



Canolfan
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y Plant
Cymru

Children's
Legal
Centre
Wales

Date: September 10th 2025

Letter sent by Email to:

Seneddequality@senedd.wales

SeneddChildren@Senedd.Wales

Subject: Deprivation of Liberty Orders for children and *“If Not Now, Then When? Radical Reform for Care-Experienced Children and Young People”* Inquiry recommendations

Dear Buffy Williams MS, Chair of the Children, Young People and Education Committee

CC: Jenny Rathbone MS, Chair of the Equality and Social Justice Committee

I hope this message finds you well, and that you were able to take some time for rest over the summer recess.

As we approach the end of the Sixth Senedd, I am writing to ask whether the Committee would consider requesting an update from the Welsh Government on its progress in implementing the recommendations set out in your powerful 2023 inquiry, *“If Not Now, Then When? Radical Reform for Care-Experienced Children and Young People.”*

As part of the Inquiry, Children’s Legal Centre Wales submitted evidence on the use of Deprivation of Liberty Orders involving children ([link to evidence](#)).

As you are aware, some children with complex needs require placement in secure accommodation, if there is a risk to their safety (and/or others) (Section 119, Social Services and Well-Being (Wales) Act 2014). However, where suitable placements are unavailable or unsuitable for meeting complex needs, the High Court may use its inherent jurisdiction to authorise deprivation of liberty, often resulting in children

being placed in unregulated or unregistered accommodation, sometimes far from home.

We were particularly encouraged by Recommendation 20 of your final report, which stated:

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 responsible for the child, age of the child, and the length of the order. This analysis 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.

In response, the Welsh Government stated:

Response: Accept in part

The Welsh Government will carry out an analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority, age of the child, and length of the order. The results of this analysis will feed into the Welsh Government's Transformation Programme for Children's Services.

While we welcomed this commitment, we noted at the time that the response lacked urgency and did not set out a clear action plan to address the immediate needs of the highly vulnerable children affected by Deprivation of Liberty Orders in Wales.

This concern was echoed during the Committee's inquiry by The Honourable Mr Justice Francis, Family Division Liaison Judge for Wales, who remarked:

"And I think, for me, doing the job that I've been doing in Wales in recent years, this is the single biggest crisis point. It is absolutely desperate. You don't put somebody under a deprivation of liberty order unless you are absolutely at the extreme end of trouble, and I think it's a terrible problem."

As of 2025, we have not seen any evidence that the Welsh Government has completed or published the analysis it committed to undertaking.

We would therefore be grateful if the Committee could clarify whether it has received this analysis. If not, we respectfully ask whether the Committee would consider formally requesting:

1. The results of the analysis, as per the Welsh Government's commitment; and
2. An update on how this work is progressing within the Transformation Programme for Children's Services, particularly with regard to the rights and wellbeing of this vulnerable cohort.

As you know, children subject to Deprivation of Liberty Orders are often among the most vulnerable in our society, with complex and overlapping needs arising from early trauma, neglect, poverty, and other adverse experiences.

We have copied in the Chair of the Equality and Social Justice Committee, recognising that the use of Deprivation of Liberty Orders may disproportionately affect certain groups of children and intersect with issues of equality and social justice.

Finally, as we near the end of the Senedd term, we believe it would be timely for the Committee to seek a broader update from the Welsh Government on its progress in implementing the Inquiry's other recommendations — both those fully and partially accepted.

We would be grateful for any update you can provide and thank you for your continued commitment to the rights and welfare of care-experienced children and young people in Wales.

Kind regards

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Children's Legal Centre Wales

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