at which a viable pregnancy is confirmed). If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to support the birth parents to come to terms with their loss.

Rejected

The Welsh Government should introduce legislation to give all care experienced birth parents a statutory right to intensive, wrap-around edge-of-care support to reduce the risk of children being removed from their care.
The Welsh Government has, and will continue to, prioritise early intervention and prevention and will consider the need for legislation as part of the delivery of the Transformation Programme for Children's Services.

Recommendation 8.

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

Welsh Government response:

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

Accepted

The need for early intervention/edge of care/preventative services We recognise there are models in place, which have been shown to increase the chance of children being able to stay with their birth parents.

Rejected

The Welsh Government should ensure universal, nationwide access to successful early intervention/edge of care/preventative services, such as Barnardo's Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents.

Until the long-term cost benefits of these services have been realised, Welsh Government should develop a long-term, national, sustainable funding model for them, recognising their potential for financial benefits across different public service bodies.

The Welsh Government will review the evaluation of existing projects before deciding on next steps and future roll out.

Recommendation 10.

The Welsh Government should introduce legislation to give birth parents a statutory right to an 'active offer' of an independent support worker when the child is placed on the child protection register or made subject to pre-

proceedings to support them to access early intervention services and navigate the social care and family court system. If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to signpost the birth parents to services that can come to terms with their loss.

Welsh Government response:

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

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

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

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

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

Accepted

The provision of support to birth parents when the child is placed on the child protection register or made subject to pre-proceedings to support them to access early

Rejected

The Welsh Government should introduce legislation to give birth parents a statutory right to an 'active offer' of an independent support worker.

<p>intervention services and navigate the social care and family court system.</p>	<p>The Welsh Government will await the evaluation of the Parental Advocacy Programme in Gwent and the wider roll-out of parental advocacy services across Wales before considering what further steps should be taken.</p>
<p>Recommendation 11. The Welsh Government should commission an independent review into the efficacy and availability of parenting assessment placements. The review should consider the ethics, utility and value for money of both residential placements and parent and child foster placements and identify what changes can be made to improve the process for families, and any barriers that need to be overcome to take those steps. The independent review should report no later than December 2023.</p>	
<p>Welsh Government response: The Welsh Government is committed to seeing children and young people living securely with their families, with many fewer ever needing to enter care. For those children who do come into care, we want their stay to be as short as is consistent with meeting their needs, close to home and with strong links to their local community. To achieve this, and to ensure a sustainable network of provision, the shape, scale and structure of current arrangements for the accommodation of and support for children and young people has to change fundamentally to ensure the development of stable, integrated and locally accountable provision. This will include models of care, wrap-around support and models of ownership.</p> <p>During this Senedd term, as part of this work, we will review the arrangements for parenting assessment placements in Wales, including efficacy, availability and models of ownership.</p>	
<p>Accepted</p> <p>The need for a review of the efficacy and availability of parenting assessment placements as part of the work to transform the shape, scale and structure of</p>	<p>Rejected</p> <p>The Welsh Government should commission an independent review into the efficacy and availability of parenting assessment placements.</p>

<p>accommodation and support for children and young people.</p>	<p>This will be taken forward as part of our wider work to transform children’s services in Wales.</p>
<p>Recommendation 14. The Welsh Government should work with Social Care Wales to fund and deliver (including to legislate as needed) a national register of foster carers, to be held by Social Care Wales. The register should set out details of foster carers' approval status, approval review date, local authority location, number of placements, and whether they are a local authority or independent provider. The development of that register should be carried out alongside key stakeholder, such as the Fostering Network, and should involve thorough consultation with foster carers and fostering services providers across Wales.</p>	
<p>Welsh Government response: Welsh Government recognises the potential benefits associated with a national register of foster carers and it is therefore something that the Welsh Government is keen to explore with the sector.</p> <p>A national register would increase the status of foster carers in the team around the child, allowing the role to be more recognised and valued within the sector and by the public. This is especially important as Welsh Government recognises that foster carers are an important part of the social care team supporting the child or young person. It will also address the difficulty foster carers experience when moving from one service to another, by offering a less bureaucratic method of transfer, reducing duplication and delays and will offer a robust safeguarding mechanism which will outline a foster carer’s continued suitability to foster.</p> <p>However, introducing such a register is complex and will need to be undertaken in a timely and controlled way alongside ensuring it can be appropriately resourced. Initial discussions with the Fostering Network have taken place and the next step is to undertake a scoping exercise to establish what a national register could look like in Wales, any legislative requirements and operational feasibility. This will be done in consultation with our statutory and third sector partners, foster carers and service users.</p>	

<p>Accepted</p> <p>The need to work with Social Care Wales to scope what a National Fostering Register could look like in Wales.</p> <p>The development of any register should be carried out alongside key stakeholders, such as the Fostering Network, and should involve thorough consultation with foster carers and fostering services providers across Wales.</p>	<p>Rejected</p> <p>.</p> <p>The Welsh Government should work with Social Care Wales to fund and deliver (including to legislate as needed) a national register of foster carers, to be held by Social Care Wales. The register should set out details of foster carers' approval status, approval review date, local authority location, number of placements, and whether they are a local authority or independent provider.</p> <p>Work to scope what a National Fostering Register could look like and to consult with key stakeholders on the feasibility of, and costs associated with a Register needs to take place before legislative changes can be considered.</p>
<p>Recommendation 15.</p> <p>The Welsh Government must ensure that a review of the '4Cs' online database is undertaken, involving key stakeholders and frontline practitioners, to identify and implement improvements to the database to streamline the placement commissioning process.</p>	
<p>Welsh Government response:</p> <p>The Childrens Commissioning Support Resource (CCSR) was initially developed by Welsh Government with Data Cymru in 2005 as a database library for looking up providers. In 2012, the Childrens Commissioning Consortium Cymru (4Cs) subsequently chose the CCSR platform as an existing Welsh developed, owned and WLGA-managed platform which could be developed to meet commissioning, contracting and procurement needs. It developed an e-tendering portal to deliver the All-Wales Framework (residential and foster care) and to provide placement finding and matching capability.</p>	

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

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

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

As this has restricted access, many providers who may have contributed to the committee discussions would not have access to this element of the database and therefore may not be fully clear on its functions or the live nature of its daily use. They would however have access to the high-level resource library which sits above the 4Cs tendering module and is visible to a wider range of stakeholders. The library is part of a forward redevelopment programme which will be informed by stakeholders.

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

Accepted

Review the 4Cs database to consider whether it would be feasible to compel **all** fostering agencies to register on CCSR as part of their registration under RISCA.

Rejected

The Welsh Government must ensure that a review of the '4Cs' online database is undertaken, involving key stakeholders and frontline practitioners, to identify and

Align this work with our consideration of the introduction of a national fostering register in Wales.

implement improvements to the database to streamline the placement commissioning process.

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

Recommendation 17.

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

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

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

Foster Wales is also committed to ensuring that kinship foster carers receive the same financial support as mainstream foster carers. One of the aims of our current work on fees and allowances is to ensure consistency, alongside other elements of the financial support to all approved foster carers. Currently all approved foster carers across Wales (including mainstream and kinship foster carers) are paid at least the national minimum allowance to meet the needs of children in their care. In addition, all local authorities pay an enhanced allowance/fee to mainstream foster carers.

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

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

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

Accepted

Explore legislative changes to support kinship carers by enabling an alternative and more 'fit for purpose' way forward for the assessment of kinship carers.

Rejected

Welsh Government should consult with care experienced children and young people, kinship carers, third sector organisations, local government and others

to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care, the experiences of children in kinship care, and the support needs of kinship carers.

This will be encompassed within our wider work to radically reform children's social services and the work undertaken with the SGO Expert Group.

Recommendation 18.

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

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

This isn't just about increasing capacity. It is also about promoting trauma-informed models of care and ensuring there are appropriate joint commissioning arrangements in place between health, social services and education, so the needs of children are met, and they do not fall between different types of provision. We will continue to work with local authorities to ensure these challenges can be met.

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

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

<p>Accepted</p> <p>Development of a plan to understand the use of, and reduce the number of, placements in unregistered settings as part of the work to deliver our commitment to eliminate profit from the care of looked after children and to deliver radical reform.</p>	<p>Rejected</p> <p>Publication of an action plan by December 2023.</p> <p>The Welsh Government is continuing to work with local authorities to ensure the challenges associated with finding or developing suitable placements can be met. It will consider the findings of the review currently being undertaken before determining next steps.</p> <p>This work is supported by investment of £68m over the three years 2022/23-2024/25.</p>
<p>Recommendation 19.</p> <p>The Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21. The analysis should identify the numbers of children and young people in unregulated accommodation, and clearly break that down between accommodation that it considers to provide quality accommodation and support (such as supported accommodation which is required to meet housing standards), and accommodation that does not (such as bed and breakfasts, AirBnBs, hostels, etc.). The analysis should further break down that data into the age and legal status of the children and young people to clearly indicate how many are subject to care orders and how many are care leavers. Once complete, the Welsh Government should set out its policy position in relation to unregulated accommodation, including the action it intends to take alongside local authorities to reduce the use of inappropriate unregulated accommodation in Wales.</p>	
<p>Welsh Government response:</p> <p>The Welsh Government collects data on the number of children aged 16 and over leaving care by age and accommodation at date of ceasing to be looked after. Our published statistical data for the period 1 April 2021 to 31 March 2022 shows of the 700 young people aged 16 and over who left care between 1 April 2021 and 31 March 2022, 670 (96%) were in suitable accommodation at the date they ceased to be looked after. Accommodation is regarded as suitable if it provides safe, secure and affordable provision for young people. The proportion of young people in suitable accommodation has increased from 92% in 2016-17 when data began being collected.</p>	

28% of young people in suitable accommodation were with parents or relatives and 26% were in ordinary lodgings without formal support. The proportion of young people in ordinary lodgings without formal support has generally increased since 2018-19, as has the proportion in semi-independent transitional accommodation (about 18%). The proportion of young people with parents or relatives, in independent living and in suitable supported lodgings have generally decreased over this time.

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

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

Accepted

The Welsh Government should set out its policy position in relation to unregulated accommodation, including the action it intends to take alongside local authorities to reduce the use of inappropriate unregulated accommodation in Wales

Rejected

The Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21.

This information is already collected and published in respect of care leavers

Recommendation 20.

The Welsh Government should carry out an immediate analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order, and which should be published no later than December 2023. The Welsh Government

and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.

Welsh Government response:

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

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

Accepted

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

Rejected

The analysis should be published not later than December 2023.

The Welsh Government and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.

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

Recommendation 22.

The Committee recommends that:

The Welsh Government should introduce legislation to raise the upper threshold for all of the support offered to care leavers until they are 21 (as set out in sections 103 to 118 of the Social Services and Well-being (Wales) Act 2014,

associated regulations, guidance and codes of practice, including the When I am Ready scheme) to 25 for category 3, category 5 and category 6 care leavers.

Welsh Government response:

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

Accepted

The introduction of legislation to raise the upper threshold to ensure all care leavers have an entitlement to a Personal Advisor up to the age of 25.

Rejected

The introduction of legislation to raise the upper threshold for all of the support offered to care leavers from 21 to 25 (as set out in section 103 to 118 of the Social Services and Well-being (Wales) Act 2014, associated regulations, guidance and codes of practice. Including the When I am Ready scheme) for category 3, category 5 and category 6 care leavers.

Recommendation 23.

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

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

Welsh Government response:

Welsh Government recognises that the transition into adulthood can be more difficult for care leavers than many of their peers of a similar age. It is therefore important that these young people experience continuity when they reach

adulthood. This will help ensure they do not experience a sudden disruption to their living arrangements which could have a negative impact upon their emotional stability, education, training or employment, or upon them developing independent living skills.

The Welsh Government is therefore committed to supporting the When I'm Ready scheme and ensuring that all young people who are in foster care are offered the opportunity to continue living with their foster carers beyond their 18th birthday, up to the age of 21, or up to age 25 if they are completing an agreed programme of education or training.

We are aware there are some challenges with the scheme and during this Senedd will undertake a full review of the When I'm Ready scheme, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes. As part of this review, we will consider whether there is a need to amend existing legislation and existing guidance to introduce changes that will further benefit our young people and the carers who support them, alongside providing a firmer footing for the When I'm Ready scheme in Wales. At the same time, we will look at ways of monitoring implementation to ensure a more consistent approach across Wales.

Accepted	Rejected
<p>Undertake a full review of the When I'm Ready scheme, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes.</p> <p>Consider whether there is a need to amend existing legislation and existing guidance to introduce changes that will further benefit our young people and the carers who support them, alongside providing a firmer footing for the When I'm Ready scheme in Wales.</p> <p>Look at ways of monitoring implementation of the scheme to ensure a more consistent approach across Wales.</p>	<p>During this Senedd term, amend section 108 of the Social Services and Well-being (Wales) Act 2014 and regulations, guidance and the code of practice relating to the When I am Ready scheme to:</p> <ul style="list-style-type: none">• extend the age limit for all young people who wish to participate in the scheme to 25; and• remove barriers to the scheme, including the potential for foster carers' approval to be removed; the reduction in payments to fosters carers; and• consider how young people could enter the scheme and receive all of the support available to them without being required to enter into tenancy agreements with their foster carers.

	<p>The review will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p>
<p>Recommendation 24. The Welsh Government should carry out a review alongside care experienced young people and other key stakeholders to ascertain how When I am Ready can be extended to young people in residential care, the barriers to that extension and what actions can be taken to overcome those barriers. The review should report no later than December 2023</p>	
<p>Welsh Government response: Welsh Government has committed to undertaking a full review of the When I'm Ready scheme during this Senedd term, drawing upon the intelligence that has been gathered about what is working well and what isn't, and collaborating with our stakeholders and service users across Wales in relation to required changes. As part of this review, consideration will be given to the feasibility of young people in residential care being able to access When I am Ready provision.</p> <p>The work will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p>	
<p>Accepted</p> <p>Undertake a full review of the When I'm Ready scheme during this Senedd term, and as part of this review, consider the feasibility of young people in residential care being able to access When I am Ready provision.</p>	<p>Rejected</p> <p>The review should report no later than December 2023.</p> <p>The work will be undertaken during this Senedd term with a view to making any necessary legislative changes during the next Senedd's legislative programme.</p>

Recommendation 25.

The Committee recommends that:

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

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

Welsh Government response:

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

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

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

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

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

Accepted We accept the need to explore the Committee's recommendations.	Rejected We can't take forward the recommendation in the exact structure proposed as it references law we are seeking to reform.

Question 2
the Transformation Programme / Delivery Group / Ministerial Oversight Board

For each of the above, please clarify:

- **Terms of reference**
- **Membership**
- **Status (e.g. decision making or advisory, who it reports to)**
- **Brief overview of action plan / work programme with dates and expected outcomes**
- **Narrative of their interrelationship with each other**

1 Terms of reference

Please find attached at Annex **A**, a copy of the Terms of Reference for the Ministerial Oversight Board.

Please find attached at Annex **B**, a copy of the Terms of Reference for the Transformation of Children's Services Delivery Group.

2 Membership

The membership of the Ministerial Oversight Board is:

First Minister (Chair, alternating with the Deputy Minister for Social Services)
Minister for Finance and Local Government
Minister for Health and Social Services
Minister for Education and the Welsh Language
Minister for Social Justice
Deputy Minister for Social Services (Chair, alternating with the First Minister)
Deputy Minister for Mental Health and Wellbeing
Chief Social Care Officer
Chief Executive CAFCASS Cymru
Chief Inspector, Care Inspectorate Wales
Welsh Local Government Association lead
Association of Directors of Social Services Cymru lead

The membership of the Transformation of Children's Services Delivery Group is representatives from:

Two care-experienced young people
Association of Directors of Social Services Cymru
All Wales Heads of Children's Services
Barnardo's Cymru
Cafcass Cymru

Care Inspectorate Wales
Children's Commissioner for Wales Office
Children in Wales
Cwmpas Co-op
EYST
National Adoption Service
NYAS Cymru
NSPCC Cymru
Social Care Wales
Voices from Care Cymru
WLGA

Welsh Government policy officials from

Health and Social Services
Cabinet Office
CAMHS and Veterans Mental Health
Equity in Education
Local Government Transformation & Partnerships
Housing Policy
Communities and Tackling Poverty

3 Status

The Ministerial Oversight Board's status is to oversee the Transformation Programme for Children's Service, provide political leadership and direction for the Programme.

The Transformation of Children's Services Delivery Group's status is to lead and drive forward the delivery of 8 Programme for Government commitments for children's social services holistically, ensuring those commitments are in place and embedded by 2026. The Group reports to the Ministerial Oversight Board.

4 Brief overview of action plan / work programme with dates and expected outcomes

A copy of the Transformation Programme Roadmap is attached at Annex C.

5 Narrative of their interrelationship with each other

The Transformation of Children's Services Delivery Group will report progress and issues to the Ministerial Oversight Board. The Delivery Group will ensure that Government policy and programmes are on track and being delivered on time and within budget.



Transformation of Children's Services

Terms of Reference: Ministerial Oversight Board for Wales

Background

Our Programme for Government contains a number of key commitments relating to a new vision for Children's Services. They are about whole system change. At its heart we want to see fewer children and young people entering care. We also want the period that young people stay in care to be as short as possible, consistent with meeting the needs of the young person. We are committed to keeping families together. While children are in care, we want them to remain close to home so they can continue to be part of their community.

Our vision is to redesign how we look after children and young people so we can do the best for our young people, their families and communities by providing services that are locally based, locally designed and locally accountable. It is about putting in place the right type of care for each child: reforming and joining up services for looked after children and care leavers, providing additional specialist support for children with complex needs and better supporting those who care for children.

In line with the Children's Plan the key to our work is:

“Supporting children to stay with families”

We have a number of specific Programme for Government commitments which are grouped around:

Radical reform

- A National Practice Framework
- A strengthened Workforce Strategy
- A National Office (commissioning, modelling, forecasting and performance data)
- Strengthened statutory guidance not least around corporate parenting

Greater intervention and support for local authorities who are not delivering on our ambition to substantially reduce the number of children in care or meeting eliminate commitments

Future provision of services

- Eliminating private profit from the care of looked after children.
- Funding regional residential services for children with complex needs ensuring their needs are met as close to home as possible and in Wales wherever practicable.

- Providing additional specialist support for children with complex needs who may be on the edge of care.
- Supporting Foster Wales to increase the number and diversity of foster carers.

Whole system working together

- Strengthened public bodies in their role as 'corporate parent'.
- Supporting families by funding advocacy services for parents whose children are at risk of coming into care, piloting Family Drug and Alcohol Courts, and better use of family conferencing. Ensuring the voice of parents and children are heard.

Purpose of Ministerial Oversight Board for Wales

The purpose of the Ministerial Oversight Board is to oversee the Transformation Programme, providing political leadership and direction, and support in delivering the programme.

A Delivery Group will focus on delivery and monitor progress across the Transformation Programme. The Ministerial Oversight Board will have a direct relationship with that Delivery Board and must ensure that policies and programmes are being delivered on time and within budget.

The Board will also:

- Have strategic oversight of the transformation programme
- Provide a forum to oversee the development and implementation of a consistent approach to transforming children's services across Wales with key partners.
- Consider any potential changes that Welsh Government may have to make in terms of statutory responsibilities linked to legislation, guidance, policy or resource allocations, as a result of plans and recommendations.
- Ensure there is a focus on learning by key partners and that there are mechanisms in place to demonstrate delivery against outcomes.

Proposed Membership

Membership of the Board will be agreed at the inaugural meeting and reviewed on an annual basis. It is proposed that the meeting should comprise the following:

First Minister (Chair, alternating with the Deputy Minister for Social Services)

Minister for Finance and Local Government

Minister for Health and Social Services

Minister for Education and the Welsh Language

Minister for Social Justice

Deputy Minister for Social Services (Chair, alternating with the First Minister)

Deputy Minister for Mental Health and Wellbeing

Chief Social Care Officer

Chief Executive CAF/CASS Cymru

Chief Inspector, Care Inspectorate Wales

WLGA lead
ADSSC lead
Special Advisers

Secretariat

Secretariat support will be provided by Welsh Government Social Services and Integration Directorate (Improving Outcomes Team).

Frequency of meetings and timescales

Meetings will be held every 4 months initially (this will be subject to review) and will be conducted remotely using Microsoft Teams or physically in Welsh Government offices as well as other venues across Wales as required. Agenda items should be submitted no later than two weeks prior to each meeting whilst allowing for urgent and emergency matters to be tabled later.

Transforming Children's Social Care – Delivery Group

Terms of Reference

Purpose

The Welsh Government has a set a challenging reform agenda for children's social care in the 2021-2026 Senedd Term, as set out in its Programme for Government, to deliver system-wide transformation.

The Delivery Group is being established to lead and drive forward the delivery of Programme for Government commitments holistically, transforming children's services and ensuring those commitments are in place and embedded by 2026. This work will be taken forward in co-production with our partners, with the rights and voice of children and young people at its heart.

Rationale for this approach

Given the range of commitments in the Programme for Government it is important that these are managed and led in a cohesive way, transforming Children's Services by better supporting children to stay with families; providing values-based provision that best meets the needs of our most vulnerable children and ensuring that voice, rights and outcomes are integral in all that we do.

At its heart we want to see fewer children and young people entering care. We also want the period that young people stay in care to be as short as possible, consistent with meeting the needs of the young person. While children are in care, we want them to remain close to home so they can continue to be part of their community – the child's network. We want a multi-agency no wrong door approach that ensures the same life chances for all children.

The Groups Operating Principles

1st principle: All activity and outcomes will be co-produced between the Welsh Government and all relevant agencies, stakeholders and young people.

2nd principle: The Group will, at all times, and between all members demonstrate equal status with trust, honesty, respect, empathy and transparency.

3rd principle: The Group will support and challenge whether programme delivery is on track and recommend the action needed to maintain pace in delivery.

4th Principle: The Group is an active group with a high but responsible risk appetite.

5th Principle: The Group will be child/young person friendly and involve and communicate regularly with them using clear and inclusive language

Governance

The Delivery Group will report progress and issues to the Ministerial Oversight Board ensuring that Government policy and programmes are on track and being delivered on time and within budget.

Role of Group Members

- To provide advice and guidance to the Chair and each other.
- To provide advice and recommendations to the Ministerial Oversight Board.

- To represent and work with partners across sectors to bring a whole system perspective; and
- Work within the bounds of confidentiality where required.

Function of the Group

The Group will –

- Ensure the conditions for success are established and embedded.
- Uphold the requirements of the United Nations Convention on the Rights of the Child and ensure the rights of children and young people are considered when delivering the Welsh Government’s commitments.
- Support the delivery of the Children and Young People’s Plan for Wales to ensure children in Wales have the best possible childhoods and remain at the heart of Government ambitions.
- To consider the Wellbeing and Future Generations Act in ensuring we improve provision to ensure all Children and Young People fulfil their potential no matter what their background or circumstances.
- Consider, agree, and develop a concise vision statement and ambition for Children’s Services, lasting the course of this Senedd Term.
- Working across portfolios and sectors to shape, oversee and enable the delivery of a programme of work that will deliver the following Programme for Government commitments:
 - Prevent families breaking up by funding advocacy services for parents whose children are at risk of coming into care.
 - Provide additional specialist support for children with complex needs who may be on the edge of care.
 - Explore radical reform of current services for looked after children and care leavers.
 - Fund regional residential services for children with complex needs ensuring their needs are met as close to home as possible and in Wales wherever practicable.
 - Strengthen public bodies in their role as ‘corporate parent’.
- Ensure fewer children and young people enter care, by providing the right support at the right time to families going through difficult times
- Ensure in all work that is undertaken, information gathering and sharing systems have a clear focus. We shouldn’t be adding to systems but considering how we can streamline information to have greater information at key points of decision making.
- Provide guidance and oversight of funding to enable the above commitments to be expedited.

- Consider how the proposed National Office could best support this work.
- Consider and agree positions on innovative approaches and develop proposals to inform Ministerial decision-making.
- Oversee the work and delivery of the Transformation Team.
- Connect the lived experiences of children and practitioners to the delivery of these Programme for Government commitments, ensuring the issues faced are considered in development of a National Practice Framework. Also ensuring there is a clear focus on reducing the number of information systems, streamlining information sharing which in turn enables our practitioners.

Delivery Group Secretariat

- The secretariat function will be provided by members of the Improving Outcomes for Children team, Social Services and Integration Directorate.
- The Secretariat will ensure information is provided to members in a timely manner.
- There may be times when the Group will need to be convened exceptionally to deal with specific decisions or issues. In certain circumstances, members will receive papers for their consideration 'out of committee'.
- Papers for the Group including updates on the delivery of Programme for Government Commitments will be provided at least three working days before each meeting.

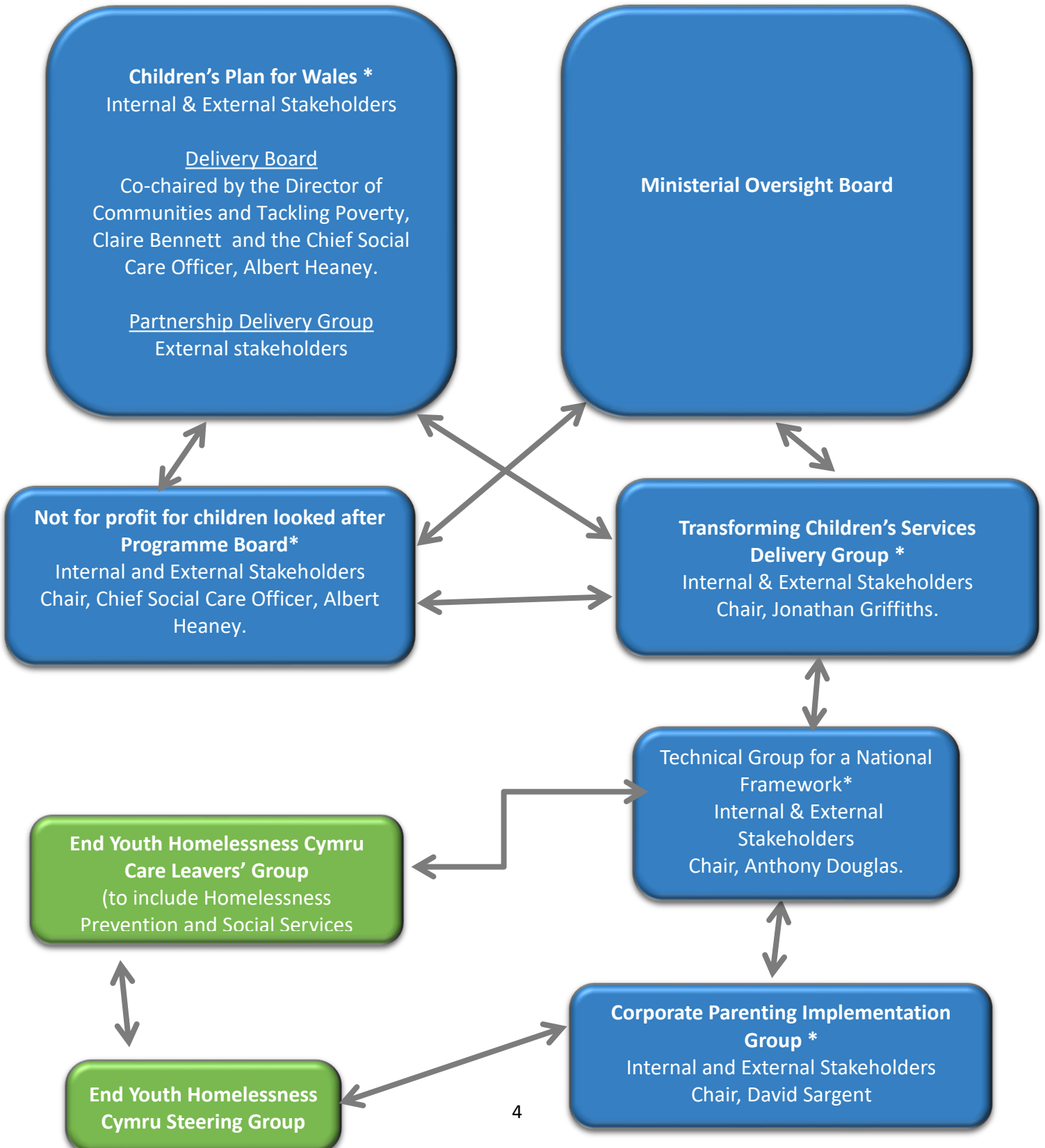
Timing

To be Bi-Monthly to start which will be reviewed regularly to confirm if this schedule is appropriate.

How Delivery Group fits into Improving Outcomes for Children/Programme for Government Commitments - Landscape

Key

Reports to – ↔
 Interdependencies with – ↔



Membership

The following people/organisations are represented on the Group

ADSS Cymru
All Wales Heads of Children's Services
Two Care Experienced Young People
WLGA
Care Inspectorate Wales
Social Care Wales
Children's Commissioners Office
Cafcass Cymru
National Adoption Service
Barnardo's Cymru
Children in Wales
NYAS Cymru
Voices from Care
NSPCC Cymru
EYST
Cwmpas Co-op
Welsh Government policy officials from Health and Social Services Cabinet Office CAMHS and Veterans Mental Health Equity in Education Local Government Transformation & Partnerships Housing Policy Communities and Tackling Poverty

Milestones in our Transformation Programme

2023

2024

2025

2026

Supporting children to remain with families

New National Practice Framework Expert Group Established (Feb 2023) Content co-produced First draft Framework (Summer 2023) Consultation (Summer 2023) Training, Awareness & Rollout (Late 2023)

Parental Advocacy Parental Advocacy Framework sign-off National roll-out commences – April 2023

Family Drug & Alcohol Courts Continue support of FDAC pilot Support final stage of evaluation of FDAC pilot Consider National rollout (Spring 2024)

Supporting multi-agency collaboration Multi-agency shared learning workshop (Spring 2023)

Rollout of the Virtual Schools Model Shared Learning event (Autumn 2023) Evaluation of Virtual Schools pilot

Special Guardianship Orders Review Completed (December 2022) Establishment of Expert Group (Spring 2023) Analysis of recommendations of review (Completed by end of 2023) Development of Implementation Plan

Developing Foster Wales Launch of L&D Framework review (January 2023) Increased NMA & Launch of National Refer a Friend Scheme (Spring 2023) Core Offer/National Commitment (Summer 2023) Toolkit Development (From Autumn 2023) Potential introduction of harmonisation of fees (Spring 2024) Dedicated recruitment officer for each LA in place. (By Spring 2024)

Eliminating profit from the care of children that are looked after Summary of responses to public consultation publication and advice to minister (Spring 2023) Work on Implementation plan and Legislation (Spring 2023) Ongoing meetings discussing LA's discuss Placement Commissioning Strategies (2023) New entrants – Not-for-Profit only (April 2026)

Voice of the CYP

Care Experienced Summit First Summit held (December 2022) Summit declaration signing 10 May 2023 and work to support delivery commencing. Mini Summit In North Wales October 2023 Second Summit (Spring 2024)

Corporate Parenting Charter published – 29 June 2023 Wider Public Launch of Charter – September 2023 Strengthened statutory guidance comes into effect (Spring 2024)

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services



Llywodraeth Cymru
Welsh Government

Jayne Bryant, MS
Chair
Children, Young People and Education Committee
Welsh Parliament,
Cardiff Bay,
Cardiff
CF99 1SN

13 September 2023

Dear Jayne,

I am pleased to provide Committee with a written response to question 6 within your letter dated 14 July.

The Committee's question was in relation to recommendation 6 on data: *In relation to each point of data not currently routinely collected and published in Wales (as set out on pages 50 to 52 of our report and the WCPP report), a narrative on the Welsh Government's rationale for this not being necessary / possible / helpful to shape policy response in Wales.*

As outlined in our response to recommendation 6, Welsh Government does currently undertake a range of data collections regarding children's social care. In addition to these data collections, which focus on those children receiving care and support, Social Care Wales collects a large amount of data for the social care workforce. They undertake an [annual data collection](#) from all social care employers, which provides data on people working in residential children's services and foster care, as well as social workers who may support children.

In developing policy and strategy, data is invaluable in allowing us to measure outcomes and ensuring that we are making a difference. The Transforming Children's Services Delivery Group will be establishing a sub-group including members with a statistical background to review the data currently collated, the barriers to collating any data and identify gaps in current data collection. The Group will also work to better understand what data is needed and achievable to collect as part of population needs assessments which can be factored into local authority planning including as part of their placement commissioning strategies, preventative strategies and service delivery.

In conclusion, we do agree with Committee that it is important to have robust data which allows us to measure outcomes to help us inform policy and strategy.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie', written in a cursive style.

Julie Morgan AS/MS
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol
Deputy Minister for Social Services