

respect
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rights
listening

annual report
04-05





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We are grateful once again to all the children and young people who have worked with us during the year, whether through our direct work, as school ambassadors, Backchat members, or as participants in our consultations, events or reviews. Many of their views, comments and photographs appear throughout the report.

This report can be made available in alternative formats on request.

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A word from Peter Clarke

Anyone with an understanding of the background to my role will appreciate the significance of listening to children and young people. It is one of the most important parts of my job, and what distinguishes it from many others who play a role in children's lives. It is vital that a children's champion takes what they say seriously and acts on their concerns.

In last year's annual report I set out my two main priorities as I reached the halfway point in my tenure. Both priorities are designed to ensure that my office is in touch with children and young people and that I find out what matters to them and what causes them and their families and carers particular difficulty. It was my intention to develop the advice and assistance service so that it was devoted more clearly to the provision of direct guidance to children. I also made a commitment to devote resources in a planned way to enhance the direct role that children and young people play in setting the priorities of my office.

This report describes how we are getting on with putting these intentions into practice as well as the progress made towards full implementation. During the last year there has been an increased emphasis on listening not only to those children and young people who have found their voice, but also on reaching out to those who are marginalised, vulnerable and not used to having their say or their voices heard. My task in the current year is to consolidate and improve what is now in place and ensure that what those voices have told us is accurately reflected in all our work. I shall use the influence of this office to achieve real changes based on what children tell us.

An ambitious vision needs adequate resources and I have written before about having a sense of never feeling

content with what I have achieved. My three year plan puts the case for increasing the number of staff involved in working directly with children and young people throughout Wales because what we have achieved to date has also demonstrated what is yet to be done. I look forward to writing in next year's annual report about the outcomes of the steps we have taken as a consequence of children and young people's increased involvement and influence on my work. I believe that we are already demonstrating our worth and have evidenced the need for greater financial resources to enable us to deliver a better, brighter, safer and healthier future for the children of Wales.

A handwritten signature in black ink, appearing to read 'Peter Clarke', with a long horizontal line extending to the right.

Peter Clarke
Children's Commissioner for Wales
October 2005



Section 1

Introduction

This annual report is based chiefly on the work conducted by the Children's Commissioner and his team during the financial year 1st April 2004 to 31st March 2005; but it also goes beyond that.

Much of our work is ongoing and continuous, and it is not possible to separate activities in the same way as financial information or statistics. In order to get answers to the what, why, how, where and when questions that many would like to ask, it is relevant to give some background and to report on some of our current work.

As a team we are committed to making the United Nations Convention on the Rights of the Child a reality in

Wales. Listening to children and young people, learning from and acting on what we have heard are foundation stones of our approach and the broad remit of the Children's Commissioner is reflected in the breadth and variety of what we do. There is still much to be done and we hope that this report will tell readers as much about the process of doing our work as it does about the conclusions and outcomes.

What is a Children's Commissioner?

A Children's Commissioner is more than an ombudsperson, and is sometimes described as a children's champion or as an independent human rights institution for children.

The number of Children's Commissioners is growing in Europe and throughout the rest of the World as countries become more aware of the need to promote and safeguard the rights and welfare of children and young people and to take them seriously. Each of the countries of the UK now has a Commissioner for Children and Young People in post. Exactly what each Children's Commissioner does, and how they do it, varies from country to country – but they always have the best interests of children and young people at heart.

How and why did Wales get a Children's Commissioner?

Children's organisations in Wales campaigned for a Commissioner for children for over 10 years. Politicians in the National Assembly were also keen on the idea. They wanted someone who would speak up for children and young people's rights and help strengthen and improve the systems there to protect them.

In early 2000, Sir Ronald Waterhouse published his report – *Lost in Care* – after a long inquiry into child abuse in children's homes in North Wales. He recommended that Wales should have a Children's Commissioner to try and stop such things happening again. This speeded up the campaign and legislation was passed in the UK Parliament to create the post and give it the powers needed.



"I enjoy spending time with friends but there is nowhere to go."

When was the post created?

The post of Children's Commissioner for Wales – the first of its kind in the UK – was established by the Care Standards Act 2000. The Children's Commissioner for Wales Act 2001 broadened the post's remit and set out its principal aim, which is to safeguard and promote the rights and welfare of children in Wales.

Who is the Children's Commissioner for Wales?

Peter Clarke is – and he took up his post on St David's Day 2001. He was appointed by the First Minister of the National Assembly for Wales after being interviewed by children, young people and adults.

The Children's Commissioner and his team are there to help make sure that children and young people in Wales:

- are safe from harm and abuse
- get the opportunities and services they need and deserve
- are respected and valued
- have a voice in their communities and are able to play as full a part as possible in decisions that affect them
- know about their rights and the UN Convention on the Rights of the Child.

The main focus is on everyone aged 18 or under living in Wales, or who normally lives in Wales. But, the Children's Commissioner can also act on behalf of older young people under certain circumstances – for example if they have been looked after by a local authority. If there are implications for today's children and young people, he can also investigate things that happened to adults when they were children.

“The website is brilliant the way you have set it out will make parents think about their children.”

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fairness

What can the Commissioner and his team do?

The Children's Commissioner's role isn't limited to what are usually considered to be children's issues, such as health, education and social services. Planning, transport, the environment, economic development and rural affairs also fall within the scope of his role.

The Commissioner can:

- review the effects of policies, proposed policies and the delivery of services to children
- examine in more depth the case of a particular child or children if it involves an issue that has a general application to the lives of children in Wales
- require information from agencies or persons acting on their behalf, and require witnesses to give evidence on oath
- provide advice and assistance to children and young people, and others concerned about their rights and welfare

The Children's Commissioner for Wales also has an important additional power to consider and make representations to the National Assembly for Wales about **any matter** affecting the rights and welfare of children in Wales.

The Children's Commissioner is committed to:

- making sure that children and young people know where his offices are and how to contact him and his team
- encouraging children to get in touch with him and the team
- asking children what they think about his work and future work, and allowing them to influence his work programme
- making sure that he and his staff go and meet children wherever they are
- paying particular regard to children who are 'hard to reach', subject to social exclusion or marginalised in some way
- the United Nations Convention on the Rights of the Child, having regard to it in everything he and the whole team do.

"In school we don't have enough discussions about life."



How we work

The Children's Commissioner and his staff are based in offices in Swansea and Colwyn Bay, but work all over Wales. A new structure came into force during 2004-05 with the creation of four staff groups:

- Communications and Participation
- Corporate Services
- Legal and Investigations
- Policy and Service Evaluation

Each staff group is headed by an Assistant Commissioner or equivalent and they contribute specialist skills and knowledge to the work of the office. Many projects and pieces of work involve staff from different areas working together as a cross-functional team.

"We want nice friendly doctors who give you good help and advice and keep things a secret if you want it."

Want to find out more?

- The Care Standards Act 2000 and the Children's Commissioner for Wales Act 2001 can be found on the HMSO website at www.legislation.hmso.gov.uk
- The Assembly passed Regulations for the Children's Commissioner in July 2001 and this can be found on the HMSO website at www.wales-legislation.hmso.gov.uk
- The Assembly's consultation document on proposals for the Commissioner regulations provides further details on the full remit and range of powers. It can be found on the Assembly's website at: www.wales.gov.uk/subchildren
- There's lots of information and an easy to understand version on the UN Convention on the Rights of the Child on www.therightssite.org.uk, www.savethechildren.org.uk/rightonline, www.childreninwales.org.uk, www.unicef.org.uk or www.crae.org.uk. You could also have a look at www.funkydragon.org or www.carnegie.org
- For more information on Children's Commissioners and ombudspersons all over Europe try www.ombudsnet.org
- To find out more about the different Commissioners for children and young people in the UK check out their websites: Scotland www.sccyp.org; Northern Ireland www.niccy.org; and England www.everychildmatters.gov.uk/strategy/childrenscommissioner (own website to follow)
- Have a look at our website: www.childcomwales.org.uk



Section 2

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

Early beginnings

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

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

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

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

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

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

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

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



Advisory groups

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

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

Reaching out to all children and young people

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

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

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

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

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

Giving children and young people a say in what we do

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

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

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

Choosing what's next

Where do the issues come from?

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

Play areas and leisure

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

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

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

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

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

How do children and young people get to choose?

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



Education and schools

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

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

Emotional health

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

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

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

And what happens then?

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

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

Support services for those who need them

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

Respect

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

Promoting the United Nations Convention on the Rights of the Child

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

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

Ambassadors: the pilot scheme

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

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

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

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

What kinds of qualities should an AMBASSADOR have?

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

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

Speaking out on behalf of children and young people

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

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

Working with others

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



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

Influencing and networking

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

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

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

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

Seeing the bigger picture

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

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

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

Europe and beyond

European Network of Ombudspersons for Children

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

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




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

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

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

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

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

We all have the
right to a safe
place to live

Section 3

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

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

Reviewing policies and procedures

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

Local Education Authorities Review

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

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

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

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



Tackling bullying in Wales: a thematic review

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

Publishing our findings and disseminating good practice

Children don't complain ... parents do

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

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

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

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

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

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

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

Monitoring progress on recommendations

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

Clywch Report

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

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

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

Telling Concerns and Children don't complain ...

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

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



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

Providing advice and assistance

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

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

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

Case example

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

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

Case example

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

Case example

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

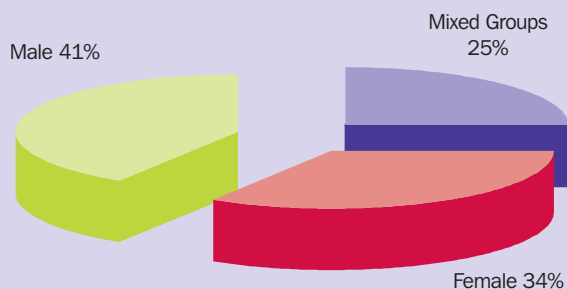
Facts and figures

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

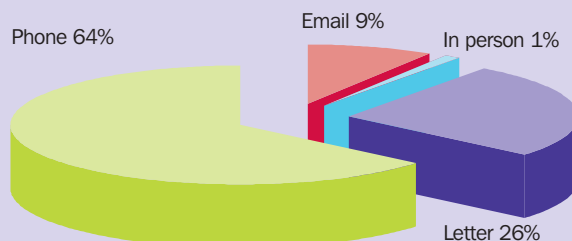
Most of the initial contact comes from a parent, carer or

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

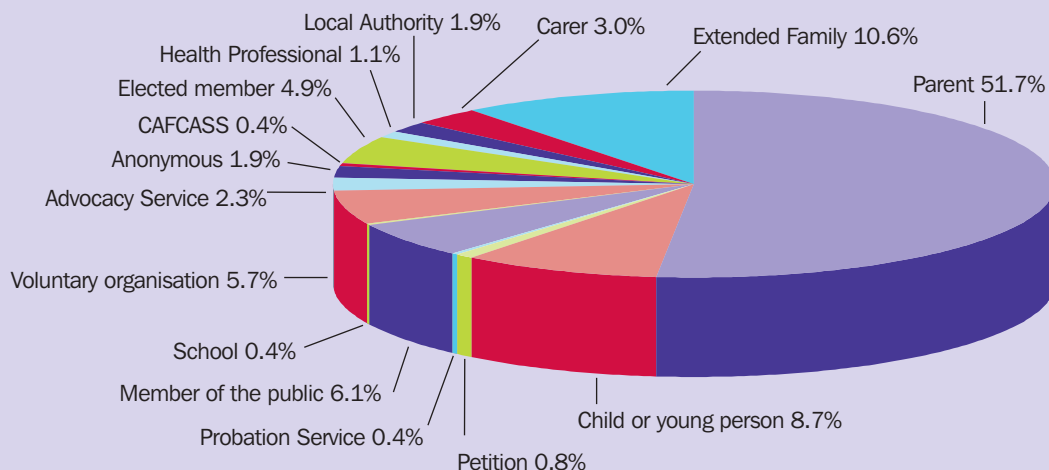
Gender of children on whose behalf action was taken 2004-05



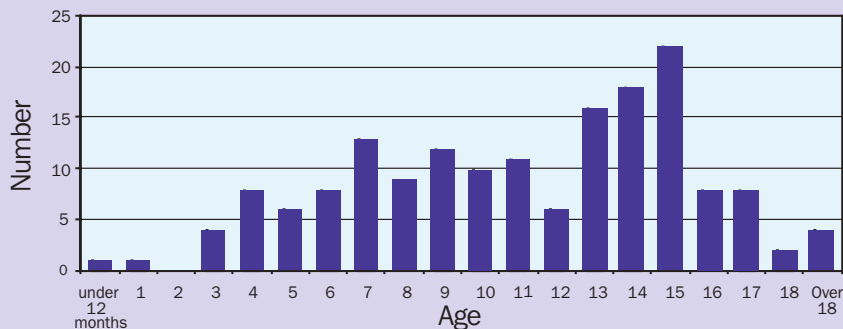
Advice and assistance: how contact was made 2004-05



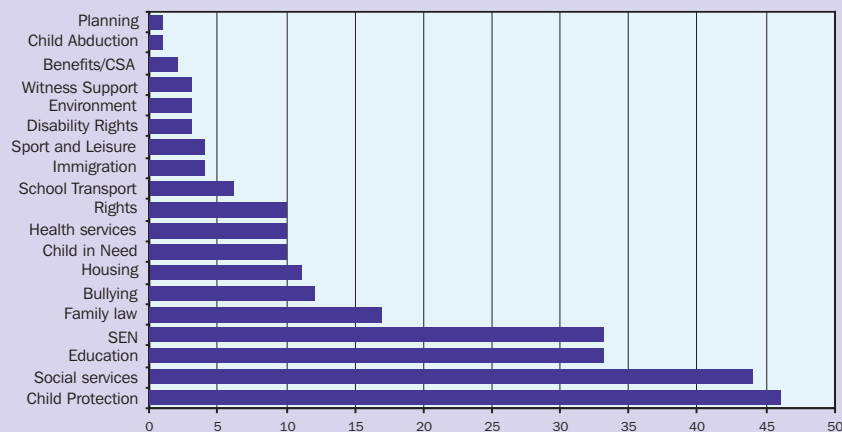
Advice and assistance: who made the initial contact 2004-05



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



Advice and assistance: Issues 2004-2005



Case example

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

What kinds of issues do people contact us about?

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

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

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

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

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

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



Case example

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

Case example

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

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

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

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

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

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

Non-devolved issues

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

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

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





Investigative reviews

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

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

respect
involve
voices
rights
listening
open
support
fairness



Section 4

our Future work programme: What's next?

As well as the new activities listed in the previous sections of this report and continuing with the ongoing elements of our work programme, during the year April 2005 to March 2006 key aspects will be:

- developing our Advice and Assistance service for children and young people
- establishing a team of specialist investigators to undertake investigations of individual cases where necessary
- learning the lessons of the school ambassadors pilot and preparing a new Wales-wide scheme and toolkit
- further increasing the systematic involvement of children and young people in the planning process and in setting priorities within our future programme of work
- extending the Backchat initiative to cover SMS text messaging
- continuing to monitor the implementation of the recommendations made in **Telling Concerns, Children don't complain ...** and the **Clywch Report**
- further promoting the policy calls made in other reports
- such as **Lifting the lid** and **As long as I get there safe**
- continuing to listen and learn, review, investigate, promote good practice and speak up for the children and young people of Wales
- conducting a comprehensive thematic review on the issue of bullying, involving children and young people in its design and the formulation of recommendations
- sharpening our focus on the United Nations Convention on the Rights of the Child
- holding two events in order to facilitate children and young people's involvement and their influence on our work programme
- continuing with our work monitoring, reviewing and responding to consultations, and ensuring that children and young people have a voice in the things that affect them.

2006-07

The work programme for the following year starting in April 2006 will include provision for children and young people's contribution to our priority setting and to influence the way in which we undertake some of the work we are already committed to.

While the detail may need to be finalised subject to funding, in 2006-07 the Children's Commissioner plans to:

- announce and commence two Commissioner's projects identified by children and young people as priorities for action
- recruit and train volunteers to support the work of the Advice and Assistance workers
- complete the thematic review of Bullying and publish our findings and recommendations
- expand our direct participation work with children and young people, and strengthen links with local groups, children's rights services and agencies by recruiting Communications and Participation officers in other parts of Wales and launching the revised Ambassadors' scheme
- launch a dedicated Freephone line for children and young people.

"I think there are two different types of worrying. The worrying people do when they're scared about something and the worrying people do when there under threat."



"I feel that some young people are trouble makers but there are lots of young people who are doing good in their community yet the bad young people are getting all the attention and the good young people are getting hardly none. The press are stereotyping all young people for crimes only a minority have committed."



Section 5

Children's Commissioner's review of issues relevant to the rights and welfare of children in Wales

Key issues 2004-05

Respect

In my first ever Annual Report, covering the year 2001-02, I highlighted the issue of respect. I shared the clear message from children and young people that they did not feel respected by us as an adult community. I made no apologies for returning to this theme in subsequent reports and am so concerned about it at present – due to the currency of a rather different perspective on respect in political discourse at this time – that I have chosen to make it the headline issue for this section of my Annual Report.

The young people of Wales have continued to report those same feelings in the last year. If anything they feel that the way in which the national debate on anti-social behaviour has been conducted has made things worse. I have been very disappointed by some senior UK politicians who appear to repeat and amplify tabloid scare stories about feral children, and who have failed to defend the reputation of our young. I have been pleased that the vast majority of National Assembly members have not followed this shoddy lead.

Of course most young people speak highly of individual adults who respect them and who acknowledge their worth. Parents, carers, teachers, youth workers and many others get a positive mention in this regard. However, it is the general bad press and associated adult attitudes that get young people down. So often children and young people are mentioned only in terms of problems – their faults are magnified and their worth is ignored.

The fact that respect has now been raised as an issue by the most senior political figures in the land might be thought to be cause for celebration. Unfortunately, although perhaps predictably, the debate has been all about young people not showing enough respect to their elders. Even within educational settings which should be focused on the needs of the pupils, school home agreements will speak of the need for children to respect the staff, but rarely declare that all those in the school community should treat each other with respect.

"Because there are some young people that are jobs mistreating places like shopping centres, every young person is treated like one, and that isn't fair at all."



It is clear that some adults are confusing respect with fear and obedience, perhaps hankering after some bygone age when children were fearful of adults. It seems equally clear that many more adults are unwilling to think about how they might earn the respect of the young. They seem to expect automatic respect in a way that they do not from fellow adults. Nor do they generally display it. Most people accept that we grown-ups should generally set a good example. Perhaps our senior political leaders might demonstrate their respect for the young of our UK countries rather than preaching at them.

Real respect isn't demonstrated by the occasional positive remark in a sea of negatives. It involves listening carefully, engaging with the real issues young people face and taking real notice of what you hear.

It would be a good first step – if this is a serious move to get and show respect – if the UK government were to show courage and outlaw the hitting of children in all

circumstances. It is difficult to see the credibility of a debate about mutual respect with children and young people when they remain the only group in society who can be hit with impunity.

Independent Advocacy Services

In 2003 I reviewed the provision of advocacy services for children by local authority social services and made a number of important recommendations to Welsh Assembly Government, local authorities and others in **Telling Concerns**. Since publication its whole pattern of advocacy provision in Wales has changed. There is little evidence that this change has been the consequence of any strategic vision and little evidence of children and young people being consulted or involved in the changes.

The services in question are primarily aimed at young people who are looked after and who will have already experienced much disruption in their lives. If we are causing their relationships with advocates to be broken we are adding to their distress and denying them the support longer-term relationships with reliable and trustworthy adults can bring.

These changes have arisen chiefly due to individual decisions by individual local authorities commissioning advocacy, often on a year-by-year basis. Concerns have also been raised about the degree of real independence the providers of advocacy enjoy when they are beholden so directly to their paymasters, who may dispense with them when the contract ends. Despite the commitment advocates will have to children's rights, it is understandable that without security for their own job or for their service there can be an impact on performance. Challenging and questioning the actions of a local authority on behalf of a young person is difficult enough under any circumstance – but imagine how much harder that may be if it is perceived

that their job could be at direct risk as a consequence. My concern also extends to the role identified within the Children (Leaving Care) Act 2000 – that of Personal Advisor. This role is meant to safeguard and promote the well being and continued development of care leavers. They are required to act as a negotiator between the young person and their social worker – the representative of the local authority. We have received many calls from young people, some of them distressed, anxious, and angry about the leaving care plans produced by the local authority. Not one of the young people felt that their personal advisors had represented their views or indeed had negotiated on their behalf. I will be reviewing how these roles are monitored and regulated in the coming year.

I believe that Welsh Assembly Government must take a more proactive role on Advocacy by thoroughly reviewing the way in which advocacy contracts are dealt with. This is part of the role of the Advocacy Unit as recommended and described in my report **Telling Concerns** and accepted by WAG following publication over two years ago.

I remain extremely concerned and disappointed by the lack of activity. Sir Ronald Waterhouse clearly identified the importance of independent advocacy for children and young people and, despite his and my several reports reiterating this message, provision remains patchy with questionable independence and changes of provider. I am at a loss to understand why WAG has not pursued these matters more vigorously. The resource consequences are not likely to be great, but the risks of not acting are.

“I like my special needs school, but I hear they are trying to close them.”

National Service Framework for Children, Young People and Maternity Services (NSF)

I was pleased to join the then Minister for Health and Social Care, Jane Hutt AM, in launching the consultation on the children's NSF in October 2004. All children in Wales have some contact with health and related services and many need considerable health support. The document itself was produced in a way that demonstrated some of the respect that I write of above. Many parents and children were consulted and their views were clearly listened to.

The whole aim of the standards is to make sure that health services are designed and delivered to fit the needs of children, rather than for the children having to find a way of fitting in with pre-determined services. It is of great significance and could guide real and lasting improvements in the health and wellbeing of our children. The NSF is a long term strategic programme which I accept will take time to deliver.

I am anxious and concerned, however, about the level of funding that local authorities, local health boards, and trusts will receive in order to implement the standards. We acknowledge that this is a 10 year vision, but there has been no indication of the level of funding that may be expected to begin the process of implementation. Given the problems we have experienced in Wales in adequate funding for the provision of mental health services for children despite an equally visionary strategy, this is a very real concern. For this reason I shall work with colleagues in the Wales Audit Office and Health Inspectorate Wales to conduct a joint review of the National Service Framework for children in two years' time.

School Nurses

School nurses play a key role in ensuring that children get the best possible start in their school life. They directly contribute to the health and well being of children fulfilling functions such as providing on-site first aid and assessment, health education and often playing a part in anti-bullying initiatives. They can contribute to advice on healthy eating, exercise, emotional wellbeing, smoking, substance misuse, sexual health and a whole host of other issues that we all want our children to be equipped to deal with. As well as being well placed to pick up on signs of illness and disease they are the person most likely to spot signs of physical and sexual abuse, bullying or self-harm. Their role in promoting children's emotional and mental wellbeing makes a very significant contribution to pastoral care in schools and they are well placed to work alongside the counsellors that I recommended should be available in all schools in the **Clywch report**.

It is notable that the importance of their role has been recognised at a policy level, particularly following the publication of the Carlile Report, *Too Serious a Thing*, which recommended that the Welsh Assembly Government accept and implement the recommendations to develop and improve the School Health Service. Many children and young people who I talk to really value their school nurse. The fact that they have a key role to play in improving safeguards is recognised in guidance – yet it is clear that there simply aren't enough of them. The Royal College of Nursing has said that some school nurses are responsible for over 6,000 pupils. How can even the most dedicated of nurses provide a high quality service under such circumstances?

The review of health visiting and school nursing in Wales – *Recognising the Potential* – was published in 2000, and made bleak reading in the extent that Wales had fallen behind other UK countries in developing the potential of nurses in public health. The findings of the review

questioned the ability of any Trust or Education Authority to provide an adequate School Health Service for children living in their area, describing the service as 'fragmented, grossly underdeveloped and under resourced'.

"Healthy food should be an option at schools but shouldn't be forced onto the children and young people. It's very unfair to make people eat more healthy foods if they don't really like it. Give them a Fatty Friday – that's when they can pig out."

UK Government has committed funding for the development of the service in England. The intention is that every primary care trust will have one full time, year round qualified school nurse working with each cluster of primary schools and the related secondary school by 2010. To date there has been no such similar commitment from the Government of Wales. It is of considerable concern that the policy rhetoric is not being made a reality simply because of a lack of strategic lead and funding. I look forward to hearing the views of the National Assembly of Wales on this significant gap in services to improve the physical and emotional health of our young.

Internet Safety

The internet has opened up a world of opportunity to children and young people and gives them access to information, knowledge and experiences as never before. Unfortunately, some of this information, knowledge and experiences are not positive in nature. We have seen in some instances the new technology being misused for bullying, and being misused by adults to groom children

and young people often in their own home but without their parents being aware of what is happening.

I am concerned about the level and nature of internet child abuse and about the numbers of children and young people involved or affected. I am concerned about the damaging way that the media portray the issue. However, I am most concerned about the lack of information and education programmes provided to children and young people about safe use of the technologies and about the risks that arise because of a lack of awareness on the part of their parents and carers about internet use and abuse. I believe that these issues need to be addressed now and it must be given more attention in professional qualifying training programmes, in particular teacher training, social work training, training for health professionals working with children and young people, and the police.

In many ways the issues surrounding internet and email use are a question of balance, and the potential information technology offers for abusers has become all the more dangerous because of the way many of us regard computers and technology. Often the young person at risk will be the family member with the most comprehensive technical knowledge and the computer may even be located in their bedroom with an internet connection. Time online is experienced by them as a private world – something which parents and carers are shut out of both metaphorically and literally. For some young people the opportunities the internet offers for social interaction will be invaluable. While children and young people have a right to privacy parents need to be aware of the risks. Reliance on screening software is inadequate and may even increase vulnerability. Adults need to capitalise on the potential information technology offers them as well so that a computer is seen as a family resource and encourage their children to discuss their use of the internet and any concerns they may have.

While many different organisations, in particular within the

voluntary sector, have developed useful guidelines and information for both young people and their parents in itself this will not be sufficiently effective. We must ensure that children and young people are educated about the strategies that they can follow should they encounter something on the internet that makes them uncomfortable. School governors should ensure that safe and responsible use of the internet is embedded into the culture of the school. My team will be talking to departments within Welsh Assembly Government, and ACCAC – the Qualifications Curriculum and Assessment Authority for Wales – about the publication of information and promotion of safe use of the internet for children and young people.

Implementation of Clywch recommendations

As with our other reports the recommendations I made in the **Clywch report** are monitored in order to check on implementation within certain timescales. The volume of responses received has been considerable and it would seem that there are differences in interpretation and quality in which my team is giving consideration at present. In general the response has been very positive and I am pleased in particular with the work of the broadcast media in developing child protection policies and ensuring that those who conduct work on their behalf also adhere to them.

Two recommendations of particular import merit a mention here also. Recommendation 21.19 of my report proposed the establishment of a multi-agency task group led by Welsh Assembly Government in order to consider my recommendation 21.8, dealing with the way in which staff disciplinary investigations and hearing should be conducted.

My preferred option of independent tribunals did not find widespread support when the group met as recommended and different approaches to ensuring the independence of the investigation of allegations were also put forward. Although I remain convinced that my original proposals are the best option, I am equally certain that a reasonable level of consensus among all interested parties is a prerequisite for real and lasting improvement in our systems in Wales. It was this conviction that caused me to recommend the task group and its membership in the first place.

The proposals brought forward by Welsh Assembly Government for the establishment of an independent investigation agency and for independent and legally qualified members of school governors disciplinary committees do seem to address the same concerns as my recommendations and they do so with general – if not universal – assent by interested parties. I commend the Assembly for its work in this area and acknowledge the contribution of the teachers' unions, local education authorities, WLGA, school governors, police and all others who worked together on these issues.

“I don't think that schools really care about pupils' emotional welfare.”

Follow-up on issues raised in previous years

The issues that I have raised in my two previous Annual Reports continue to hold my attention. I shall focus here only on those which give continuing cause for concern, or where there have been particular developments.

Child poverty

Child poverty was the headline issue in my first Annual Report published in October 2002, and I was pleased by the sense of urgency that characterised the Welsh Assembly Government's response to my call for action at that time. I acknowledged the need for careful deliberation and accepted that what some considered to be an unacceptably long wait before the publication of the report of the Child Poverty Task Group was necessary. Following the publication of that report I also welcomed the publication of the WAG strategy to tackle child poverty, A Fair Future for our Children, in February 2005.



Once a strategic vision has been developed it is of course necessary to establish what actions will be taken and to set targets for the implementation of any action plans. Sadly, I have been disappointed with the rate of progress since the publication of the strategy document and have been informed that the Action Plan has yet to be developed. I am concerned about this lack of urgency regarding an issue which is, as I described in 2002, 'a national disgrace'. The information provided to me suggests that the Action Plan may not be in the public domain and ready for implementation until a full year from the publication of the strategy document.

While it would be erroneous to infer that the Assembly Government is doing nothing to combat child poverty in the meantime – it is responsible for some sterling work – I am of the opinion that this delay is extremely regrettable. While the declared commitment to eliminating poverty in Wales within a generation may be sincere it must be borne out in deeds as well as words. Children and their families deserve a co-ordinated and holistic strategy that will help support and improve the life chances of all those living in poverty wherever they are. As with any strategy it must be adequately funded and have a joined up approach. A strategy that is not genuinely strategic and has yet to be put into action is not the outcome I sought some three years' ago. I look forward with some impatience therefore to the publication of the Action Plan and will monitor progress on its implementation.

Child and Adolescent Mental Health Services (CAMHS)

My anxiety regarding a strategic approach to eradicating child poverty in Wales – and also around the implementation of the NSF – is of course rooted in the experience of observing the slow progress made in implementing the CAMHS strategy, *Everybody's Business*, about which I have written in previous reports. While there is no doubt that the additional funding announced has been of benefit, concerns about the continuing failure in Wales to provide an adequate CAMHS response are still being brought to me by professionals working in the field. Individual cases dealt with by my Advice and Assistance service confirm that there is still a long way to go. Professionals working with children and young people often express their frustration to me, as do parents and their children who suffer as a result.

Among the positive developments during the past year are that early identification work is being developed through Primary Mental Health Workers undertaking preventative work. Experienced professionals tell me that we need to strengthen these teams across Wales to prevent unnecessary referrals and enhance the life chances of children. They also believe that to have three primary health workers per 100,000 children would ensure that children's mental wellbeing is safeguarded.

I am also pleased with the development of a forensic consultation and treatment service (FACT) for young people. Although limited at present, it is a good start. It is essential nevertheless that professionals trained specifically to work with children and young people are employed within these services.

At present there are specific concerns around access to appropriate services for 16-18 year olds since CAMHS is commissioned for children and young people up to 16 years of age unless they are still in full time education. Adult Mental Health Services are commissioned for 18 years and over, resulting in a gap in mental health services for many 16-18 year olds and patchy and problematic provision. I recommend that CAMHS be commissioned and resourced to see all young people up to their eighteenth birthday.

I also await with considerable interest Health Commission Wales' costed plans regarding Tier 3 and Tier 4 CAMHS. It is a disgrace that sick children and young people have to be placed so far from home, out of Wales, and usually detained under the Mental Health Act in order to receive treatment, therapy and services. These children are probably the most vulnerable in Wales and yet are probably the least safeguarded.

Bullying

Throughout this report it can be seen that bullying has continued to be an issue raised by children and young people and this has confirmed the appropriateness of my decision to conduct a thematic review in order to improve matters. Since it is early days yet, and I am anxious to allow children and young people an opportunity to strongly influence my recommendations, now is not the time to make sweeping statements. However, from our discussions with schools and visits to initiatives over Wales the role played by voluntary or other organisations working in partnership with schools has been confirmed as being essential.

Many of the projects or partners are funded on a short term basis but their work within schools and the wider community is an important catalyst. For many 'tackling bullying' is seen to be about sanctions, behaviour management and control and not about changing the whole school culture and respecting others. Partner organisations redress the balance and they are often able to maintain focus on the issue within a school community at a time when competing priorities and other aspects of the curriculum attract staff's attention. And of course they often bring a different approach and perspective to an issue, facilitating pupil's development as rounded human beings.

From time to time I receive letters from organisations or projects whose funding is threatened or whose lifespan is reaching its end. While it is difficult for me as a champion for all Wales' children to intervene in individual instances it is clear that some of the perennial worries around short-term funding and sustainability need to be addressed. In some cases schools may be left high and dry and the momentum created is almost impossible to maintain



without the support such partnership can offer. The special skills and characteristics of, say, a drama, art or rights based approach, add value to what the school can provide and may be crucial to the successful continuation of an initiative that is both powerful and effective. With a school population that is ever changing it is not surprising that the value of some projects will be lost in a relatively short period if it is not sustainable. Even a gap of a few months in funding can have major implications – momentum is lost, staff move on and in some cases very different projects start more or less from scratch, reinventing the wheel.

"I was being bullied for nearly a year in school and it was going from bad to worse. Once girl was sending me nasty text messages calling me names and threatening me. I was too scared to tell my parents about the bullying because I was scared the children at school would call me a snitch."

Clearly, there is a challenge here for schools, partner organisations and funders and while it is understandable that grant funding cannot be made perpetually available there needs to be a seamless progression if new awards are made. In addition, fixed term projects should focus not only on the direct work with children and young people, but also on building capacity, delivering training and establishing structures within schools, youth groups and communities to ensure that the lessons learned are not lost and a sustainable legacy remains.

Support for Parents and Families: the Parenting Action plan

In my last report I highlighted my concerns about the lack of easily accessible and non-stigmatising support for all those responsible for raising children in Wales. While the need for improvements in support services for parents at crisis point, or where there are identifiable stresses caused by their circumstances had already been recognised, I was keen to try and ensure that all parents and families in Wales were able to access support, information and advice when they need it. I also put the case for ensuring that those raising older children and teenagers, and those not living in areas covered by Sure Start, were able to have the kinds of benefits that such targeted schemes and programmes for parents of babies and younger children provide.

I was pleased that following my recommendation and building on the work already done by the Fforwm Magu Plant (Parenting Forum for Wales) the Welsh Assembly Government established a working group to help them develop a Parenting Action Plan. I commented on the very encouraging draft plan and now await news of the

outcome of the consultation exercise. It is my sincere hope that this plan will be genuinely underpinned by the UN Convention on the Rights of the Child and that it will lead to the development of new services – such as a bilingual telephone helpline for ALL those in parenting roles – in addition to the support already funded under existing schemes such as Cymorth.



rights play
speaking out
investigate
recognising
advocacy
monitoring
entitlements

Section 6

SUMMARY FINANCIAL STATEMENT

Summary Financial Statement for the year ended 31 March 2005

The following financial statement is a summary of the Resource Accounts for the Children's Commissioner for Wales for the year ended 31st March 2005. The statement is an overview and does not contain sufficient information to allow for a full understanding of the results and state of affairs of the Children's Commissioner for Wales as would be provided by the full annual accounts and reports. A full set of audited accounts has been laid before the National Assembly for Wales (the Assembly) and contains the detailed information required by law and the Resource Accounts Manual. A copy of these accounts can be obtained, free of charge by writing to the Commissioner at his registered office:

**Oystermouth House
Charter Court
Phoenix Way
Llansamlet
SWANSEA
SA7 9FS**

Statutory Background

The Children's Commissioner for Wales was established by the Care Standards Act 2000. The powers, duties and functions of the Commissioner are set out in this Act and the Children's Commissioner for Wales Act 2001 and the Children's Commissioner for Wales Regulations which came into force in August 2001. The first Commissioner, Mr Peter Clarke, took up duties on 1 March 2001.

Review of activities and future developments

A review of activities and future developments is reported in the Annual Report.

Members of the Senior Management Team

The following persons served as Senior Management Team members during the year:

Peter Clarke

Sara Reid

Sharon Davies (Left 6.2.05)

Maria Battle

Rhian Davies

Charlotte Blair

Senior Management Team interests

A register of all declared interests of the members of the senior management team is available for public inspection from the Commissioner's registered office.

Peter Clarke

Children's Commissioner for Wales

12 September 2005

Summary of Resource Outturn
for the period 1 April 2004 to 31 March 2005

2004-2005				2003-2004				
Estimate				Outturn				
	Gross expenditure	Income	Net total	Gross expenditure	Income	Net total	Net total outturn compared with Estimate	Prior-year outturn
	£000	£000	£000	£000	£000	£000	£000	£000
Administration costs	<u>1,400</u>	-	<u>1,400</u>	<u>1,497</u>	-	<u>1,497</u>	<u>(97)</u>	<u>1,155</u>

Summary Operating Cost Statement
for the period 1 April 2004 to 31 March 2005

	2004-2005	2003-2004
	£000	£000
Administration costs		
Staff costs	756	657
Other administration costs	<u>741</u>	<u>499</u>
	<u>1,497</u>	<u>1,156</u>
Operating income	-	(1)
Net operating costs		<u>1,155</u>
Net resource outturn	<u>1,497</u>	<u>1,155</u>

Summary Balance Sheet

	31 March 2005	31 March 2004
	£000	£000
Fixed assets	96	163
Current assets		
Debtors	43	21
Cash at bank and in hand	<u>535</u> 578	<u>192</u> 213
Creditors: amounts falling due within one year	(472)	(196)
Net current assets	106	17
Total assets less current liabilities	<u>202</u>	<u>180</u>
Taxpayer's equity	<u>202</u>	<u>180</u>

Summary Cash Flow Statement for the period 1 April 2004 to 31 March 2005

	2004-2005	2003-2004
	£000	£000
Net cash outflow from operating activities	(1,456)	(934)
Capital expenditure	(9)	(39)
Financing from the Assembly	<u>1,808</u>	<u>1,142</u>
Increase in cash in the period	<u>343</u>	<u>169</u>

Schedule 5

Resources by Aim & Objectives for the period 1 April 2004 to 31 March 2005

AIM AND OBJECTIVES OF THE CHILDREN'S COMMISSIONER FOR WALES

Aim

To safeguard and promote the rights and welfare of children and in exercising all of his functions to have regard to the UN convention on the rights of the child.

	2004-2005			2003-2004		
Objective:	Gross £000	Income £000	Net £000	Gross £000	Income £000	Net £000
Objective 1	430	-	430	445	1	444
Objective 2	272	-	272	76	-	76
Objective 3	83	-	83	104	-	104
Objective 4	30	-	30	36	-	36
Objective 5	45	-	45	125	-	125
Objective 6	602	-	602	287	-	287
Objective 7	13	-	13	4	-	4
Objective 8	22	-	22	79	-	79
	<u>1,497</u>	<u>-</u>	<u>1,497</u>	<u>1,156</u>	<u>1</u>	<u>1,155</u>

The Commissioner's objectives were as follows:

1. To promote the rights and welfare of Children, and to ensure that the CYP of Wales are aware of the existence of the Commissioner, of his role and function; the location of his offices, the way that they can communicate/access the Commissioner and his staff and the rights of CYP, particularly those set out in the UN convention on the rights of a child;

to encourage that communication/access; and ensure that public bodies of Wales are aware of the rights of CYP.

2. To ensure that the views of CYP are sought as to how the Commissioner should exercise his function and to the content of the Commissioner's annual work programme.

3. To review and monitor the operation of complaints, advocacy and advice and whistleblowing arrangements to ascertain whether and to what extent they are effective in safeguarding and promoting the rights and welfare of children.

4. To review and monitor the effect on children of the exercise or proposed exercise of any function of the Assembly and/or bodies listed at Schedule 2a of the Children's Commissioner for Wales Act 2001.

5. To examine cases of particular children who are or have received regulated services from bodies listed at Schedule 2a of the Children's Commissioner for Wales Act 2001.

6. To provide or arrange for advice representation or other assistance to a child in making a formal complaint or representation to a service provider; and/or any proceedings which concerns the provision of services, if in the Commissioner's reasonable opinion the proceedings relate to matters which have a more general application or relevance to the rights and welfare of children in Wales. To give advice and information to any person.

7. To keep under review the powers of the Commissioner and the effect on Children.

8. To consider and make representations to the Assembly about any matter affecting the rights and welfare of children in Wales.

There were nine objectives in the accounts for the previous financial year to 31st March 2004. Objective 1 was to "promote the rights and welfare of Children". This objective was amalgamated with Objective 2 from the same financial year to create a new Objective 1 for the year ended 31st March 2005, as stated above.

Peter Clarke

*Children's Commissioner for Wales and Accounting Officer
12 September 2005*

NOTES

1. Basis of Preparation

This summary financial statement has been prepared in accordance with the Companies Act 1985 having regard to the Companies (Summary Financial Statement) Regulations 1995 (SI 1995/2092) as far is relevant.

Auditors

The Auditor's opinion on the full annual accounts for the year ended 31st March 2005 was unqualified. In addition the Auditor had no observations to make on the financial statements.

Statement of the Auditor General for Wales to the Members of the National Assembly for Wales

I have examined the summary financial statement on pages 42 to 46 which has been prepared in the form and on the basis set out at Note 1 above.

Respective Responsibilities of the Commissioner and the Auditor

The summary financial statement is the responsibility of the Commissioner. My responsibility is to report to you my opinion on its preparation and consistency with the full financial statement and foreword.

I also read the other information in the Annual Report and consider the implications for my report if I become aware of any apparent mis-statements or material inconsistencies with the summary financial statements.

Basis of Opinion

I have conducted my work in accordance with Bulletin 1999/96, "The auditor's statement on the summary financial statement" issued by the Auditing Practices Board for use in the United Kingdom.

Opinion

In my opinion the summary financial statement is consistent with the full financial statements and foreword of the Commissioner for the year ended 31st March 2005 and has been properly prepared on the basis set out in Note 1 to the summary financial statement.

Jeremy Colman

Auditor General for Wales

28 September 2005

Wales Audit Office

2-4 Park Grove

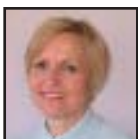
CARDIFF

CF10 3PA

Children's Commissioner Comisiynydd Plant Cymru



Peter Clarke



Monica Roberts
Personal Assistant
Cynorthwy-ydd Personol

Legal & Investigations Cyfreithiol ac Ymchwiliadau



Maria Battle

Assistant Commissioner (Deputy, Legal & Investigations)
Is-Gomisiynydd (Dirprwy, Cyfreithiol ac Ymchwiliadau)



Elaine Cloke

Advice & Assistance Manager
Rheolydd Cyngor a Chymorth



Elin Jones

Investigations Officer
Swyddog Ymchwiliadau

Corporate Services Gwasanaethau Corfforaethol



Sharon Davies

Acting Assistant Commissioner (Corporate Services)
Is-Gomisiynydd Dros dro (Gwasanaethau Corfforaethol)



Charlotte Blair

Finance & Administration
Rheolydd Cyllid a Gweinyddiaeth

Administration Assistants Cynorthwywyr Gweinyddol



Khoyrun Begum

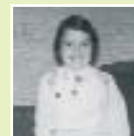


Nicola Jobbins

Finance Assistant
Cynorthwy-ydd Cyllid



Jon Murphy



Ros Madge

Communications & Participation Cyfathrebu a Chyfranogiad



Sara Reid

Assistant Commissioner (Communications & Participation)
Is-Gomisiynydd (Cyfathrebu a Chyfranogiad)



Jo Sims

Senior Communications Officer
Uwch Swyddog Cyfathrebu



Julie Griffiths

Senior Communications Officer
Uwch Swyddog Cyfathrebu



John Tudor

Communications Officer
Swyddog Cyfathrebu



Sarah Lewis

Communications Officer
Swyddog Cyfathrebu



Jamie Gwilliam

Web & IT Co-ordinator
Cydlynnydd y Wê a TG

Policy & Service Evaluation Polisi a Gwerthuso Gwasanaethau



Rhian Davies

Assistant Commissioner (Policy & Service Evaluation)
Is-Gomisiynydd (Polisi a Gwerthuso Gwasanaethau)



Peter Hosking

Senior Policy & Service
Evaluation Officer
*Uwch Swyddog Polisi a
Gwerthuso Gwasanaethau*



Mair Jones

Senior Policy &
Service Evaluation Officer
*Uwch Swyddog Polisi a
Gwerthuso Gwasanaethau*

Also working with us: Yn gweithio gyda ni hefyd:

Nikki Bacon

Siân Dyer

Sarah Powell

Andrew Robinson

Liz Watt

and others

ac eraill

Comisiynydd Plant Cymru: y Comisiynydd a'i dîm

Siart y sefydliad hyd 31 Mawrth 2005