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annual report
03-04





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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 Backchat members, or as participants in a review process. Many of their views, comments and photographs appear throughout the report.

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A word from Peter Clarke

The publication date for this report will coincide almost exactly with the half way point in my tenure as Children's Commissioner for Wales. This is a good time to take stock, to evaluate what has been done and what still needs to be done, to improve children's lives.

As ever, I am most aware of what still needs to be done. Many children and young people in Wales still face major problems that would test the skills and resources of the most capable adults. We have children at risk in Wales who do not have allocated social workers; one-third of our young live in poverty; bullying is still rampant in too many schools and the UK government seems intent on amplifying tabloid fears of young people, rather than taking a lead in engaging with them.

Despite the many messages and quotes from children and young people that appear in this and other of my reports, I acknowledge that we cannot yet say that we are in close touch with as many young people as we would like. We know that such close and regular dialogue with children is the only way I can hope to fulfil my role as their Champion. This is therefore an area that I will be focusing greatest efforts on in the coming years. I intend to involve children and young people far more directly in planning the work programme of the office, as well as giving them greater direct influence on the issues that we campaign on.

We have achieved a good deal too. In an environment where the Welsh Assembly Government has adopted the UN Convention on the Rights of the Child, we have helped improve systems encouraging children to participate in decisions that affect them. There has been clear progress in mechanisms for children and their advocates to make complaints.

The *Clywch Inquiry* showed our capacity to utilise the strongest legal powers of my office, and we believe the recommendations contained in the final report will lead to significant improvements in safeguarding young people in schools and media settings.

I also know that we have helped a significant number of individual children, and many parents and carers. It is a firm intention in the next three years to develop this Advice and Assistance service and to focus this advice work more directly on children themselves. We will usually be referring them on to others, but will continue to intervene if other systems let them down and to campaign for the creation or extension of new services when a real need is identified.

In the language of a school report, I feel we have 'made a good start but needs considerable effort to ensure real success'. I intend to put in that effort over the next three and a half years. The children and young people in Wales are worthy of all our best efforts.



Peter Clarke

*Children's Commissioner for Wales
October 2004*



Introduction

This annual report is based chiefly on the work conducted by Peter Clarke and his team during the financial year 1st April 2003 to 31st March 2004; but it also goes beyond that.

Much of our work is ongoing and continuous, and it is relevant therefore to report on work conducted during that year, but which may have been published in the following year, rather than to focus only on the ways in which this information was gathered.

As a team we are committed to listening to children and young people, and to learning from and acting on what we have heard. There is still much to be achieved, 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.

Working towards making the UN Convention on the Rights of the Child a reality in Wales is very much about remembering about the value and significance of the processes, and not just about establishing structures, services and procedures. Unfortunately there is no easy tick-box solution. There will often seem to be no end to this journey and there is a need for continuous development, improvement and learning on everybody's part.

What is a Children's Commissioner?

A Children's Commissioner is more than an ombudsman, 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. Exactly what a 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 Parliament to create the post and give it the powers needed.

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.

"We heard a rumour a while ago about our uniforms changing, everyone was so angry because we weren't asked what we wanted. I definitely think we should be able to give our own opinions on what we want or don't want."

"There aren't many bullies in our school but there are a few that trip people over in the corridors and shout mean things worse than that the teachers seem to turn a blind eye to it just because children don't complain - only when the bullies bother the teachers that anything is done."

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 in relation to older young people under certain circumstances - e.g. if they have been looked after. If there are implications for today's children and young people, he can also investigate things that happened to adults when they were children.

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What can the Commissioner and his team do?

Under the legislation, the Children's Commissioner 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 the case of a particular child or children if it involves an issue that has a more 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

The Children's Commissioner for Wales also has an 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. This means that he can deal with issues outside the responsibility of the National Assembly, such as youth justice, the family courts and social security benefits.

The legislation also states that he must:

- make sure that children and young people know where his offices are and how to contact him and the team
- encourage children to get in touch
- ask children what they think about his work and future work, and allow them to influence his work programme
- make sure that he and his staff go and meet children wherever they are
- pay particular regard to children who are 'hard to reach', subject to social exclusion or are marginalised in some way
- have regard to the United Nations Convention on the Rights of the Child in everything he and his team do.

"I don't think it's right that in some schools girls have to wear skirts - I wouldn't want to anyway!"



How we work

The Children's Commissioner and his staff are based in offices in Swansea and Colwyn Bay, but work all over Wales. For the year covered in the Annual Report there were three smaller specialist teams – Policy and Service Evaluation, Communications and Legal and Administration - but all working together. There has been some internal restructuring since then with the creation of a Legal and Investigations team and a separate Corporate Services team. Each team is headed by an Assistant Commissioner or equivalent.

"The toilets in my school are horrible. There is no toilet paper, no soap, and no hand towels. There are no toilet seats to sit on and the toilets are dirty."

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 legislation 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.crights.org.uk
- For more information on Children's Commissioners and ombudspersons all over Europe try www.ombudsnet.org
- Have a look at our website: www.childcomwales.org.uk

"I think our uniforms are too frumpy! Especially the red jumpers we feel like tomatoes!!!! but on the other hand I think it's good because it puts less pressure on us, as in we don't have to worry about what to wear and what's 'fashionable' because we all wear the same thing."

The year in question 2003-2004

The legislation is designed to equip the Children's Commissioner for Wales with the tools needed to be an informed champion of children and young people, and to fulfil his role as a systemic advocate – speaking out on their behalf and driving forward change to secure a brighter and safer future for Wales' children. Not all the tools in the toolkit get used every day, but the year's activities and work programme meant that the statutory powers were used effectively.

Clywch: the report of the Children's Commissioner's Inquiry into allegations of child sex abuse in a school setting

One of the strongest legal powers available to the Children's Commissioner is the ability to hold an Examination – a formal public inquiry into circumstances surrounding a situation of particular concern. The **Clywch Examination** was the first inquiry held under the Children's Commissioner's statutory powers, and looked into allegations of child sex abuse in a school setting. The Examination began in May 2002, and the final hearings were completed in November 2003.

The report of the inquiry was published in July 2004 and has been welcomed by government and child protection specialists at both a Wales and UK level. The Welsh word 'clywch' is the command to 'listen', and the message is that children and young people need to be listened to, and adult professionals must act on what they learn. And, if all those to whom recommendations are made heed them, children's life-chances and protection will be greatly improved. In this way, investigating and examining the background to a particular set of circumstances has enabled the Commissioner to draw conclusions about improvements in policy and practice that will be of benefit to all Wales' children – today and in the future.

While praising the courage of the past pupils who came forward, and of senior teachers at the school who took their concerns seriously, the **Clywch** report details serious omissions on behalf of officers of the local authority and describes the examinations board concerned as having corporately failed to protect children.

The report states that due to a failure to refer the matter appropriately to the police or social services, the individual concerned was able to continue to have contact with pupils and work with children despite serious allegations of abuse having been made against him. The **Clywch** report also concludes that a 'deal' was done in order to keep a lid on the matter. As a result children thought that their complaints of sexual abuse and bullying had not been believed, and some teachers at the school and others in the community wrongly believed that any allegations were completely unfounded.

Among the recommendations in the report is that there should be a national strategy to provide an independent counselling service for children and young people in education, and that sources of support for pupils – such as those provided by voluntary organisations and helplines – should be identified and promoted within schools.

The Commissioner also recommends that with allegations of a serious nature, disciplinary matters should be thoroughly investigated by a specialist personnel officer and dealt with by four new disciplinary tribunals, each with a legally qualified Chair. This would have benefits for all concerned in terms of speed, independence and fairness.

The **Clywch Report** also identifies serious weaknesses in safeguarding children working in the media and performing arts. It is therefore recommended that all sections of the media in Wales establish effective child protection policies, procedures and training, and ensure that chaperones are properly vetted and licensed, within 12 months of the report's publication.

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Reviewing policies and procedures

During the year we embarked on our second review of children's complaints and advocacy arrangements and whistleblowing 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. Based on the format used for the review of social services departments reported on in **Telling Concerns**, this time we looked at the 22 local education authorities (LEAs) in Wales.

Among other things, LEAs have responsibility for ensuring that the special educational needs process is implemented. They also have responsibility for the educational welfare service, the school psychological service, school meals and school transport provision.

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 serve to inform that process.

The outcomes of this review will complement and dovetail with the recommendations that are made in the **Clywch** report, and we expect the report to be published in late 2004.

"The voting age should be lowered for young people to vote!!"



Monitoring progress on recommendations

A frequent criticism of reports is that once they have been published and given some publicity, often they can 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.

Following the publication of **Telling Concerns** we set about following up the progress that was being made with implementing the 65 recommendations. First we wrote to all the organisations and agencies to which we had made the recommendations, to explain that we were going to monitor the progress that they had made, and to ask that they send us an action plan. At the same time we set up a filing and recording system to keep track of the responses that we received, and so that we would be able to revisit those responses.

We were pleased with the early announcement that all recommendations made to Welsh Assembly Government would be implemented. We welcome the advent of the children's advocacy unit, and the outcomes of the research about children's complaints undertaken by *Voices from Care Cymru*.

We remain concerned however, about the development of children's complaints officers within local authority social services. To date we are aware that despite recommendations made by Sir Ronald Waterhouse in his report *Lost in Care*, and our follow on recommendation in *Telling Concerns*, only 10 local authorities have developed the role of a children's complaints officer. We will continue to monitor the responses made to us that declared an intention to implement the recommendations that we made in the future.

Work on monitoring the implementation of the recommendations of the **Clywch** report has also commenced.

Reaching out to children and young people

Peter Clarke ensures that by regularly visiting schools and groups of young people, speaking at conferences and attending events, he has an opportunity to keep up to date with what children and young people feel is important to them and what is currently impacting on their lives.

But ensuring that he gathers such information from ALL Wales' 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 arrival of new staff in the autumn of 2003 meant that a systematic mapping of areas visited and the groups of young people the Commissioner and the team had met could be undertaken.

In early 2004 a systematic and targeted programme of work with children and young people in 'hard to reach' groups was begun – mainly in South and West Wales – and this will be rolled-out to the whole of Wales in coming months.

Given the wide geographical area and the broad range of groups involved this means working alongside other organisations and is a long-term commitment.

"I think it's important too that there's a school uniform where nobody is seen as better than each other because not everyone has got enough money to get expensive clothes like other children and will feel poor."

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 remain committed to working towards this end. Often this will mean working with those experienced in certain communication methods or in working directly with a specific group of children and young people. With the establishment of an internal working group on Equality of Opportunity considering all aspects of our work, resources within the team will be developed and practice further improved.

"The drinking fountain is horrible there's green stuff on it."

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. During the year Welsh in the Workplace lessons were held at the Swansea offices and were open to all staff. We are fortunate that each specialist area of work has at least one member of staff able to provide a service and communicate in Welsh.

Backchat: our email group

Backchat has had mixed fortunes after a successful launch in May 2003 and an increased membership and regular messages. The service is now being re-developed with better technological support and an SMS text service, which will go live in Autumn 2004.

In the spring of 2004, the hunt was on for suitable artwork for a new range of postcards to recruit new Backchat members. Schools and colleges from across Wales gave us an opportunity to photograph the work of their students, and children and young people voted on their favourites.



A new improved website was launched in early 2004, and following consultation with children at Eisteddfodau and other events, it will be developed further very soon. More extensive consultation and the development of the content of the website to meet the needs of professionals and others is also in the pipeline.

"If parents don't want kids to be bored and steal cars and take drugs they should take them places shouldn't they?"

Involving children and young people in our work

Young people contributed actively to our recruitment programme during the year with thirty receiving training in interview techniques, equal opportunities and the recruitment process. Work on establishing a framework for greater involvement in our corporate governance and planning cycle has also started, with many exciting developments anticipated by the time of our next annual report.

Promoting the United Nations Convention on the Rights of the Child

The legislation states 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.

When attending Eisteddfodau, playschemes, youth festivals or similar events the activities are almost invariably centred on the UNCRC or children's rights within a certain service. In recent months children have contributed to rights banners and a large quilt, highlighting the convention Articles most relevant to them. These are to be displayed at the conference of the European Network of Ombudsmen for Children in October.

"The best thing about the bus is the lady who looks after us because sometimes at the end of the day she gives us sweets and lets us watch telly on the bus, and we watch videos and stuff."

Speaking out on behalf of children and young people

Getting the message across in a variety of ways is crucial for an effective children's champion. 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.

While promoting report or policy review recommendations may seem removed from everyday life, 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.

"I don't like it that we're not given choices with medication, side effects aren't explained or real needs identified."



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Influencing and networking

The message to listen to children can seem repetitive, but frequently children's rights aren't respected because a system or procedure has been set up as if its aim was to serve a bureaucracy, rather than a child or young person. While some of the influencing work of the Children's Commissioner's office form part of initiatives to promote the recommendations of a particular piece of work, others look specifically at the participation of children and young people. Relationships have been forged with Local Health Boards and Trusts throughout Wales, advocacy providers, children's organisations 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 consultations, basing our calls on information gathered through our participation, advice and assistance, and communications work. For example, we were able to involve children and young people via *Backchat*, gathering a range of responses to a WAG consultation about school uniforms.

Influencing government and policy makers involves a wide range of activities. Since often 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.

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 where 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
- 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.

"Children and young people can become lost within the CAMHS tier system, which puts people into boxes."

In addition to the main areas of focus during 2003-04, we were also called upon to comment and/or give evidence to committees on a variety of issues including:

- diet and health
- smoking
- sexual health and sex education
- child poverty
- domestic abuse
- eating disorders
- asylum seeking children and their families
- peer pressure
- the Criminal Records Bureau
- intergenerational practice
- lowering the voting age
- curfews
- children's portrayal in the media
- bullying
- school catchment areas
- exam stress
- internet safety
- Anti-social Behaviour Orders
- mobile phone use and misuse
- treatment and supervision of adult sex offenders

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Publishing our findings and disseminating good practice

Lifting the lid: the state of the nation's school toilets

One of the first issues which the Children's Commissioner drew to the public and government's attention was the state of school toilets throughout Wales. During visits to schools and youth groups, children and young people frequently mentioned the poor standard of toilet facilities. This was felt to be a reflection of the lack of respect shown to them by adults, and was far from being a frivolous or trivial matter.

Having listened to their views Peter Clarke decided that his team should take a closer look at the current situation. We looked at legislation, relevant guidance, and various research studies. Most importantly, we gathered information, views and comments from children and young people across Wales. We worked directly with children and young people and involved our Backchat email group as well. We also talked to school staff, local education authorities, school governors, school inspectors, and policy makers.

The lack of priority given to these basic amenities was evident, with pupils expected to carry out private and intimate functions in the appalling environments many of them told us about. A significant proportion of pupils do their utmost to avoid using the school toilets and this will have negative impacts on their health, well being and ability to concentrate and work well at school.

Lifting the lid lays out the current policy context, implications of research findings, set against the views and experiences of children and young people. One of the most important findings is that not all school toilets are bad. The very fact that some are adequate – or even fantastic – proves the point that there is no excuse for nasty school loos.

Lifting the lid makes several recommendations for action, including:

- an audit of the current condition of all school toilets in Wales within the next 12 months;
- clarity in the law so that toilets for children are seen as being just as important as toilets for adults
- asking pupils about their school toilets, listening to them and involving them in any plans for improvements or monitoring how well the toilets are looked after.

"They asked us what we wanted and the toilets are much better now they have been refurbished. They used to be dull and boring and now they add colour to the school day."



As long as I get there safe: towards better and safer journeys to school

The need to focus on school transport for the second study working alongside children and young people was underlined when in December 2002 a fatal accident occurred while taking pupils home from a comprehensive school in the Vale of Glamorgan.

As well as looking at the policy context, we were keen to obtain information about children and young people's feelings of safety on their school buses. An additional complexity of course is that being on the school bus is clearly 'down time' for many, and the very things that make the experience enjoyable for some young people may well make the journey miserable for others – and sometimes even jeopardise the safety of all.

"Even when there are seats, they stand. I won't lie, my friends and I used to, but only because nobody, not even the driver, told us not to. Now we're older we can see how potentially dangerous it really is."

We already knew from a variety of sources that there were concerns about the quality and standard of buses used for travel to school, and that they were sometimes unsafe. Behaviour, including bullying, on the bus was also an issue.

Around 120 children and young people from all over Wales contributed: telling us what they really liked about the school bus and what they really hated. They also had an opportunity to suggest their own recommendations for making the journey to school better and safer.

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Children and young people told us that:

- some school buses are dirty and smelly – but some are great
- many pupils don't feel safe – sometimes because the bus is old, or there aren't any seatbelts; sometimes because of the driving; and sometimes because other pupils are behaving badly
- the social aspects are very important, including talking to friends and having a good time
- some buses are overcrowded, with 3 people in seats meant for 2
- children and young people travelling on school buses are aware of safety issues, but they enjoy the freedom and feel that safety belts have a bit of an image problem.

Recommendations made in *As long as I get there safe* include:

- the so-called 3 for 2 rule should not be applied and is incompatible with the need for every pupil to have a seatbelt.
- the quality and standard of fleets must be improved and school buses should be clean, safe, well maintained and reliable.
- the provision of appropriate training for school bus drivers and the employment of trained, vetted and adequately supported escorts.
- all school buses should be fitted with seatbelts, and action needs to be taken to ensure that pupils are motivated to wear them.

"Wales needs more youth clubs."

- continuing involvement of children and young people in all aspects of school transport. They need to consider and discuss the issues and be involved in drawing-up ground rules for behaviour, and in longer term monitoring. Pupils travelling on a school bus often know more about problems with safety or bullying than adults – so they need to be asked about it and listened to.

Telling Concerns: Practice guides

While conducting the review of social services departments reported on in **Telling Concerns** we were able to identify aspects of practice and service delivery that we thought should be shared with other local authorities and indeed other agencies.

This information enabled us to prepare 3 practice guides: Children's Complaints, Children's Advocacy, and Whistleblowing. The guides are written so that they can be shared with children and young people, or used in training programmes.

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



Advice and assistance

Children and young people are supported in a variety of ways, and the further development of the Advice and Assistance service to children and young people is one of the most visible ways in which the Children's Commissioner fulfils his remit. The statutory power to provide advice and assistance and to investigate individual cases is a valuable tool. The Commissioner considers the ability to take on such work crucial to his role because:

1. It safeguards and promotes the rights and welfare of individual children.
2. It enables the identification of priority areas for investigative and policy reviews, based on the real experiences of children and young people, and of those who work or act on their behalf.
3. It helps us identify gaps in service provision, or between the rhetoric and reality of government policy, which helps us plan the focus of future influencing activity.
4. It means that those providing services or dealing with children and young people are given real life examples of what can be done. Agencies are often not aware of the impact of how a policy is being implemented or practice is delivered, and working with them is a valuable learning process for all concerned.
5. 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.

Case example

A disabled child had been in hospital for 3 months waiting for nursing support before he could go home and back to school. We intervened and the support was provided the next day.

A child or their representative contacting the office is always listened to. They are asked whether they have tried any existing systems, and if not they are helped to find an appropriate route or to find an advocate or source of support. They are encouraged to keep in touch and support is provided as they navigate any relevant complaints or appeals procedures. Guidance to advocates is also provided. If their issue is not being dealt with in accordance with the relevant procedures we will intervene directly on their behalf. Occasionally an intervention is made much earlier if necessary to promote and safeguard the rights and welfare of the child.

Case example

Sue, aged 18, needed a communication device to enable her to take up a place at a further education college. Funding for the device was not forthcoming - each agency concerned believed that it either was, or soon would be, the responsibility of another agency. By contacting the different agencies the development of a funding formula was facilitated, through which each agency could contribute to the funding for the device.

The Advice and Assistance Service doesn't duplicate existing services and where another organisation can act we always signpost on. The service champions the rights of individual children or groups of children. Because of the confidential nature of the work only those directly affected know about the results.

Case example

A social services investigation concluded children were safe. We gave them more information and they did a new investigation to protect the children.

Advice and assistance work is an example of how we work together across the organisation, and the team operates on a rota basis. The service is currently available each weekday afternoon from 2.00 pm to 4.00 pm; but a child or young person can call at any time.

During the year the appointment of a Manager to develop and co-ordinate this cross-functional team was identified as a priority, and this post has now been filled.

Case example

Members of a school swimming team contacted the office when they had been informed of the head teacher's decision that they would not be able to defend their title this year because they had already spent too much time out of school competing at the Urdd Eisteddfod. We asked the head teacher why the question of how to spend out of school time had not been a matter for discussion in the School Council. He agreed that he would consider doing this in future years.

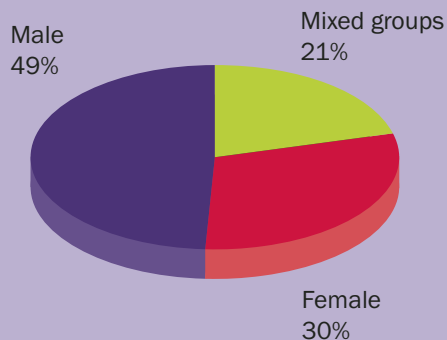
"When children get told off about their uniform it isn't always the child's fault because it could be the parents fault, financially."

Facts and figures

Advice and Assistance has been one of the fastest growing areas of our work, and in 2003-04 the trend in previous years continued with the number of such calls increasing by 27% on the previous year. The number of cases registered in our database since the establishment of the office passed the 500 mark, with 250 new cases coming to our attention between 1st April 2003 and 31st March 2004.

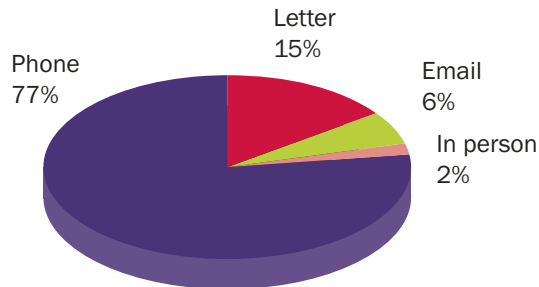
The following statistics give a snapshot of the kinds of issues drawn to our attention and the methods by which they came. As part of the development of the service more comprehensive statistics will be kept in future in order to enable more detailed analysis of issues and monitoring of the United Nations Convention on the Rights of the Child.

Gender of children and young people on whose behalf action was taken 2003-2004



The ways in which people contact us has continued to follow the trend away from communication by letter evidenced last year (a decrease of 30%) with a drop of a further 7% during 2003-04. Email contact remains at a stable level, while most people clearly prefer to use the telephone.

Methods used to contact the Commissioner



Case example

John, a grandfather who had been caring for his 3 grandchildren, placed with him by the Social Services Department, contacted us for advice. As with many 'kinship carers' who contact us, he was very unsure as to his entitlements as regards financial help and what say he had in the children's long term future. John and the children were informed by us that their authority were supportive of the Family Group Conference process and such a meeting was facilitated which led to the family feeling much more involved and clearer about the future plans for the children.

"What I don't like is people not listening to what you have to say, patronising questions over and over..."

learning
assistance
consolidate
accessibility
belonging
diversity
value
evaluate

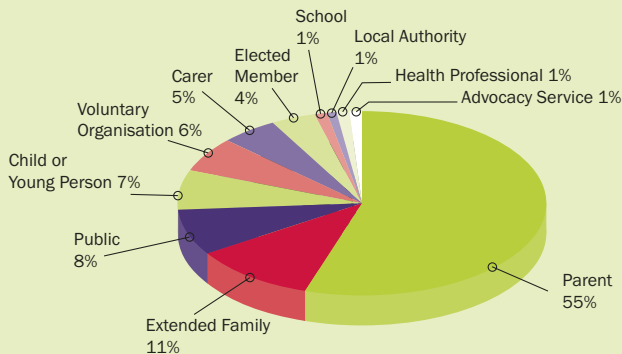
Case example

A child went back to school after two years absence when we advocated on her behalf.

Most of the initial contact with the Advice and Assistance service comes from a parent or carer, but advice workers always ensure that they speak to the child or young person as soon as possible in order to establish their views. 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. In many cases we will help the child get an independent advocate locally. Adults contacting the advice and assistance team are always informed that we act on behalf of the child or young person and that their best interests and wishes will guide any action we take, rather than the wishes of the adults involved.

It is the Children's Commissioner's firm intention to develop this as a service for children and young people.

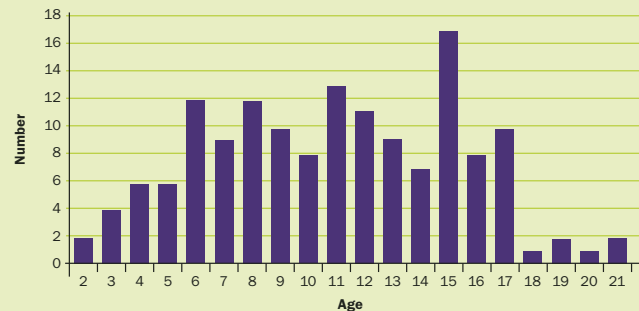
Who made initial contact 2003-2004



The age distribution of the children and young people on whose behalf we have taken action indicates that advice is most likely to be sought, or difficulties are most likely to arise, at key transition points in particular around the National Curriculum Key Stages, transfer from primary to secondary education and from full time education to further education, training or employment.



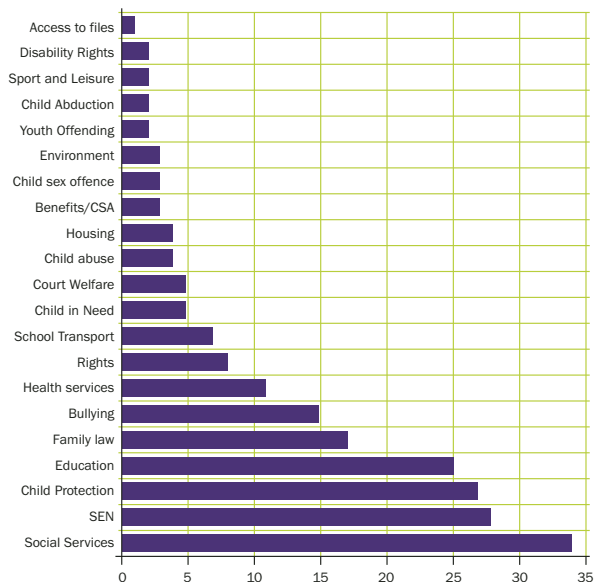
Ages of children and young people on whose behalf action was taken in 2003-4



"I think the school should back what they say and expel trouble makers and bullies."

The kinds of issue brought to our attention via advice and assistance have been similar for the past 3 years, with education – particularly Special Educational Needs (SEN) – and social services matters featuring prominently. The graph that follows includes separate headings for issues that might also be considered to be social services or education responsibilities where we have received a significant number of contacts. Included within the broad Social Services heading would be issues related to adoption, looked after children, fostering, respite care and care leavers.

Advice and assistance: issues 2003-04



As well as helping to achieve better outcomes, increased protection or redress for the child or young person concerned, individual cases provide a valuable pointer to the need for a change of policy or working practices. Analysing what went wrong for one young person can give an insight that informs our contribution to a more general debate, consultation response or focused campaign.



"The worst thing about the bus is the people they're just, most of them smoke and they swear and they don't leave you alone. They annoy you."

"I think that school food is disgusting. There's not enough healthy food. I think they should sell more fruit and dinners with vegetables in them, that would be great."

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 2004 to March 2005 key aspects will be:

- completion of LEA review and commencement of a review of Complaints, Advocacy and Whistle blowing in an area of health provision
- development of our Advice and Assistance service for children and young people, and the undertaking of investigations of individual cases
- piloting and recruiting school ambassadors and sharpening our focus on the United Nations Convention on the Rights of the Child
- implementing plans for 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
- monitoring the implementation of the recommendations made in the Clywch report
- hosting the ENOC (European Network of Ombudsmen for Children) Conference, with the Peter Clarke taking over as their President
- promoting the policy calls made in **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.

The work programme for the following year starting in April 2005 will include provision for children and young people to contribute to our priority setting, and also 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, in 2005-06 the Children's Commissioner plans to:

- recruit and train volunteers to support the work of the Advice and Assistance service
- undertake a comprehensive thematic review on the issue of bullying, involving children and young people in its design and the formulation of recommendations
- launch a dedicated Freephone line for children and young people
- hold two events in order to facilitate children and young people's involvement
- continue with our work monitoring, reviewing and responding to consultations, and ensuring a more direct role for children and young people

"I think schools should do much more about bullies."

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

Key issues 2003-04

Bullying

Bullying is a subject that almost always comes up during my conversations with children and young people. For some, it makes their lives a misery to the point of contemplating suicide. For others, it becomes a daily round of bitter endurance the effects of which will stay with them for the rest of their lives. The majority of bullying occurs within environments that are controlled by adults. Of particular significance are schools and the journeys to and from school.

Every school in Wales must have an anti-bullying policy, and the Welsh Assembly Government has issued guidance to schools to help them deal with the issue. From what children, teachers and parents tell me, there is a great variation in the seriousness with which the issue is treated in different schools. I still, occasionally, meet Headteachers who say there is no bullying in their school. They are wrong.

It is in the schools where all the staff acknowledge the presence of bullying, and where the whole school is committed to tackling it, that children report that it is not rampant. I have visited schools that have excellent and imaginative schemes to prevent bullying.

It is clear that peer support, mentoring and buddying can transform the atmosphere of a school and make sustained bullying much less likely. I believe every school in Wales should adopt such a scheme.

However, these preventive strategies are not a guarantee that bullying will not occur and schools also need to have policies and procedures in place that deliver remedies when it does. Many young people do not think that their complaints of bullying will have any positive results. They say that they are often not taken seriously, that staff actions are not effective, and that the school's intervention can actually make things worse.



Parents have brought similar concerns to my office. Children often feel reluctant to tell their parents and teachers for these reasons and also because a subculture among the pupils often derides 'telling tales'. We have to break this by ensuring that children and young people can and do report bullying, that their complaints are taken seriously, and that they are supported whilst their complaints are investigated and appropriate action taken.

Sadly, despite many positive steps and excellent work by a number of children's voluntary organisations in highlighting the issues, providing support or raising awareness, it is still clear that bullying continues to have a major impact on the lives of our children and young people. For this reason, I have decided that my office will undertake a comprehensive study of the issue of bullying, focusing in particular on children and young people's experiences, views and recommendations in order to ensure that future action by all concerned is most productively focused.

In the meantime, the need for urgent action has been underlined by cases of individual children brought to my office's advice and assistance service, as well as what children and young people have told me and my team. I therefore strongly recommend that Welsh Assembly Government issue guidance to schools that children's and parents' complaints of bullying be treated as formal complaints under the complaints procedures it is already issuing. I have made separate recommendations about these (especially children's) in the Clywch report.

"I think the web site is really good but there should not be so much writing."

Guidance should also be issued that grants children and young people the right to an independent advocate during and after the investigation of the complaint. This should be separate from and additional to the emotional support provided by an independent counsellor or pastoral worker. Both of these should be available as a right when children complain of bullying, with the child able to decide, wherever possible, whether they avail themselves of such support. This guidance should be statutory. I also suggest that Estyn, the Schools Inspectorate in Wales, inspect such arrangements as part of their inspections.

Such measures are necessary where serious bullying has occurred, but preventive measures as outlined above should be vigorously pursued in every school in Wales.

Children's social services

The shortage of social workers has become critical in children's services in Wales. In some areas there are children at risk who are not allocated a worker, or the worker is allocated on paper but not in fact. It is evident that this constitutes a real danger for these children and this situation now constitutes an emergency. In addition to the shortfall, there is a great deal of movement within the profession, as workers try to find circumstances where they feel they can make a real difference.

From the point of view of children themselves this is often a serious barrier to them having a trusted adult in their lives. Many children who are looked after report having two, three or even more workers in a single year. This not only makes forming a trusting relationship difficult, it also means workers are less likely to pick up the changes and signs when things may be going wrong.



It is proving increasingly difficult to attract newly qualified social workers into children's services, and just as hard to retain them. When I talk to Social Workers involved in front-line services they speak of some things that are familiar to me from my own working experience, and others that are new.

For some time social workers have complained of the way in which they are portrayed in the media, and the way that they are often blamed when they do intervene, and when they do not. New to me are the consistent reports they give of a working life that is dominated by form-filling and in which they struggle to find the time to make the relationships that will really help children. They say that many of the procedures that they find onerous appear to them to be more concerned with protecting the agency that they work for than protecting children and promoting their welfare.

Welsh Assembly Government is conducting a review of the Social Work workforce, and the Association of Directors of Social Services is embarking on a similar exercise. I welcome these initiatives and will contribute to them. I urge both to directly address the actual experience of social workers, and to give real prominence to the issues they raise about their lives.

Equally important will be conversations with newly qualified staff who are choosing not to work with children, and the reasons staff give for leaving the profession. Children's perceptions need to be an integral part of this process.

In a climate of public opinion that is often hostile to social work, it will be a challenge to re-establish social work in children's services as an attractive occupation to our brightest and best. To have any hope of meeting this challenge, we must start with a brutally honest and comprehensive appraisal of what is going wrong now. Social workers are a vital part of the multi-agency approach and our children deserve a stable and confident workforce.

I am aware that the high vacancy rate within local authority social services has had a deep impact upon the quality and level of service that is provided to children and young people. There are widespread problems not only in recruiting social care staff, but also in retaining them. It is reassuring that local authorities have recognised that the social care sector in Wales is one sector with one workforce, and therefore the temptation to compete against each other by offering various incentive schemes is self defeating. Whilst I am increasingly anxious about the quality and level of service provision available to children and young people, particularly those children and young people made vulnerable because of abuse, or who are looked after, I am also aware of the work that serving social care staff across Wales undertake. There is no short term or quick fix solution to these issues. However, some of the problems around the recruitment and retention of social care staff revolve around three distinct but interconnected issues which require action:

Remuneration: it is timely to reassess the role and responsibilities that workers within the field of children and young people's social care carry, set against their current pay and conditions of service, and the deliberations about this from the Task and Finish Group on Workforce Planning Issues in Social Care are awaited with interest.



Children and young people from asylum seeking families

During the year problems experienced by children and young people of asylum seeking families have increasingly been brought to my attention. Asylum is a non devolved area but it impacts upon the rights and welfare of children in social services, education, health and housing. It is also an area which receives much negative media attention which in turn impacts negatively upon children.

Media and Public Image: Social care workers are currently portrayed as being under pressure, stressed, harassed, and constantly struggling to keep up with the workload. This is probably in no small part due to the fact that they constantly have to cover the workload of vacant posts. It is sadly the fact that media reporting of the crisis because of public interest, actually contributes to the negative image and affects morale and the esteem in which practitioners are held.

Workforce Planning: The role of social care worker would be that much more appealing if potential applicants were assured that they were joining a profession that had managed to define workload parameters, so that the quality of service provision was to a large extent protected and performance targets achievable. I will be very interested to see the results of the most recent workforce planning exercise conducted by local authorities which should identify the shortfalls in the social care workforce and for the first time enable there to be informed strategic planning around the level and number of training and professional qualifying programme places there need to be on offer in order to fill posts.

We do not know how many such children and young people there are in Wales: whether unaccompanied, accompanied or who have settled status. Research is currently being undertaken to provide this information, but I believe that the majority of local authorities have children and young people of asylum seekers in their communities and not only Cardiff, Newport, Swansea and Wrexham.

It is clear to me that many children and young people whose parents are failed asylum seekers are having to rely on local authority support or the support of the Welsh Refugee Council hardship fund. This support is being applied inconsistently and children are suffering severe hardship as a result.

An example of this that has come to my attention is that of a failed asylum seeker with a daughter less than six months old. The mother is not entitled to any benefits, but because of the danger in her home country the Home Office feel it is too dangerous to deport her back there. As a result she has no means of support and her daughter is also not receiving any support. This is a denial of a child's basic human rights, and children living in Wales should not have to suffer this way.

Some children are required to return to countries where they have suffered horrendous abuse and where they are on the child protection register in Wales following risk assessment by experts. Sadly many of these children and young people are suffering from post traumatic stress disorder as a result of their experiences. I have already highlighted the deficiencies in CAMHS in addressing the mental health needs of children in Wales. Specialist support, such as the Centre for Victims of Torture, does not operate in Wales.

Addressing the needs of these children in education varies across Wales. Newport has a dedicated education service for child asylum seekers. I have been contacted by many children about the recent decision by City and County of Cardiff to withdraw their dedicated service. I believe early educational support is critically important to their education, integration and language acquisition.

I call on WAG to issue further guidance to local authorities on assessing the needs of unaccompanied children and young people and on dealing with circumstances where parental asylum applications have failed and children are in need, or their parents have threatened to harm them. Voluntary bodies working with asylum seeking families should be required to have child protection policies and links with Area Child Protection Committees.



Support for parents and families

Through the various aspects of my work, the need to extend and develop appropriate and accessible support for those involved in raising children - whether mothers, fathers, carers or step-parents - has emerged as a priority. The very fact that so many of the calls received by my Advice and Assistance service come from parents, where often they have failed to identify another existing service to meet their needs, shows that there is a tremendous need for parental and family support services - including advocacy - in Wales.

The pressing need for support for families at risk, in need or facing particular crises is self-evident. Nevertheless, often when parents or carers contact us we find that it isn't possible to signpost callers elsewhere for support, and public agencies clearly still have a long way to go in providing easy to understand information about their services and complaints processes. There is clearly a tremendous need for parental and family support services in Wales. We have found that the two crucial areas of need for parents and families are advice around school education processes (especially SEN) and advice on family law particularly the arrangements for children following parental separation. The green paper, *Parental Separation: Children's Needs and Parents' Responsibilities*, published jointly by the Department for Constitutional Affairs, the Department for Education and Skills and the Department for Trade and Industry contains proposals include improving legal advice for parents and children, providing advice and guidance on arrangement models and dispute resolution. The transfer of Cafcass functions in Wales to the purview of the Welsh Assembly Government provides an excellent opportunity for WAG to develop its proposals in this area alongside the proposals set out in the green paper.



The need for support for parents and families in general may be less conspicuous, but is equally pressing. Many initiatives seek to address the inequalities and disadvantage associated with social exclusion, but parenting is a major challenge for all those involved in raising children, and economic or social indicators are not a scientific measure of parental stress. While I welcome the fact that WAG, by identifying parenting and family support as a key theme in the Cymorth grant scheme for example, recognises the importance of such programmes and initiatives, the fact that many Sure Start schemes are struggling to maintain, let alone extend, the crucial support they provide has also been drawn to my attention. I believe that all parents should be able to benefit from what Sure Start has to offer; and that the very different but equally challenging experience of parenting older children and teenagers should not be ignored. Much would be gained for society as a whole if access to non-stigmatised support for all families were facilitated.

Reluctance to interfere in the private sphere of family life has resulted in many injustices being allowed to continue.

While I believe there are limits to what the state can and should do, the sad fact is that despite a wider awareness of Children's Rights and the UN Convention, many children are being disrespected at home. Most significantly, many children are being hit at home - a method of discipline which is linked not only to a disregard for the human rights of children, but also to an outdated and ineffective approach to parenting. I welcome the National Assembly for Wales' continuing rejection of corporal punishment, but call on Welsh Assembly Government to ensure that children's rights and interests feature highly in their Parenting Action Plan. I also call on them to ensure that parenting education and support at all levels has regard to the UNCRC. I also call on WAG to take action to ensure that gaps and inequalities in support caused by some organisations formerly active in Wales, and particularly Parentline Plus, now being funded to work in England only, are addressed.

It is a cause of considerable personal disappointment to me at the time of writing, that the UK government have stated that they will not allow a free vote in the House of Commons on the issue of the removal of the defence of reasonable chastisement as the Children Bill progresses through Parliament. I find this to be particularly difficult to justify given that a free vote was allowed on the issue of hunting with hounds, and at odds with the title of the green paper from which the Bill was developed - *Every Child Matters*. To abolish this archaic legal defence would be unequivocal proof of the sincerity of that statement to parents, carers, professionals working with families, wider society and of course to our children and young people.

"I think bullying is a major issue..... With bullying cycles with a parent bullying their child and then the child goes and bullies another one. Repressed emotions and stuff."

Spatial planning

The Wales Spatial Plan is a 20 year strategy which the Welsh Assembly Government has produced to translate into practice the aspirations of achieving sustainable development. This plan is one of the first of its kind in the UK, and thus presents a special opportunity for children and young people in Wales. It is of concern that the draft plan does not specify how children and young people will be enabled to contribute and participate effectively to the process of developing the plan.

The newly established Welsh Youth Forum on Sustainable Development demonstrates that children and young people have constructive ideas about the range of issues identified in the Spatial Plan - and indeed the Sustainable Development Scheme - such as development of public transport, environmental concerns, employment issues and access to leisure.

I will be interested to observe how WAG responds to meeting the challenge of ensuring that children and young people are informed about this important strategic document and are then enabled to participate in its development.

Follow-up issues from 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

In the first of my Annual Reports, I asked the Welsh Assembly Government to draw up a strategy to combat child poverty in Wales. The group tasked with this have produced their report and I strongly endorse their recommendations. In particular I welcome the focus on rights and the emphasis on the need to involve universal services in the delivery of programmes to tackle poverty and meet the needs of individual children and young people living in poverty - many of whom live outside the areas served by the Welsh Assembly Government's commendable initiative, Communities First.



The Assembly will need to ensure that they sustain the momentum and link their work to that of the UK government. The non-devolved areas of tax and benefits and macro-economic policy have tremendous impact on the welfare of children in Wales and my office will continue to take a keen interest in UK initiatives and progress. Children and young people in Wales are still suffering much the same levels of poverty today that they were last year. Having a strategy is only the first step in helping those of our young who struggle on a daily basis with the consequences.

There is indeed much commitment in Wales to reduce child poverty and I commend this recognition of the importance of the issue. Nevertheless there is much work to be done if Wales is to play its part in the UK Government's goal to halve child poverty by 2010 and eradicate it by 2020. My future annual reports will continue to monitor this situation.

Child and adolescent mental health services (CAMHS)

I regret to say that I am far less impressed with progress in the area of Child and Adolescent Mental Health Services. While the Health and Children's Minister's announcement of an additional £700,000 for these services after my last year's report was welcome, it is totally inadequate in the face of the continuing crisis in provision. In all areas of service for children I am hearing how the absence of proper mental health support is undermining real progress. As I write this report there are many children and young people in Wales experiencing high levels of distress that could be lessened if the right resources were in place. Timely intervention is crucial for these children, and its absence will mean some of them will struggle far into their adult lives when they need not do so.

Welsh Assembly Government is now requiring that Local Health Boards and Trusts develop costed plans, but our children in Wales are still left as the poor relations to their peers in England where almost £300 million is being invested over a three year period, the development of a comprehensive CAMHS by 2006 has been identified as an aim and a team of nine CAMHS Regional Development Workers has been recruited to provide guidance and assistance to local staff. While I welcome the emphasis placed on CAMHS with the National Service Framework, I find the difference with England especially hard to accept as Wales has a well respected and comprehensive strategy that should have made us a leader in this area of services.

As one would expect of a strategy, Everybody's Business, considers the whole range of services, provided by both statutory and voluntary agencies, and as is often the case, the whole is more than the sum of its parts. Consequently the piecemeal allocation of relatively small amounts of money towards aspects of the strategy is not likely to be as effective or efficient a remedy as careful consideration of the funding and budgetary implications of Everybody's Business as a whole. I therefore repeat my plea of last year that the Assembly commit the necessary resources or publicly accept that it has abandoned its strategy.





Play, public space and planning

There is increasing public and political interest in the whole issue of public space and how children and young people access it, along with other more structured forms of leisure and recreational activities. What is very clear is that young people in Wales and throughout the UK in comparison with their peers in many other parts of Europe, engage in less physical activity and sport, are allowed less freedom of mobility and physical independence, spend more time watching TV and are less evident in the public domain.

Engaging with children and young people to find creative solutions to this situation is made more difficult when the public space agenda is dominated by the perceived need to safeguard our communities from some young people's behaviour, via curfews and dispersal orders. I believe that one of the most constructive approaches is to encourage dialogue between children, young people, and adults within our communities.

Over the past 12 months, I have been made aware of, and my team has provided support to, various groups of young people who have developed their own community initiatives around play or recreation with initial objections being dissipated.

Welsh Assembly Government has an opportunity to lead by example in this area by finding ways to systematically assess the impact of their planning policies and decisions upon children and young people and then publicly evidencing it. There is a valuable opportunity here for play in all its diverse forms to be given a core place in the lives of our children and young people in Wales both in urban and rural areas, and make meaningful our commitment to Article 31 of the UN Convention on the Rights of the Child.

"We had the chance to give our opinion but they chose to ignore it."

Education

Special Educational Needs

It is, perhaps, ironic that parents - and not pupils themselves - are considered to be the end users of education services. We welcome this year's changes to the Exclusion Regulations that allow pupils at secondary schools in Wales the right of appeal against exclusion from school. We would like to see pupils' rights extended to other areas of education such as admissions appeals and the right of appeal to Special Educational Needs Tribunal for Wales (SENTW).

Testing

We welcome the Welsh Assembly Government's action in abolishing the Standard Assessment Tasks (SATs) tests for key stages 2 and 3. Children and teachers alike will benefit from the reduced stress.

"I wouldn't complain because it wouldn't achieve anything, if we thought it would help them change their mind then yes we would gladly complain but we know they won't. People have complained but it always gets ignored!"

Respect

And finally, I shall return once more to one of the perennial themes of my reports, that of public attitudes to young people and their perception that they are not respected by adult society as a whole. Clearly the issue is not a clear-cut one. Parents and other adults have told me that they sometimes feel intimidated at the sight of groups of young people 'hanging around' on the streets late at night. They say that they feel that the behaviour is anti-social and that solutions have to be found. Some sections of the media and social commentators contribute to this fear, which is often without any rational basis.

On occasions, of course, children and young people have described similar feelings. A recent report, *A Child's Place: why environment matters to children* (jointly commissioned by Demos and The Green Alliance), presents a disturbing picture of children's fears about being out and about in their communities, with the streets becoming no go areas for an increasing number of children. It is true, that the children involved in the research saw 'teenagers' as being to blame for what they saw as vandalism or anti social behaviour in their communities. However, what we adults have to take on board as well is that they are also afraid of traffic, of strangers and of being kidnapped, of terrorism and of being bullied, and interestingly, the children included destructive behaviour towards physical spaces in their definition of bullying. We must hear, respect, and respond to these expressed concerns, so that children as well as adults feel safe in their communities.

Having said this, we have to deal realistically as a society with the issue of the intimidating behaviour of some young people - as well as that of some adults. The UK Government believes that the new Anti-Social Behaviour legislation offers the solution, but I question whether it offers the right solutions. As with much of the media portrayal of children and young people - who are often characterised either as angels or demons and rarely as human beings - I fear that this destructive trend runs the risk of reinforcing misconceptions about the incidence of crime and the reality of who the perpetrators and victims are - for example, ignoring the numbers of young people who are victims of crime and providing negative stereotypes of young people.



When systems, procedures or professionals are found to have failed children it is often because their needs and their human rights have not been given the same priority as those of adults. They have not been respected. All too often, adults' needs, services and priorities are given precedence over those of younger and more vulnerable members of society. The many organisations, who like my own team, see giving children a voice as a key objective, have a major task ahead of them.

The message that it is not merely a question of fitting the children into the adult systems, but of transforming the systems in a fundamental way can be harder to transmit than the more palatable suggestion that having a couple of children sit on this or that committee would fulfil the need to involve children and young people meaningfully in their communities, their schools and the governance of their country.

In Wales we have many projects and initiatives which demonstrate the contribution our young people can make to their communities and attitudes are changing. The need to return to this theme, and the need to highlight the little things that act as a marker of respect or otherwise, as well as the major gaps in service provision or policy development, is likely to continue for many years. Until that climate of mutual respect is achieved, conflicts and misconceptions will continue, children and young people will continue to suffer and society as a whole will be the poorer for it.



"I'm not given long term plans or help."

play
speaking out
recognising
investigate
advocacy
monitoring
rights
entitlements

Summary Financial Statement

For the year ended 31 March 2004

The following financial statement is a summary of the Resource Accounts for the Children's Commissioner for Wales for the year ended 31 March 2004. The statement is an overview and does not contain as much 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, 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 the 1st 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

Maria Battle

Sara Reid

Rhian Davies

Sharon 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

August 2004

Summary of Resource Outturn
for the period 1 April 2003 to 31 March 2004

	2003-2004			2002-2003				
	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>1,268</u>	<u>-</u>	<u>1,268</u>	<u>1,156</u>	<u>(1)</u>	<u>1,155</u>	<u>113</u>	<u>1,122</u>

Summary Operating Cost Statement
for the period 1 April 2003 to 31 March 2004

	2003-2004		Restated (i) 2002-2003	
	£000		£000	
Administration costs				
Staff costs	657		509	
Other administration costs	<u>499</u>	<u>1,156</u>	<u>613</u>	<u>1,122</u>
Operating income		(1)		-
Net operating costs		<u>1,155</u>		<u>1,122</u>
Net resource outturn		<u>1,155</u>		<u>1,122</u>

(i) The staff and other administration costs for 2002-03 have been restated to report both years' costs on the same basis.

Summary Balance Sheet
as at 31 March 2004

	2004		2003	
		£000		£000
Fixed assets		163		222
Current assets				
Prepayments	21		17	
Cash at bank and in hand	<u>192</u>	213	<u>23</u>	40
Creditors: amounts falling due within one year		(196)		(76)
Net current assets / (liabilities)		<u>17</u>		<u>(36)</u>
Total assets less current liabilities		<u>180</u>		<u>186</u>
Taxpayer's equity		<u>180</u>		<u>186</u>

Summary Cash Flow Statement
for the period 1 April 2003 to 31 March 2004

	2003-04	2002-03
	£000	£000
Net cash outflow from operating activities	(934)	(1,034)
Capital expenditure	(39)	(22)
Financing from the Assembly	<u>1,142</u>	<u>1,063</u>
Increase in cash in the period	<u>169</u>	<u>7</u>

Aims 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.

	2003-2004			2002-2003 (restated)		
	Gross	Income	Net	Gross	Income	Net
	£000	£000	£000	£000	£000	£000
Objective:						
Objective 1	216	1	215	166	-	166
Objective 2	229	-	229	238	-	238
Objective 3	76	-	76	95	-	95
Objective 4	104	-	104	104	-	104
Objective 5	36	-	36	9	-	9
Objective 6	125	-	125	283	-	283
Objective 7	287	-	287	199	-	199
Objective 8	4	-	4	2	-	2
Objective 9	79	-	79	26	-	26
	1,156	1	1,155	1,122	-	1,122

The Commissioner's objectives were as follows:

1. To promote the rights and welfare of Children.
2. To ensure that the Children and Young People 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 Children and Young People, 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 area aware of the rights of Children and Young People.
3. To ensure that the views of Children and Young People are sought as to how the Commissioner should exercise his function and to the content of the Commissioner's annual work programme.

4. 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.
5. To review and monitor the effect on children of the exercise or proposed exercise of any function of the National Assembly for Wales and/or bodies listed at Schedule 2a of the Children's Commissioner for Wales Act 2001.
6. 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.
7. 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.

8. To keep under review the powers of the Commissioner and the effect on Children.
9. To consider and make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales.

As a new organisation, the objectives are subject to regular review to ensure that they reflect the role and function of the Commissioner. In 2003-04 the objectives have been restated to reflect the consolidation (objective 7) of the objectives on advice and assistance previously disclosed as three separate objectives; and the management of the offices and finance is no longer a separate objective but a central service supporting each of the above objectives. The apportionment of operating costs to objectives has been made with reference to the relative amounts of time spent by staff on the above objectives.

Peter Clarke

*Children's Commissioner for Wales and Accounting Officer
31 August 2004*

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 as is relevant.

Auditors

The Auditor's opinion on the full annual accounts for the year ended 31 March 2004 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 39 to 42 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 the preparation and consistency in the full financial statement and foreword.

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

Basis of Opinion

I have conducted my work in accordance with Bulletin 1999/6, "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 31 March 2004 and has been properly prepared on the basis set out in Note 1 to the summary financial statement.

John Bourn

7 September 2004

Auditor General for Wales

3-4 Park Place

Cardiff

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