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Llywodraeth Cymru
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Welsh Government Response

Handling Cross-Border Child
Protection Cases:
A “key stage” guide for
Local Authorities, Health Boards
and NHS Trusts in Wales

Welsh Government response to the consultation on Handling Cross- Border Child Protection Cases: A “Key Steps” Guide for Local Authorities, Health Boards and NHS Trusts in Wales

Introduction

1. A public consultation on draft guidance produced by the Welsh Government to support Local Authorities, Health Boards and NHS Trusts on the implementation of *the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* was launched on 18 July 2011 and closed on 7 October 2011.
2. The draft guidance sets out how to respond to cross-border child protection cases under the 1996 Hague Convention. It also set out the key steps that Local Authorities can take to ask for help or essential information from authorities abroad when dealing, for example, with a child from this country in need of support or protection. The advice also aimed to set out how Local Authorities, Health Boards and NHS Trusts in Wales should respond to similar requests put to them by authorities abroad.
3. The Welsh Government would like to take this opportunity to thank all those that responded to this consultation exercise. This document provides the Welsh Government’s response to the consultation and includes a summary of many of the key issues raised.

Responses

4. Respondents were invited to consider specific questions about the draft guidance and also encouraged to make any other points relating to them that they considered necessary.
5. In total, nine written responses were received which were from a cross section of organisations involved with safeguarding children, as set out below:
 - Academic - 2
 - Charities – 2
 - Local Authorities – 1
 - LSCBs – 1
 - Health - 3
6. Overall responses were generally positive with agreement that the information is set out clearly and there was agreement that the guidance would be a helpful tool for dealing with requests relating to the 1996 Hague Convention. Some concerns were expressed about the clarity of the role of the Central Authority (CA). We will adapt the final guidance to ensure it is unambiguous and clearly indicates that the CA has a role in all requests whether it is leading or just being aware of cases being investigated.

Introductory pages

7. These were seen as providing a good context for the guidance but it was suggested that the title should be amended to make reference to safeguarding, rather than child protection. Following consideration, the title of the guidance will remain the same so that it is in line with the name of the international convention and to avoid confusion. Some respondents noted that links to the convention should be included and these will be incorporated into the final guidance.

8. Some respondents requested that the guidance emphasise the principles of child safeguarding remaining intact across international borders and that all decisions must be taken in accordance with the 'best interests' of the child. We accept this point and intend to amend the guidance to reflect this.

Section 1

9. This section, which provides an overview of the co-operation arrangements between contracting states, was viewed as being helpful and contextual but some respondents highlighted typographical errors which will be corrected.

Section 2

10. There was a consensus that this section, which provides advice on making requests for information or action to other contracting States, was clear and useful and the use of flow charts was well received.

11. Various respondents suggested that reference to the All Wales Child Protection Procedures would be useful to include. We agree with this suggestion.

12. One respondent said that it would be useful to identify what should be included in reports required for placing a child living in Wales in foster or residential care in another contracting state. There is no prescriptive format for these reports, however, to aid practitioners we intend to include an additional paragraph to provide a guide of current reports being used which could be adapted for this purpose.

Section 3

13. This section provides advice on handling requests from other contracting States and applies to Local Authorities, Health Boards and NHS Trusts in Wales. There was broad agreement that this chapter differentiates between the different types of information that may be requested and actions required to be undertaken following a request from another state. Responses highlighted the potential of other sources of information such as the Police, the Welsh Demographic Service GP Register and the Benefits Agency. The Welsh Government has considered these suggestions and will take them into account when undertaking its work as the Central Authority in Wales.

Section 4

14. This section focused on general questions and answers and was well received and considered comprehensive and helpful. A question was raised about procedures when dealing with a country that has not signed up to the convention. The Welsh Government considered this to be useful information to aid practitioners, and intend to address this issue in the final guidance.

Next steps

15. We have considered carefully the responses and revised the draft guidance accordingly. The draft guidance issued for consultation stated that implementation would occur November 2011, the required three full months after the convention was due to be ratified by the UK Government. Currently, the UK Government has not ratified the convention. Ratification is currently expected in the next few months. The intention of the Welsh Government is to publish the finalised guidance following ratification and prior to implementation. Stakeholders will be made aware in writing of publication.

Full list of respondents content to be identified

Betsi Cadwaladr University Health Board
Caerphilly County Borough Council
Hywel Dda Health Board
Merthyr & Rhondda Cynon Taff LSCB
NSPCC
Public Health Wales
Royal College of Nursing
University of Glamorgan
Welsh Refugee Council

**Safeguarding Team
Welsh Government
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