

Annual review 2006-07



rights
respect
fairness
voices
involve
listening
influence
advice
support
speaking out



Contents

	Page Number
FOREWORD	
A word from Maria Battle	2
SECTION ONE:	
What we're about	3
SECTION TWO:	
Our work for the year	5
Advice and support service	7
Making things change for the better	10
SECTION THREE:	
Keeping children and young people at the heart of what we do	18
SECTION FOUR:	
Future work programme	22
SECTION FIVE:	
Review of issues relevant to the rights and welfare of children and young people	24
SECTION SIX:	
Financial information	34
Remembering Peter	38 & Centre spread

We are grateful once again to all the children and young people who have worked with us during the year, whether as members of our Advisory Groups, actors in our DVD, pavement art designers, school ambassadors, Backchat members, young journalists or as participants in our consultations, events or reviews.

Children and young people's freephone:



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

what
we're
about...
...what we've
been up
to...
...and what
we think
needs doing...

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Foreword

We are proud that Wales was the first country in the UK to appoint an independent children's commissioner. Peter Clarke was appointed by the First Minister after being interviewed by children and young people and symbolically took up his post on St David's Day 2001.

Peter was passionate about children's rights and was a true independent champion who spoke out and stood up for all children and young people in Wales.

Following a period of serious illness Peter sadly died in January 2007. He achieved a great deal and is greatly missed by us all, the team he chose to translate his vision for children into a reality. We are determined to continue his work and build on the solid foundation he laid to safeguard and promote children's rights and welfare in Wales.

In his last Annual Report, Peter was most concerned about the inadequate provision of advocacy and counselling for all children in Wales. We have continued pushing hard for properly developed quality services available and accessible to all children in Wales so that they can express their views and concerns and be involved in decisions that affect them. We will not stop until this has been achieved.

Every year in his reports Peter highlighted the inadequacy of child and adolescent mental health services challenging the government to give up the pretence of a strategy, Everybody's Business, if it was not prepared to properly fund it. Children in Wales are still being failed by inadequate and patchy CAMHS provision with long term consequences for them, their families and society. We are publishing a report of our findings which clearly identifies where children are most failed by CAMHS and what action needs to be taken urgently.

Since devolution there has been a clear commitment by the Welsh Assembly Government to establish systems and structures based on children's rights including, of course, establishing the office of the Children's Commissioner for Wales. The greatest challenge now is to ensure those systems, structures and policies actually translate into positive outcomes for all children and young people across all of Wales – closing the gap between policy and practise. Only when that is achieved will children's rights become a reality in Wales.

It has been a difficult year for us all and Peter is greatly missed, but I would like to thank all the team for their dedication and support and hard work which is an ongoing tribute to Peter Clarke and his commitment to children and young people in Wales.

Maria Battle

Deputy Children's Commissioner for Wales

October 2007

respect influence
involve rights
listening



Section 1

What we're about... the role, remit and work of the Children's Commissioner for Wales

A Children's Commissioner is someone who speaks up for children and young people and their rights and helps strengthen and improve the systems there to protect them and enable them to fulfil their potential. Setting up such independent human rights institutions for children is considered necessary because:

- sometimes children's rights are ignored, or forgotten about
- children lack economic and political power
- sometimes children don't get what they need
- children can be vulnerable and sometimes they are at risk

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 remit and set out the Commissioner's principal aim, which is to safeguard and promote the rights and welfare of children in Wales.

Peter Clarke was the first Children's Commissioner for Wales and 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. He remained in post until his death on 21 January 2007. The responsibilities, duties and powers of the role were transferred by law to Maria Battle, Deputy Commissioner, until the appointment of a new Commissioner by the First Minister.

What do the Children's Commissioner for Wales and the team do?

The Commissioner and the team:

- listen to children and young people
- tell people who can make a difference – such as policy makers, service providers and politicians – what needs to change
- give advice and support
- check that people do their best for children and young people, take them seriously and treat them with respect
- tell everyone – including children and young people about children's rights.



The Children's Commissioner's team works 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 United Nations Convention on the Rights of the Child.

This includes everyone aged 18 or under who normally lives in Wales. However, the Children's Commissioner can also act on behalf of some older young people, for example if they have been looked after by a local authority. If there are implications for today's children and young people, we can also investigate things that happened to adults when they were children.

The work isn't confined to what are usually considered to be children's issues, like health, education and social services. We can also look at things like planning, transport, the environment, economic development and rural affairs.

What does the law say the Children's Commissioner for Wales can do?

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.

There is also 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 the offices are and how to make contact
- encouraging children to get in touch
- asking children what they think about the work and future work, and allowing them to influence the work programme
- making sure that we staff go and meet with children wherever they are
- paying particular regard to children who are 'hard to reach', vulnerable, 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 we do.

Staff are based in offices in Swansea and Colwyn Bay, but work all over Wales.

Promoting the United Nations Convention on the Rights of the Child

The legislation says that the Children's Commissioner for Wales must have regard to the United Nations Convention on the Rights of the Child (UNCRC) in everything that we do. 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 number 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 rights to protection, provision and participation are central to our approach to advice and support. Activities or direct work with children and young people and those who work with them are always centred on the UNCRC and rights.

"Bullying should be taken more seriously"



Section 2

Our work for the year...

Putting the legal powers to good use

The powers set out in the legislation that established 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 mean that the legal powers are used effectively. The legislation also sets out what the Commissioner and the team have to do to be informed champions of children and young people.

While the powers are wide, there are also things we cannot do – for example, we can't look into any matter as far as it is subject to legal proceedings or has been determined by a court or tribunal. We're now considering what other powers the Commissioner needs, for example, we aren't able to use our tools in the non-devolved areas of youth justice, and asylum and immigration.



Giving advice and support

The Children's Commissioner for Wales can give advice and support to children to let them know about their rights and help them express their views and wishes. We can also give advice and information to any person concerned about the rights and welfare of children. We can help children and young people whose rights have not been taken seriously or respected.

This service is provided by a multi-disciplinary team, supported by expertise from across the organisation and specialist advice from external experts. Advice and support cases are a valuable 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 pointer towards issues, policies or practices that are causing 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 and helps identify priorities for further work.

Our freephone and free text service: your voice, your choice, your life

During 2006-07 we prepared for the launch of our freephone and free text service for children and young people. We had several celebrity endorsements including Tanni Grey Thompson and Gethin Jones. Our Young People's Advisory Groups helped plan and run the event and helped develop the promotional materials, DVD and leaflets. There was pavement art designed by young people to coincide with the launch day in towns across Wales and young journalists wrote articles about the importance of children's rights and having a Commissioner.

At the launch we had the world premier of our bilingual DVD explaining what we do. The DVD and information pack will go out to all secondary schools in Wales.

How the service works

We listen to callers, speaking to the child or young person concerned as soon as possible if an adult has called on their behalf. We can meet face to face with children and young people who contact the office to help us get a fuller picture of their situation. We aim to be solution focused – negotiating, facilitating communication, attending meetings, mediating or advocating as necessary. In some cases our intervention will be more formal; using our statutory powers, for instance, by conducting an investigative review.

Volunteer support workers

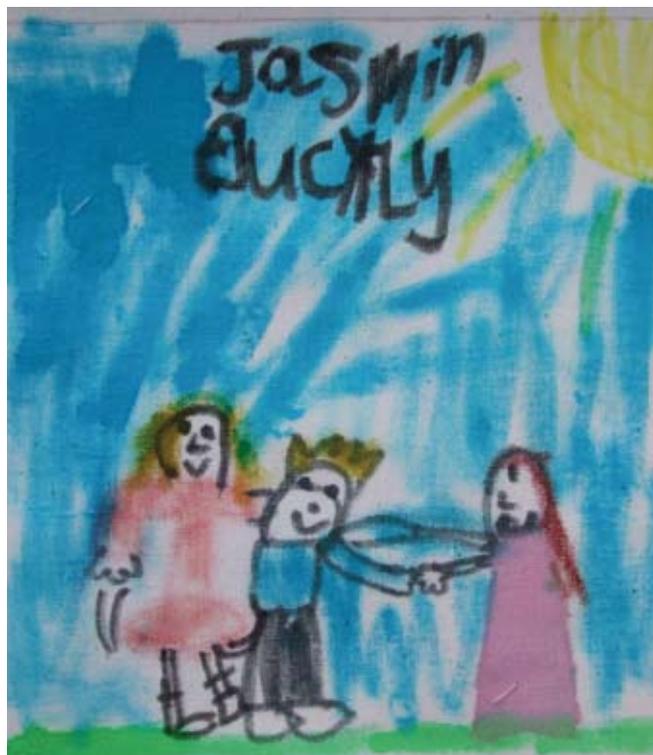
A programme of volunteer recruitment has been linked to the new Freephone number and free text service. The volunteer support workers are part of the advice and support team and young people from our advisory groups were involved in the recruitment interviews. Volunteer support workers come from a variety of backgrounds including ChildLine, Samaritans and a variety of ages and cultures.

“Now that I've made it through the extensive training, it's great to get some hands-on experience. It's wonderful to be part of such an active, welcoming organisation that has made such a difference in a short space of time”

Karen, volunteer support worker

Case study

Lowri's mother got in touch with us because Lowri, who was in the process of statutory assessment for her behaviour difficulties, was having problems at school. Her mother rang us because she was fed up of being asked to come and collect her daughter from school to 'cool off for a few days', and told that it wouldn't go in her school records. We rang the school and reminded them that this was illegal and that by not recording these exclusions they were missing out on useful evidence to back up their request for additional support.



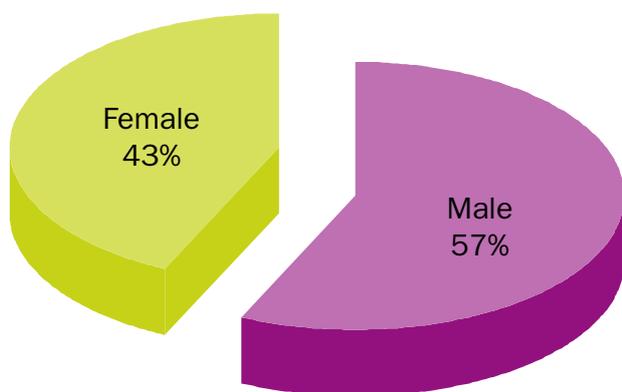
Case study

Jacob received a diagnosis of his special educational needs very late. His mother rang us because he wasn't getting the support he should have while he was at school which meant that he had been regularly excluded. He was now looking for an appropriate residential post-16 specialist placement. We helped by making the authorities aware of Jacob's wishes and feelings and supported him and his family when applying for a placement. Jacob now attends a college that he is happy with, and that can meet his needs.

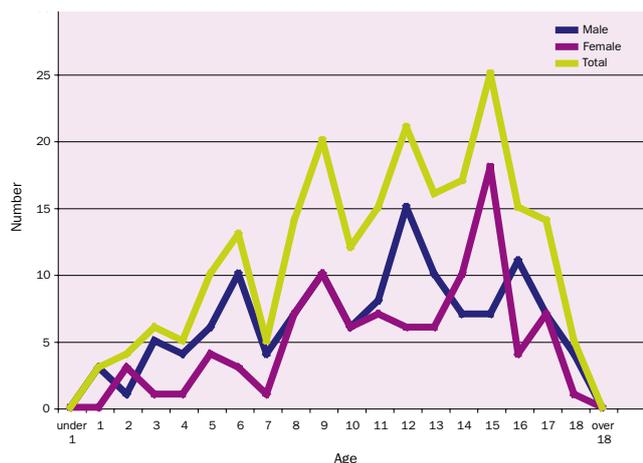
Some facts and figures

During 2006-07 the advice and support service dealt with 487 cases. Of these, 43 were signposted at the time of initial contact and many more were subsequently assisted in contacting other agencies or sources of advice and support.

Advice and support 2006/07: Gender of child or young person



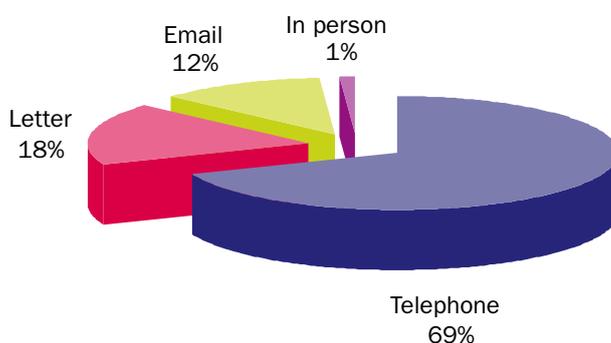
Advice and support 2006/07: Age and gender of children accessing service (where known)



Most of those contacting us for advice and support do so by telephone, although there has been an increase in the number using email. The development of the children and young people's freephone and free text services are likely to impact on how people contact us in the future, and we expect the promotion of advice@childcomwales.org.uk on our leaflets and posters to lead to more cases coming to our attention by email.

"I am so pleased that we sought your help - it has made all the difference to us getting a satisfactory solution to the problems that we were facing."

Advice and support 2006/07: How initial contact was made



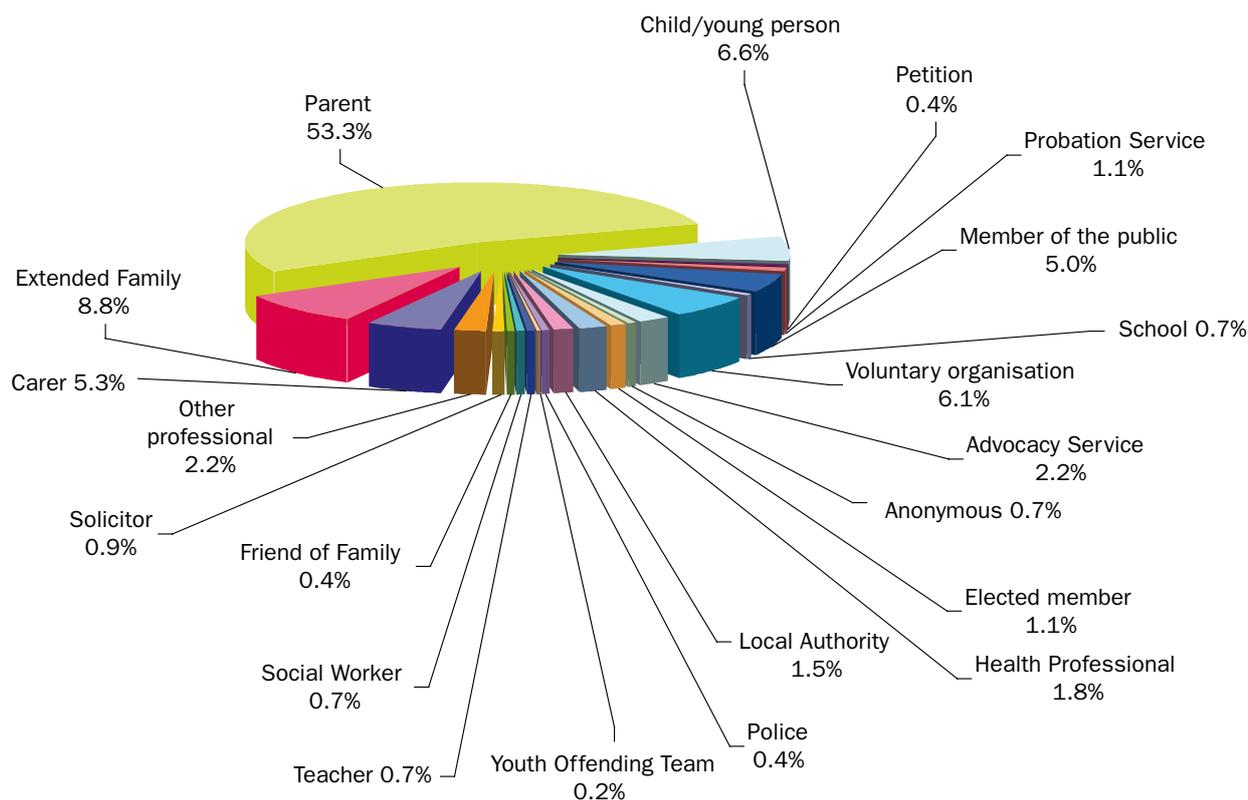
Case study

David sent us a text saying he wanted some advice but didn't want to have to speak to anyone. David is 16 and feels depressed about his home situation. We communicated with David by text over a number of days until he was ready to take our advice and speak to a local counselling service. Two weeks later David sent us a text message to let us know he was doing fine.

"Just being able to mention your name and say you were aware of our circumstances made all the difference. THANK YOU!"

As in other years, it is usually a parent, carer or the extended family who make the initial contact. Adult professionals such as advocates, teachers and health workers also contact us. However, adults are always told that we act on the child's behalf and it's their best interests, wishes and feelings that will guide any action we take.

Advice and support 2006/07: Who made the initial contact



Confidentiality

We know that some of the children and young people who get in touch with us have lost faith 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. We would inform the young person if we decide to do this and support them during the process that follows.

Individual concerns and complaints about education and special educational needs continue to dominate the advice and support workload followed by social services issues and family law. We have also been involved in health related cases that clearly identify a lack of provision and issues over funding in community based health care for children with complex health needs. Again this year, the lack of CAMHS provision is exposed.

Key issues and trends

Issues	Number of cases One case can be allocated to more than one issue	Percentage of total number of cases
Bullying	61	13%
Child Protection	13	3%
Education	268	55%
Environment	69	14%
Family Law	95	20%
Health	81	17%
Housing	32	7%
Immigration	20	4%
Social Services	110	23%
Youth Justice	17	3%

Requests for advice about children's rights include housing and planning, youth justice and immigration services. We have also been involved with a number of bullying cases. Bullying has taken place mostly in schools but also in the community. The emotional affect of bullying on children and young people has been evident, with physical bullying and, in some instances, cyber and racial bullying.

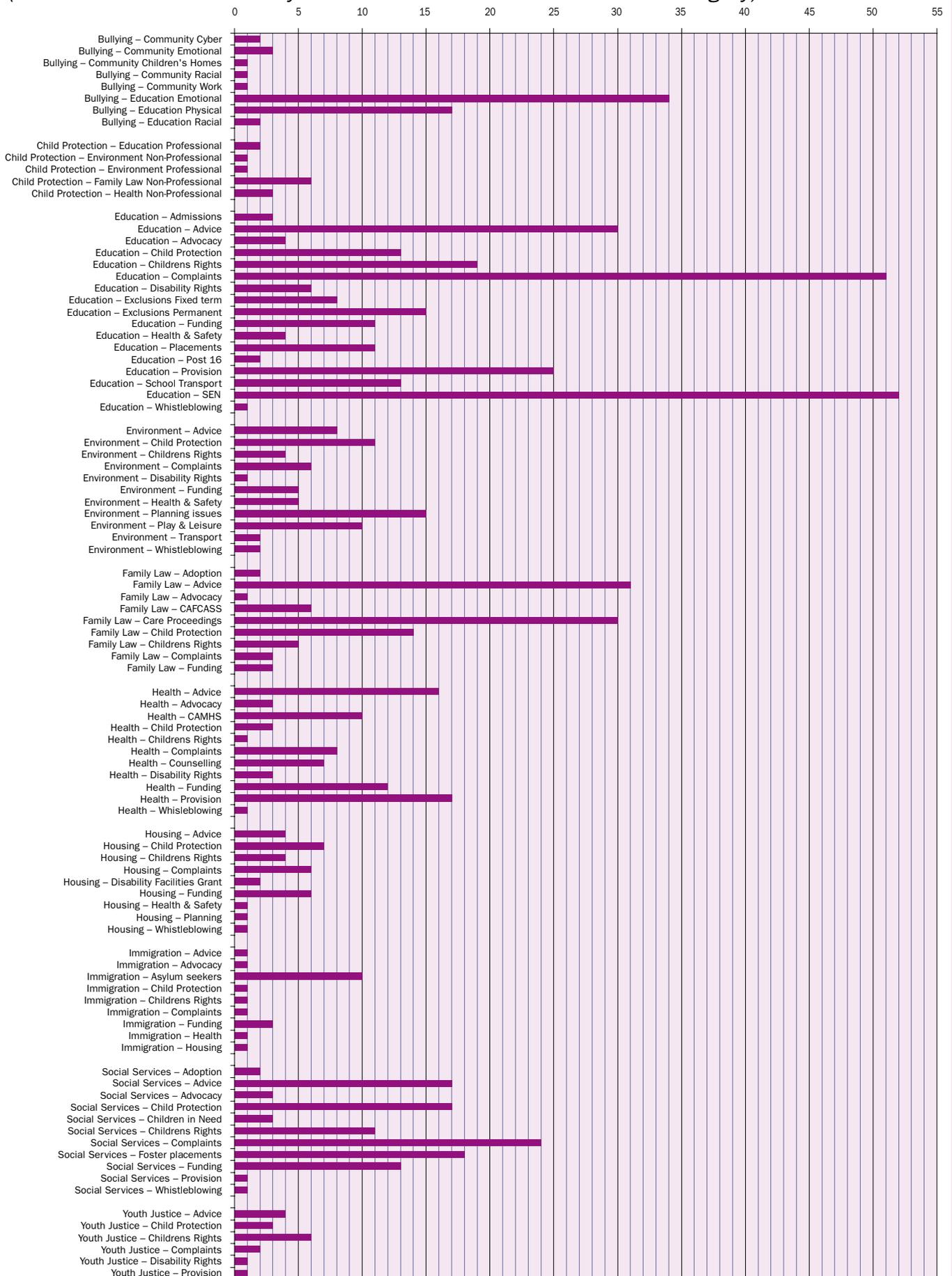
Housing cases involve young people 16 plus in crisis and estranged from their families. Some local authorities' responses to cries for assistance from homeless teenagers are often harsh and unsympathetic; and in one case, the young person was told to go away and sleep on the street.

"I think that school councils are a good thing because they can talk about good things and problems and how to improve"

Advice and support 2006/07:

Number of cases allocated to each issue category

(Note: an individual case may be allocated to more than one issue category)





Special Educational Needs (SEN)

We continue to receive a high number of calls from parents, grandparents and foster carers who are concerned children are not receiving adequate or appropriate provision/placements to enable them to receive an appropriate education. Parents and carers continue to feel that the only way to ensure a full assessment of needs is to have a statutory assessment which leads to a statement of educational needs, is legally binding and clearly outlines the needs of the child stating the required provision/placement. There is growing concern that local authorities are issuing fewer statements as SEN funds are devolved to schools.

Unofficial Exclusions

Children with behavioural difficulties, special educational needs, and additional needs are vulnerable to being “unofficially excluded” from school without the safeguards of the formal school exclusion route. We have been concerned about this practice. A report will be published in October 2007.

Making things change for the better: policy and influencing work

Children’s Commissioners work in a way that means that many children benefit. Influencing policy development and pressing for improvements are an essential part the role.

We promote the recommendations of our reports and look specifically at whether children and young people have had a say or are involved in proposals and decision making. We maintain links with advocacy providers, children’s NGOs, Local Health Boards and professional associations, as well as with special

Case study

Paula is 8 years old and has a narrow airway and heart condition and has had a tracheotomy. She had been in hospital for a long time and was now ready to go home but the Continuing Care package wasn’t sufficient to make that possible. Paula’s dad called us and we made representation to the LHB on her behalf. Continuing Care funding was agreed.

Continuing Care

In many cases we have intervened to speed-up progress in cases where children have remained in hospital because arrangements have not been in place for support in the community for disabled children and children with complex health needs. We have also advocated for children already in the community where continuing care has been a delay. This causes tremendous stress for people already under considerable strain. Such delays should not occur.

Family Law

We have been contacted by family members, mainly grandparents, in circumstances where parents are separated and living apart. They are often unhappy with the amount of contact and the residence arrangements for their grandchildren. We advise them to contact their legal representatives or, if appropriate, the CAFCASS officer involved in the case.

Consultation Responses 2006-07

Commission for Equality and Human Rights Policy Agenda Wales

Teaching drama: guidance on safeguarding children and child protection for managers and drama teachers (guidance arising from Clywch Examination recommendations)

Defining Schools According to Welsh Medium Provision

Joining together in Wales: An Adult and Young People's Strategy to Reduce Reoffending

Coal Mineral Technical Advice Note

Consultation on Welsh Assembly Government Key Stages 2-3 Transition Grant

Welsh language scheme for the Youth Justice Board for England and Wales

Joint Committee on Human Rights (JCHR) – Review of Children's Commissioners

Work and Families: Choice and Flexibility – Additional Paternity Leave and Pay

National Assembly for Wales Sports Arts and Culture Committee Policy Review of Football in Wales

Our plans for the Future – Foundation Trust, Great Ormond Street Hospital

The Learning Country 2: Delivering the Promise

Consultation on Estyn's Annual Report 2005-2006

Delegation of 16-19 Provision Organisation Proposals to Local Authorities Consultation

Electoral Arrangements in Wales

Policy Review of Special Educational Needs: Phase 3, Transition: Consultation Questionnaire

Wales Transport Strategy: Connecting Wales

Draft Technical Advice Note 22: Planning and Managing Development

ICT strategy for schools: scoping paper

Performance Measurement Framework: Consultation on 2007-2008 Performance Indicators

WAG Home to School Transport Guidance Consultation

National Curriculum Consultation

Personal and Social Education Consultation

Children's Performance Regulations

Technical Advice Note 18 – Transport

Whistleblowing in schools

Refocusing of the Carers Strategy for Wales

Issues drawn to the attention of the advice and support service and taken forward on a policy level included the following:

- Proposed relocation of paediatric services from Bronglais General Hospital to Morriston General Hospital in Swansea
- Tertiary Autism Service, Cardiff and Vale NHS Trust
- Proposal for the amendment of the Activity Centres (Young Persons Safety) Act 1995 and/or regulations to empower and require Adventure Activities Licensing Authority to inspect and regulate child protection procedures and aspects of pastoral care in activity centres
- Car clamping with a child with an Autistic Spectrum Disorder in the car
- Unlicensed limousines Vehicle and Operator Services Agency
- Registration problems of respite centre
- Young people on adult mental health wards
- Fingerprinting of pupils by schools
- Post-16 placements for children with learning needs
- Consultation on school closures in Cardiff
- Registration of small residential homes for children.

Policy issues coming from other sources included concerns around the vetting of school staff and engaging in work to ensure that education about the UNCRC was included in the school curriculum.



“ I think bullies are stupid ”

National Curriculum review

We responded to the Consultation on the revised National Curriculum. The draft Personal and Social Education (PSE) framework stated that:

“Learners should be given opportunities to know and understand:...

Their rights and responsibilities e.g. the UN Convention on the Rights of the Child.”

We successfully challenged the linking of the concept of rights to responsibilities, through our consultation response and a follow up meeting with the relevant Welsh Assembly Government officials. We have been assured that the final version of the PSE framework will not link rights with responsibilities and will give a clear message to teachers and other school staff that all children have rights without first having to demonstrate responsibility.

ICT strategy for schools and internet safety

We also responded to the draft ICT strategy for schools and met with relevant Assembly Government officials. In our consultation response we raised issues around the importance of educating both children and adults about keeping themselves safe when using new technologies. We look forward to seeing the revised strategy later in 2007 and how this will contribute to keeping children and young people safe when using technology.



Health liaison seminars

In the autumn of 2006, we held a series of seminars with the designated liaison officers (DLOs) from all Local Health Boards (LHBs) and National Health Service Trusts across Wales. The purpose of the seminars was to raise awareness of the UNCRC reporting process and the advice and support service to the DLOs. The post of DLO was proposed in the Carlile Report, *Too serious a thing*, and therefore the DLOs are key contacts for the office as they are our primary contact points on involving individual children and young people. There has been increased communication with the DLOs as a result of the seminars and a report has been distributed to all LHBs and NHS Trusts in Wales.

Sexually harmful behaviour

In the summer and autumn of 2006 we wrote to every Area Child Protection Committee (ACPC) in Wales and made clear that we regarded the treatment and assessment options available for children and young people with a sexually harmful behaviour to be a children's rights issue. Information was requested about the services and resources that the ACPCs made available for children and young people who were the subject of a referral that identified sexually harmful behaviour.

In addition we raised the issue with every Local Health Board and NHS Trust in Wales. Having analysed that information we are in a position to provide evidence to the UN Committee on the Rights of the Child as well as to continue monitoring the commissioning of the services to this vulnerable group of young people.

Special Educational Needs Tribunal for Wales

Our work with the Special Educational Needs Tribunal for Wales (SENTW) has continued over the past year. We have been pleased to be informed that during 2007 there will be a consultation with stakeholders about the child's right to appeal to the Tribunal. There has been a positive response to the proposal from representatives of local education authorities and parental support groups, and we hope that the children's right to have their views heard on issues that affect their lives will soon be fully implemented in Wales.

“ I was bullied by someone,
but now it's stopped ”

“Our school council is good because they discuss different things every time.”

Monitoring and promoting recommendations made in reports

Telling Concerns and Children don't complain...

Both these reports examined the arrangements, in social services and local education authorities respectively, for children's complaints and advocacy and the opportunities for workers to confidentially report malpractice.

We have contributed to considerable movement in implementing the recommendations contained in both reports, in particular the Guidance for School Governing Bodies on Procedures for Complaints involving Pupils (National Assembly for Wales Circular No: 39/2006) and the consultation on whistleblowing procedures for use in schools.

A constant theme in our reports was echoed in 2006 when *keeping us safe*, the report of the National Assembly's Safeguarding Vulnerable Children Review, recommended the setting up of a central Advocacy Unit to promote and monitor good practice and develop the advocacy sector. We have continued to campaign for centrally funded Independent Advocacy for all children in Wales.



Clywch Report

There has been further progress in implementing the recommendations in the Clywch report and this is discussed in detail in Section 5.

As long as I get there safe (School buses)

Monitoring recommendations in this report was facilitated by our regular attendance at meetings of the All Wales School Transport Committee of Welsh Assembly Government.

And we contributed to the consultation which resulted in the guidance Home to School Transport published in February 2007.

Monitoring the United Nations Convention on the Rights of the Child (UNCRC)

The four Children's Commissioners' offices in the United Kingdom are working together to produce a report for the United Nations Committee on the Rights of the Child about how the UNCRC has been implemented in the UK. This is the first time that Children's Commissioners will be able to contribute to the Committee's consideration of the state's progress since the UNCRC was ratified by the UK government in 1991.

Our work will feed into a UK-wide report, but progress in each of the countries of the UK is identified. Fifteen headline issues were chosen, linked to the concluding observations of the last UN Committee report in 2002, as well as to issues emerging from our work and what children and young people have said is important to them. There is a difference in the emphasis placed on the UNCRC by each of the devolved administrations. Based on the current timetable, the four Commissioners are expected to give their evidence to the Committee in February 2008.

Influencing and networking

We aim to influence and change culture, within organisations and wider society. We take part and contribute to networks and working groups – often with observer status to protect our independence – making sure that we influence developments and achieve improvement early in the life of a policy initiative or working practice. Having observer status on many working groups 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 participate and contribute. We also contribute to a number of other networks and groups related to our work.

During 2006-07 the groups and networks we were part of, or had observer status on, included the following:

- Wales NGO UNCRC Monitoring Group
- Wales Anti-bullying Network (WAG led)
- Commission for Equality and Human Rights Evidence Strand
- All Wales Policy Officers Group
- National Behaviour and Attendance Review
- Estyn's Independent Schools Forum
- All Wales Complaints Officers Group
- ENOC (European Network Ombudsmen for Children)
- End Child Poverty Network Cymru steering group
- 'Sdim Curo Plant!/Children are Unbeatable! Cymru
- National Assembly All-Party Group for Looked After Children
- Welsh Assembly Education and Looked After Children
- South Wales Family Justice Council
- Stop it Now
- Concordat Steering Group
- Children's Workforce Planning
- Leaving Care Forum
- Children and Young People Specialist Healthcare Services Steering Group
- SENTW User Group
- BINOCC (British Irish Network Ombudsperson and Children's Commissioners) including sub-groups for Policy, Communication and Participation
- National Assembly Healthy Living Group
- Contact-a-family National Executive
- Children in Wales Forum for Disabled Children
- Wales Policy Group for Disabled Children
- Wales Public Law and Human Rights Lawyers Association
- Parenting Action Plan Working Group (monitoring meetings)
- Grandparenting Working Group (sub-group of above)
- Combating Child Sexual Exploitation working group
- South Wales Group on Adoption Law
- Transitions Action Group (National Autistic Society)
- Foreign and Commonwealth Office Children's Rights Expert Panel
- Development Network for National Information and Advice Services (DeNIAS)
- Ministerial Steering Group Childcare Proceedings
- National Offender Management Service
- National Community Child Health Database Expert Group (NCCHD)
- IT Safety Partnership
- All Wales Young People's Organisations (AWYPO)
- Wales Children and Young People's Participation Consortium/Unit steering group and sub-groups
- South Wales Practice Exchange Steering Group (Children in Wales convened)
- Children in Wales Children's Rights Practice Exchange groups in North and South Wales
- Participation Workers Group – North Wales(formerly NW Youth Forum workers meeting)
- Complaints and Representations Advisory and Implementation Group (CRAIG)
- Child Protection Policy Forum
- Wales Family Law Association
- Children's Legal Network (UK)
- Fatherhood Wales
- National Offender Management Strategy (NOMS) children and families of offenders pathway.



United Kingdom and European links

European Network of Ombudspersons for Children (ENOC)

ENOC was established in 1997 to unite independent commissioners and ombudspersons for children in the Europe to strengthen their efforts to improve the lives of children in Europe. Peter Clarke was a former president of ENOC. We're committed to its aims of encouraging the fullest possible implementation of the UNCRC throughout Europe. This year a joint statement was issued on the treatment of unaccompanied asylum seeking children in Europe asking for humane treatment. We are currently jointly drafting a statement about the rights of children with disabilities in Europe. The network is an excellent opportunity to share information, approaches and strategies, agree common standards and learn from the experience of other Children's Commissioners and Ombudspersons.

British and Irish Network of Children's Commissioners (BINOCC)

Established as a sub-committee of ENOC, this network of the Commissioners for children in the UK and the Republic of Ireland has brought many benefits. BINOCC meets independently of ENOC every two months. The Commissioners and their teams are in regular contact and discuss issues and approaches. This helps us to co-ordinate work and share resources and learning on a day-to-day basis. As well as working together on monitoring the UNCRC, BINOCC issues joint statements and campaigns together on key issues such as physical punishment, making representations to UK Government and the Council of Europe. A joint review into children's experiences of the youth justice system is being considered.

respect
influence
rights
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learning

**YOUR VOICE
YOUR CHOICE
YOUR LIFE**

**EICH LLAIS
EICH DEWIS
EICH BYWYD**

Do you feel like you are trying to be heard and nobody is listening?

The Children's Commissioner can help. We are here for all children and young people and want to make sure that you get heard. Call us if you need advice or want to know more about your rights. We'll do our best to help - or put you in touch with someone who can.

Ydych chi'n ceisio cael eich dywed ond does neb yn gwranddo amoch chi?

Gall y Comisiynydd Plant eich helpu chi. Rydym ni yma ar gyller pob plentyn a pherson ifanc ac am wneud yn siŵr bod eich llais yn cael ni glywed. Fflaerwch ni os oes angen cryngor amoch neu os ydych chi am wybod mwy am eich hawlau. Fe wneud ni'n gorau i'ch helpu chi - neu eich rhoi mewn cyffwrdd â rhywun all wneud.

**FREEPHONE AND FREETEXT
RHADFFON A RHADTECST**

TEL/FFÔN: 0808 801 1000

TEXT/TECST: 80800 Start your message with CDM
Dechreuwch y neges gyda CDM

EMAIL/EBOST: advice@childcomwales.org.uk cyngor@complantcymru.org.uk



Latest reviews and reports

Report following an investigation into unofficial exclusions

It has become increasingly obvious that many children are falling through the nets of support when their parents and carers are asked to take them out of school. We often have to intervene to advocate on behalf of these hidden children who are at home with the 'agreement' of the school. There is nothing voluntary about these so-called 'voluntary exclusions' as schools are much more aware of their legal duties and responsibilities than parents and children. Pressure is often put on parents to withdraw their children. We call them 'unofficial' or 'unlawful exclusions'. Other agencies confirmed that the practise is widespread.

Unofficial exclusions can and do put children at risk. We commissioned a report on one young person's history of unofficial exclusions and have shared the report before publication with the Welsh Assembly Government's National Behaviour and Attendance Review. We hope the report will prevent the practice of unofficial exclusions, raise awareness of the need for assessment and preventive intervention at the earliest stage possible and that children, young people and their parents will be aware of their rights under such circumstances.

Someone to listen, something to do

We have regularly drawn attention to the fact that many young people feel that they have nothing to do and are not respected in their communities. We have also noted that young people, as well as adults, are concerned about behaviour which they – rightly or wrongly – perceive as threatening or anti-social and this has struck a chord with many organisations working on their behalf. *Someone to listen, something to do* is one way that we are making a constructive contribution to reversing the trend. It outlines a practice model that uses the policy and strategic framework set by the Welsh Assembly Government and addresses the need to overcome barriers to good practice.

"I was bullied for most of my school life, and when I told teachers they just said I was attention seeking. The worst incident was having a brick thrown at me"

The publication is a useful resource for many of those delivering services for children and young people in local communities across South Wales. We hope that it will also be a source of ideas and inspiration to those working in other parts of Wales and across the UK. The model is being piloted in one Local Authority.

CAMHS scoping exercise

Child and Adolescent Mental Health Services (CAMHS) have been of considerable concern for the Children's Commissioner for Wales. In 2006-2007 we conducted a scoping exercise with the DLOs in each LHB and NHS Trust to review the implementation of the CAMHS strategy Everybody's Business at a local level. Key findings of this research include:

- varying levels of LHB understanding of their responsibilities when commissioning Tier 3 and 4 services
- non-recurrent funding used to fund CAMHS which is not the case for adult mental health services
- exclusion of children and young people with learning disability and 16-18 year olds who are not in full time education at a school.

The report will be published in October 2007

Tackling bullying in Wales: a thematic review

This review seeks to identify gaps and barriers to the effective implementation of anti-bullying initiatives and policies. Work continued during the year, independent researchers were commissioned to take forward Phase 2, and the final report is now in preparation. Although focused primarily around schools, the approach is holistic and considers relevant issues around community, cultural and even family life.

We have looked at different kinds of bullying, such as racial harassment, homophobic bullying, and bullying using computers or mobile phones. We've looked at the current legal and policy framework and at what organisations working with or for children promote or have put in place to prevent bullying and to deal with it when it arises. Based on information we gathered we've also decided to undertake some additional work in relation to the use of technology in bullying and will be including an analysis of some of the complex cases brought to our attention in the final report. By approaching this issue from different perspectives we will be able to report not only on how to maximise the impact of preventative work, but also inform practice guidance on how persistent and serious bullying is dealt with by schools and other agencies when it has occurred.



Play and leisure

Work has started on a project which seeks to improve disabled children and young people's play and leisure opportunities. This was one of the winning proposals at the 2006-07 **What next?** events. The first stage has involved analysing the play strategies of local authorities, using criteria that are important to disabled children and young people. We also conducted workshops with groups of young people affected by these issues in partnership with Children in Wales. The report, including our findings, recommendations and plan for action will be published late in 2007.

"We have a school council and it works."

Restraint and control of children and young people

We are concerned about the varying guidance and policies about restraint and control and the impact on children and young people. We are currently reviewing those policies about restraint and control in residential care settings, education settings and the youth justice system.

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



Section 3

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

Framework for involving children and young people

Part of the role of the Children's Commissioner is to make sure that the views and opinions of children and young people are sought on what issues affect their lives. They should also help us in deciding on our priorities and have an influence on how the office works. We try to make sure that young people have a chance to be involved in our day-to-day work and have a way of knowing that what they have told us is accurately reflected in the influencing activity and policy development of the organisation.

Our experience in the first few years told us that there wasn't one single solution to this challenge, so we developed a framework for involving children and young

people. All our direct work with children and young people plays a part in maintaining a dialogue, but our framework has two main components: advisory groups and a process culminating in our **What next?** events. These give children and young people a say in what we do and how we do it.

Advisory groups

We have two advisory groups, one in North Wales and one in South Wales who act in an advisory capacity and influence and provide input into our policies and procedures, publications, recruitment and developing our ways of working. They also help plan and run participation events and work alongside us at events such as Eisteddfodau and launches – such as the launch of the freephone.

Over the last year both groups have met at least eight times, as well as working on specific projects such as the recruitment of new staff and volunteer support workers. They've undertaken work for the organisation around our internal complaints procedure, the website and contributed to our consultation responses to the Assembly and other bodies. Advisory group members planned and helped prepare the consultation activities on play and leisure, education and schools, bullying and the UNCRC for both the Urdd Eisteddfod and National Eisteddfod.

In the Autumn the first residential for the Advisory groups was held in Mid Wales. It included teambuilding activities and also a lot of hard work helping us consider the issues and prepare for the **What Next?** events which were held in November 2006.

What next? events and prioritising Commissioner's projects

With so many different kinds of issues coming to our attention through different aspects of our work we needed to set up a fair process to give children and young people a say in what we pick as priorities for action, rather than making all those decisions ourselves. The issues taken to our **What next?** events are drawn from all the information gathered from children and young people and adults over the previous year. Issues emerge from all aspects of our work, including workshops and discussions with children and young people, advice and support and policy issues. Children's organisations, professional associations or other bodies can also bring things that are affecting the children they are working with to our attention. These all go into the pot when we decide – with the help of the Advisory Groups – what key themes are emerging.

We try and make the events as inclusive and accessible (and enjoyable) as possible and places are allocated through schools, organisations and projects throughout Wales. We don't need to know about anyone's background unless it means that we have needs to meet to help them participate, but we do try and encourage young people who are in our targeted groups to attend. They aren't there to talk about their own circumstances, but it's important that those taking part reflect the diversity of backgrounds and life experiences of Wales's children and young people.

The first year of this new process identified play and leisure and education and schools as the two key areas, and we made sure that we worked on issues linked to these themes. Our experience of trying to take two big priority areas forward showed that we needed to be more specific in the options we suggested so that we could to feed back and show what we had achieved. So, in 2006-07 our two **What next?** events looked at

distinct projects. We asked children and young people to tell us more over the summer and the Advisory Groups helped us develop these options for the events:

Play and leisure

- Talk to local councils about improving play for disabled children and young people
- Encourage people to ask children and young people how money should be spent on play and leisure in their communities
- Look for ways to make leisure centre prices fairer across Wales
- Give local councils ideas on how to improve public transport

Education and schools

- Look at how we can make learning better
- Develop a pack to help school councils improve school buildings and equipment
- Produce a pack to help you improve school food
- Make sure you get support in school and can complain if something is wrong.

The events were held at Y Galeri in Caernarfon (for over-11s) and at the Liberty Stadium in Swansea (for 11s and under) and 150 participants attended each. We also invited adults who could make a difference – such as WAG officials, WLGA representatives, Assembly Members and others – to listen to what the 300 children and young people had to say. Those who didn't come to the events also had a chance to vote via Backchat and our website.

The results

Play and leisure

30% wanted us to help improve play and leisure opportunities for disabled children and young people.

Education and schools

31% voted for us to take forward work to make learning better.

We're also going to be looking at how we can change the things that the other project options were designed to tackle since each project received a respectable share of the vote and children and young people felt strongly about them.

The next cycle of this process will give children and young people a say in our new corporate plan to help inform the new Commissioner of what their priorities should be as they take office. We want it to be a chance to find out more about what is good about growing up in Wales today, as well as letting us know about what can be difficult.

Keeping in touch with children and young people and people who work with them

How we do it

- visits
- workshops
- targeted programme – vulnerable, marginalised and hard to reach groups
- attending events
- awareness raising and training with adults
- school ambassadors
- Backchat – our email group
- website
- media and promotion

Reaching out to all children and young people

By regularly visiting schools and groups of young people, speaking at conferences and attending events we 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 we get more information about what is causing particular concern.

Making sure that information is gathered from ALL Wales' children is difficult and our second Communication and Participation framework has several strands. We have a programme of visits, workshops and different channels of communication designed to make sure that we are doing all we can to reach everybody. We have a systematic and targeted programme of work with children and young people who are marginalised, vulnerable or hard to reach. 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 have been bullied and I did not have a lot of support by my school"

By having different strands or activities that contribute to this programme we can have a balanced and inclusive dialogue, ensuring that those who often lack a voice are able to have their say and that other key adults can help to spread the word.

School Ambassadors

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. As well as identifying two pupils within primary schools as our main contact point with a school, the scheme encourages and supports the creation of rights aware environments within schools and empowers and supports Ambassadors to take projects particularly relevant to their school forward.

The ambassadors' toolkit has been re-developed based on the feedback from the pilot evaluation and with the involvement of pupils from the schools that took part. We are working with a graphic designer to develop not only hard copies, but a template which can be used for future development and web-based resources for schools who would like to take the initiative forward before we are able to commit direct support from our Communications and Participation officers. The toolkit needs to provide sufficient resources for Ambassadors and for their link teachers to take the initiative forward.

A downloadable teachers' toolkit is also being developed, with parallel information and including additional notes to provide guidance for teachers and show links with the National Curriculum and the new PSE framework.

Backchat/Atebnôl

Following consultation with a working group of children and young people in North Wales we have come up with ideas about how Backchat can be a more effective communication tool. Similar consultation work is taking place in South Wales and a project plan will be developed and costed to take forward the Backchat brand as something that applies to our IT-based dialogue with children and young people.

Spreading the word and 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. All members of the Commissioner's team have a part to play in promoting our work and what we stand for. We have leaflets and freebies and use different ways of



telling people about our work. Sometimes we use flyers or young people's versions of our reports. We also run workshops or seminars or give speeches or presentations to explain what we've found out and what we think needs to change.

Children and young people need feedback on what we do 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. At all times we try to reflect 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. However the task of reaching all of Wales' children so they know about the Children's Commissioner is too great for us to achieve alone. The National Assembly, Local Education Authorities, Schools and all those working with children and young people share this responsibility.

Equality of opportunity

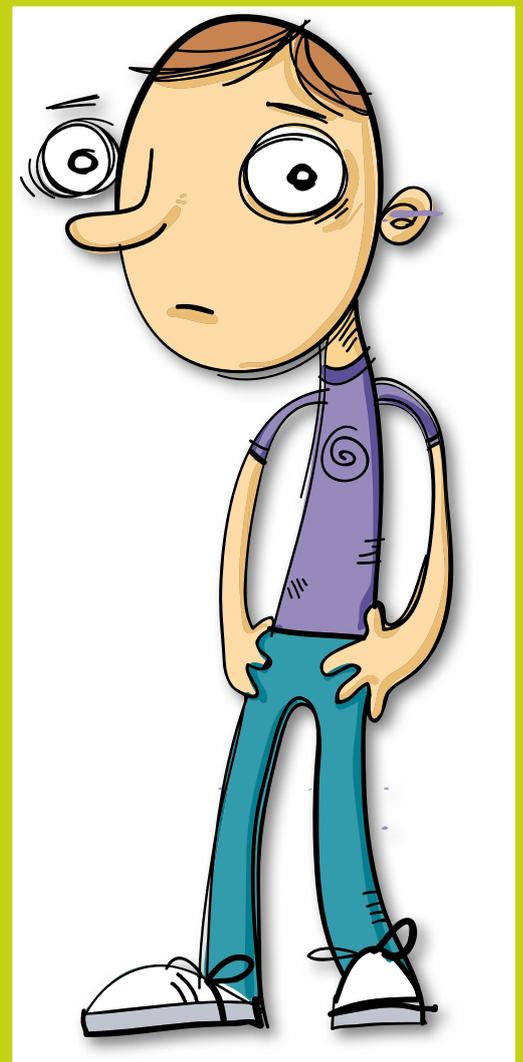
It is essential that the Children's Commissioner's team is accessible and welcoming to all the children of Wales, celebrates diversity and embraces anti-oppressive practice. Often this will mean working with those experienced in certain communication methods or in working directly with a specific group of children and young people.

Welsh Language Scheme

The Young People's Advisory Groups are helping to develop a plan to publicise and promote the scheme – especially to children and young people. The scheme sets out clearly our practice when providing a bilingual service and demonstrating that both languages are equal in our work. An action plan is being drawn-up to make sure the good work continues and a working group will be set up to review it and consider improvements.

The scheme can be downloaded from our website
www.childcomwales.org.uk

support equal facts learning voices





Section 4

Our future work programme

As well as the new activities listed in the previous sections of this report and continuing with the ongoing elements of our work programme key aspects will be:

- setting out with the input of children and young people and stakeholders our corporate plan for the next three years
- completing our work in relation to the UNCRC reporting process
- undertaking the two distinct projects identified by children and young people, in order to improve play and leisure opportunities for disabled children and young people and make learning better
- continuing to raise awareness of the Commissioner's office and UNCRC through all aspects of our work
- providing a high quality advice and support service
- investigating complex cases and conducting investigative reviews
- distributing a DVD and facilitator's pack to all secondary schools in Wales. This will also be suitable for use in youth clubs, local projects and informal settings
- publishing the new toolkit and relaunching the school ambassadors programme to gradually recruit Ambassadors in primary schools in all parts of Wales
- further increasing the involvement of children and young people in the planning process and in setting priorities within our future programme of work
- recruiting new Advisory Group members and building the capacity of these groups
- launching a new and improved Backchat
- continuing to monitor the implementation of the recommendations made in our reports
- completing work on the thematic review of bullying



- forming stronger links with children and young people's framework partnerships
- continuing to listen and learn, promote good practice and speak up for the children and young people of Wales
- monitoring, reviewing and responding to consultations, and ensuring that children and young people have a voice in the things that affect them
- campaigning for advocacy and counselling services for all children in Wales
- working with Health Inspectorate Wales and Wales Audit Office to improve the CAMHS provision for children and young people in Wales
- promoting the freephone and free text numbers to children and young people
- raising awareness of the advice and support service in particular with children and young people throughout Wales starting with children and young people who are looked after, are excluded from school or are in prison
- completing a review on restraint in education and hospital services
- campaigning for improvement of Commissioner's powers
- continuing to campaign for policy changes based on the achievements of support services.

The work programme naturally includes maintaining and further developing the various aspects of our work and the services we provide. There will be – as always – 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 to which we are already committed.

"I don't think that our school council helps very much"

respect
influence
rights
listening
involve
facts
learning
voices
equal
support



Section 5

Review of issues relevant to the rights and welfare of children in Wales

Independent Advocacy Services for children and young people

Independent Advocacy which has the trust of children and young people is fundamental to safeguarding their welfare and promoting their rights. Our vision has always been for an advocacy service centrally funded and commissioned, truly independent with local bases, a one stop shop for all children and young people, especially those most at risk, quality assured and centrally monitored. Assembly members have joined us in debating and calling for such a service. Welsh Assembly Government's proposed model meets few of these criteria.

Peter Clarke stated very clearly in last year's annual report that a vital opportunity to improve and extend children's advocacy – to give them a voice they are entitled to – had been missed. He was giving careful

consideration to using his legal powers to review the ways in which WAG makes decisions affecting children. Although the published consultation model is some improvement on the draft he had seen it still does not meet the needs of children in Wales.

The proposal for a board of non-executive members to advise WAG is a poor and powerless substitute for an Independent Advocacy Unit. Regional Commissioning does not provide real independence as advocacy providers will still be funded by those they may have to challenge. Neither does it overcome the problems of the past with the risk of providers being changed and young people being deprived of an opportunity to develop or continue relationships of trust with an adult who is there to represent them. Although universal advocacy will take some time to develop, the proposed staged approach in the model is illogical and exclusive. All children that are recognised as being vulnerable should be able to access advocacy services in the first stage with universal advocacy following as soon as possible thereafter.

The draft model has improved by including a single freephone for all children in Wales to access advocacy and other services. This is a bold vision which will reduce confusion and increase access in a non stigmatising way, a virtual one stop shop.

We await the final proposals of the Welsh Assembly Government following their consultation. There is still time to give the children of Wales an independent, secure, consistent, easily accessible and quality advocacy services now and in the future. This vital opportunity must not be missed.

Implementation of Clywch recommendations and counselling support

Peter was passionate in his belief that the development of a counselling strategy for all schools in Wales would have a tangible impact on the lives of children and young people in a relatively short period of time. The need has been highlighted by our placing in the UNICEF league table of children's wellbeing in developed countries – 21st out of 21 countries. We have continued meeting with Assembly officials to influence the development. The strategy has been out for consultation and we involved our Young People's Advisory Group to find out their views on what kind of service they would use. They had some well considered questions on the practical application particularly about confidentiality and the school setting. We now await the publication of the strategy. This is the first important step. The next vital step is to ensure that the strategy is funded so that children have another person they can turn too in times of need.

A major recommendation of the Clywch Inquiry was to establish independent tribunals in Wales with a governor, trade union and legal representative to consider those complex allegations concerning school staff which involved child protection issues.

"Teachers should deal with bullying seriously because it is a growing issue. Harsh penalties should be enforced."

"Our school council is great."

The objectives were to ensure that:

- the decision whether to proceed with an investigation was taken within the context of child protection policies and procedures and in consultation with social services
- that the disciplinary investigation was undertaken by someone who has sufficient independence and expertise to enjoy the confidence of all parties
- the timescales were clear and fair and the final decision was the responsibility of a body that was both independent and likely to enjoy the confidence of all parties, crucially teachers.

Peter Clarke agreed to the setting up of an independent investigation service and independent governors with child protection/legal experience as an alternative provided this met the objectives of the original recommendation. It is now a year since the independent investigation service has been up and running.

I have met with the representatives of the investigation service and Assembly officials to discuss progress. At the time of our meeting they had investigated 82 cases. I was informed there was no evidence of malicious allegations by pupils. The allegations included emotional, physical and sexual abuse, lack of care, sending inappropriate text messages and inappropriate use of computers. Although they felt some of the matters were minor, a minority of the investigations involved major issues and some have led to criminal convictions.

I am informed the independent governor role is working well, but there are some problems which continue to hamper the process. Firstly, there have been difficulties and inconsistencies in the sharing of information and evidence by the statutory agencies, police and social services. This has caused delays and, in the worst cases, the re-interviewing of children and governors proceeding without all the available evidence. Assembly officials are negotiating protocols with the statutory services to try and address this problem. Secondly, there is still confusion about the role of the investigators, referral to the service and how to apply the procedures. Thirdly, there is variation in governors' ability to consider and adjudicate upon sometimes complex evidence and there is no overview or monitoring of the independent reports and the subsequent outcomes. Also, agency staff unlike school staff and supply staff, are not subject to these procedures. These issues need to be addressed.

We should be proud that we have set up in Wales a unique system designed to safeguard children but WAG needs to ensure that the service achieves the aims of the original recommendation. We will continue to monitor developments closely.

Child and Adolescent Mental Health Services (CAMHS)

CAMHS in Wales are still in crisis. Peter Clarke repeatedly spoke out about the Welsh Assembly Government's lack of commitment to resourcing and implementing its own excellent strategy, Everybody's Business. The CAMHS implementation group estimated that £10 million a year would be needed over three years. However, this level of funding has never been achieved in Wales and any funding announced has never been sufficient to have a strategic impact.

With the Children's Commissioner in England, we published a report into the experiences of children and young people who are admitted for treatment onto adult wards which highlighted the damaging and frightening impact of their experiences. We have also conducted a scoping exercise with the Designated Liaison Officers in each LHB and NHS Trust which reviews the implementation of the CAMHS strategy Everybody's Business at a local level. This is being fed into the ongoing Health Inspection Wales and Wales Audit Office review of CAMHS. Our findings came as no surprise given the experiences of the children and young people, families and professionals who have sought our assistance over the last 6 years.

The scoping exercise highlighted:

- unacceptable delays in decision making about treatment and placements for ill children, whose health deteriorates while they wait for decisions to be made
- non-recurrent funding which leads to a loss in confidence in CAMHS from children
- the exclusion from CAMHS of children and young people with learning disabilities and a mental illness (described as dangerous by professionals)
- the exclusion of children aged between 16 and 18 years who are not in full-time education from CAMHS, including children in prison, although in practice CAMHS professionals strive to provide services to these young people
- the fact that in some areas children and young people are not assessed by CAMHS prior to discharge from hospital following an incident of self harm. All children have a right to this assessment.

"I tell my mother and father everything, but I don't let them do anything about the bullying."

We have the fewest adolescent in-patient beds per head of population in the UK, and no specialist inpatient provision for children with eating disorders or learning disability. We have a child suicide rate five times higher than England, yet we do not have a suicide prevention strategy in Wales.

There are very few teams providing specialist services to vulnerable groups such as children who have been abused or have sexually harmful behaviour. It is well recognised that the prevalence rates for child abuse and domestic violence are high and the effects or impact may be lifelong and debilitating. The most recent NSPCC research indicates that as many as one child in eight will have experienced some form of abuse during their childhood. There is no progress in Wales on scoping and planning models of intervention, unlike the steady progress made in England with the Victims of Violence and Abuse Prevention Programme. A similar initiative to tackle the mental health effects of child abuse should be rolled out in Wales together with a coherent, strategic response to meet the needs of children and young people with a sexually harmful behaviour that will lower the level of child sexual abuse and help these children from developing their behaviour into adulthood.

All these issues must be addressed. We strongly urge Welsh Assembly Government to act on the findings of our reports and the Health Inspection Wales and Wales Audit Office Review of CAMHS to ensure equitable access for all children across Wales.





Anti-social behaviour

We have all been shocked and saddened by the attacks on members of the public by a very small minority of young people. The process of law will take its proper course and the evidence will be considered and judgements made. In the meantime what we must not do is label all young people as violent and irresponsible. The media also have a responsibility in this regard and must report what is in the public interest whilst resisting the temptation to escalate the fear of crime by children and young people. By far the vast majority of children and young people in Wales are well behaved. They make positive contributions to local communities and achieve in a variety of ways as individuals and in groups. They too are shocked by events and are concerned about the way in which they are being portrayed and labelled.

Working closely with children and young people and South Wales Police we published *Someone to listen*, something to do, as a practical guide to working together with young people to improve local communities. Young people told us that there are very few things for them to do or places to go – no after school facilities, no youth clubs in their area. They feel that nobody listens, and activities are too expensive or they can't use them. It is clear that to secure long lasting and positive change a multi agency holistic approach with the active involvement of young people and the support of the local community is needed.

"I think that the school council is good. We can give our opinions"

This approach has worked well elsewhere and is now being piloted in South Wales. By working together and valuing children and young people as part of the solution we may be able to make real changes.

Child poverty

Child poverty has been a continual concern for the Children's Commissioner for Wales because of the impact of child poverty on the lives of those children and young people who live in poverty. Reports from Barnardos and Save the Children in early 2007 highlighted the numbers of children and young people in Wales whose families experience poverty. These reports also highlighted what this means for the lives of the children and young people who live in these families.

Looked after children

It is reassuring that one of the first Legislative Competence Orders tabled by the Welsh Assembly Government was on Vulnerable Children. WAG has invested heavily in improving services for looked after children and young people but there is still much more to do. Across Wales there is unacceptable inconsistency in outcomes for children particularly in educational achievement. This can only be explained by the inconsistent services and support children are receiving.

We know that a stable caring foster home can enhance life chances yet 14% of children have had three or more placements in one year. This is disrupting and disturbing. It is fundamental to children's emotional well being that they have secure and enjoyable placements.

The improvements required by WAG when children are placed far from home are welcome. Local authorities must now notify education, health, and social services in the area where the child is to be placed, before the child is placed and ensure that there is an assessment of the child's health needs, including emotional and mental health needs, and a detailed plan in place that says how those needs will be met.

Sadly we are still contacted for advice about children's health needs when they are in placements away from home. It almost seems as though some local authorities place children far away from their homes and communities, often in very rural settings in Wales, and then forget about them. In a sense some of our most vulnerable children and young people are warehoused in the countryside.

The outcomes for children who have left care also remain depressingly static with only 40% in education, training or employment. Despite the investment we are still continuing to fail too many children.

The Joseph Rowntree Foundation estimated that although child poverty rates have improved since the 1990s, around 28% of children in Wales experience poverty and that those children who live in workless households or with disabled parents are more likely to experience poverty than other children.

Government policies focus on areas of high density of deprivation, which inevitably excludes children from targeted support services living in other urban or rural communities. In the past year the interim evaluation report on Communities First reported concerns about possible underspends within the Community First budgets. This is one of the key Welsh Assembly Government budgets for tackling child poverty and underspends clearly impact on the experiences of children and young people facing poverty in those areas.

It is important that WAG implement fully and in a coherent manner all of the programmes that focus on reducing the rates of child poverty, including Flying Start and Cymorth. They also need to embrace positively the contribution that universal services can make in tackling this problem and delivering changes that will impact very directly on children's lives, regardless of whether they live in a targeted geographical area or an identified group. Factors such as rurality and the stigma associated with poverty mean that children and families often do not receive the support that they need.

The recently announced Legislative Competence Order on Vulnerable Children and Child Poverty demonstrates that WAG is committed to ensuring that children and young people in Wales are not disadvantaged by poverty. Even though many of the policy solutions remain with the central Westminster government; WAG must maintain its commitment to reducing child poverty by fully implementing the child poverty implementation plan.



Children and young people seeking asylum

Children and young people seeking asylum in Wales are amongst our poorest and most vulnerable. Asylum and Immigration is not devolved to Wales although all the major services a child may need, health, education and social services are. The Welsh Assembly Government's approach to children seeking asylum is much more humane and inclusive than the UK Government but they continue to suffer appalling treatment, injustices and breach of their human rights. At the heart of the UK Government's failure to secure fair treatment for children seeking asylum in Wales is their reservation to the UNCRC which enables immigration policy and legislation to override international and domestic children's legislation. This reservation should be removed and we should all call for its removal.

Along with the other UK Commissioners, I made representations directly to the UK government on their new proposed asylum model. We strongly believe the proposal to put pressure on unaccompanied children to move from foster care at 16 is unsafe and contrary to their welfare. Any decision about where a child should live should be based on a full assessment of their needs as required by the WAG Common Assessment Framework. Guardians should be appointed to safeguard their welfare and the proposed age assessment is unreliable and invasive and should be replaced by a multi agency panel over a period of time.

The inhumane transportation and detention of children should be stopped. There is no clearer way to describe the impact on a child than in his own words. 'A' came to Wales four years ago at the age of 9 traumatised after being forced by police to watch them hang his grandfather in the family garden. In March his mother and sister, who was born in Wales were taken to Yarl's Wood Detention Centre. He sent me his story:



The frightening day of my family

This is my story of the Immigration when they came in the morning at my house.

On Sunday after my football match I came home had a wash done everything ready for school my clothes ready packed my bag ready. Then the next morning when my mother woke me up for school I heard a knock on our door. Then my mum saw through the window and she saw nine people from the Immigration. Then she said to me to wake my dad up and tell him that the Immigrations here and tell him to get ready to go and run. So my dad ran away because if they take him back to my country they will kill my dad like they killed my granddad. So then my mum opened the door but my mum was scared and when she opened the door she fainted and she fell on the ground and then nurse had done something to wake her up. Then the Immigration said to me and my sister to pack up some cloths for us. Then the polices took us away to the police station and put us in van with cages all around the van. On the journey my sister was sick five times because she did not eat any breakfast. Then my sister and me needed a toilet because we were driving nearly for four hours and a half but they will not let us because they think we will run away...

This happened on the day of Monday 5th of March.

By A
12 years old

Both A and his little sister continue to suffer from the trauma of this experience.

Older children who have been in Wales for years tell me about the impact of immigration law on them. They have worked hard both at school and in the community but at 18, despite excellent A level results, are faced with unaffordable overseas student fees to continue their studies in Wales. They are also not allowed to work. I am advocating with the University of Wales to treat them equally and charge home student fees. WAG should follow the lead of the Scottish Executive to stop this discriminatory practise and charge home fees and grant education maintenance allowance to these young people.

“The school council helps everyone. It’s great”



Health professionals and others ask for help when children, including babies, are not getting health treatment they need in Wales because of the Overseas Visitor Charging Regulations. These are Welsh Regulations which limit access to free health care for children whose application for asylum have failed. This is inhumane and contrary to their rights. All children in Wales should have equal access to free health care and I call upon WAG to urgently review these Regulations.

School attendance and behaviour

Welsh Assembly Government recognised the need for a fresh look at the issues and established the National Attendance and Behaviour Review (NBAR). This is an excellent initiative and we attend in an observer capacity.

It is becoming increasingly clear that improving school attendance and behaviour requires a new and different approach. The use of the ultimate sanction of permanent exclusion to tackle problem behaviour in school has clearly not worked. Although in 2005-2006 there was a slight drop in the number of exclusions in Wales, they remain higher than in the previous eight years. It seems perverse that, in an attempt to ensure that children attend school and behave appropriately, the ultimate sanction is to tell them not to attend school!

Even more concerning is the seemingly increasing use of unofficial exclusion from school – where parents are asked to keep their children home without the checks and balances of the normal, official procedure for excluding pupils nor the opportunity to trigger the additional support that the pupils need. We believe this practise is widespread despite WAG guidance and have made recommendations to local education authorities and WAG to help prevent this practise. We look forward to the recommendations of the National Attendance and Behaviour Review and their full implementation.

Informing children and young people about their rights

This year is the coming of age of the United Nations Convention on the Rights of the Child. The Convention is 18 years old, yet some research suggests that only 8% of young people have been taught about the UNCRC in Wales. Early evidence shows the positive impact this knowledge can have on children, schools and the wider society.

Teaching about the UNCRC within the PSE framework is only a starting point. It needs to be more widespread to include initial teacher training programmes and ongoing training for teachers as well as all professionals who work with children and young people. Resources should be made available to teachers to enable them to effectively teach children about their rights. We all have a responsibility to ensure that children and young people and adults, particularly those who work with children, are aware of the UNCRC.



Neo-natal care

Along with BLISS and senior neo-natal nurses, I am concerned at the delay in the publication and implementation of the neo-natal review in Wales. I am aware that funding in England has led to the establishment and development of managed clinical networks being available and co-ordinated since 2004. Currently the service in Wales is under-funded, underdeveloped, under-resourced, and is reliant on informal networks. This situation frequently results in babies being transported out of Wales for long distances (e.g. Stoke on Trent, Plymouth, Taunton etc) in order to receive the specialist care that they require. The Welsh Assembly Government should complete and publish the review of this specialist service without any further delay.

Continuing care

Children and young people are often prevented from returning home to their family and community from hospital because of a significant policy gap by Welsh Assembly Government. Babies born with special medical needs also have to wait in special care baby units, for long periods of time until agreements are made about how to fund their ongoing treatment needs. If they need ongoing medical support or treatment in their homes and communities, there is no policy formula or criteria that can be applied that ensures that they receive the help that they need. Sometimes the consequence of this is that they have to stay for long periods of time on hospital wards, or, risk going home without the support being in place that they need. We are told that part of the reason for the delay in putting this policy in place is because it needs to tie in with the policy for adults which is under review. The continuing care policy for children should be issued without further delay.

Currently, there is little choice for carers and parents in who will provide care once needs have been assessed. Legally there is no provision for direct payments to carers and the choice of service provider is restricted by the funding bodies. These issues should be addressed in the new policy so that children and young people receive the best possible care.

ICT strategy for schools and safe use of technology

With the continuing growth in the use of internet and mobile technologies and increasing incidences of cyberbullying, educating children and young people in the safe and responsible use of technology remains a priority. We responded to the draft ICT strategy for schools, raising issues around the importance of educating both children and adults about keeping themselves safe when using new technologies. We are particularly concerned with the lack of progression within the proposed ICT curriculum for children's use of the Internet from Level 3 onwards. Under the proposed strategy there is no expectation for the development of further skills in the use of the Internet for children from primary school to year 11 of secondary school.

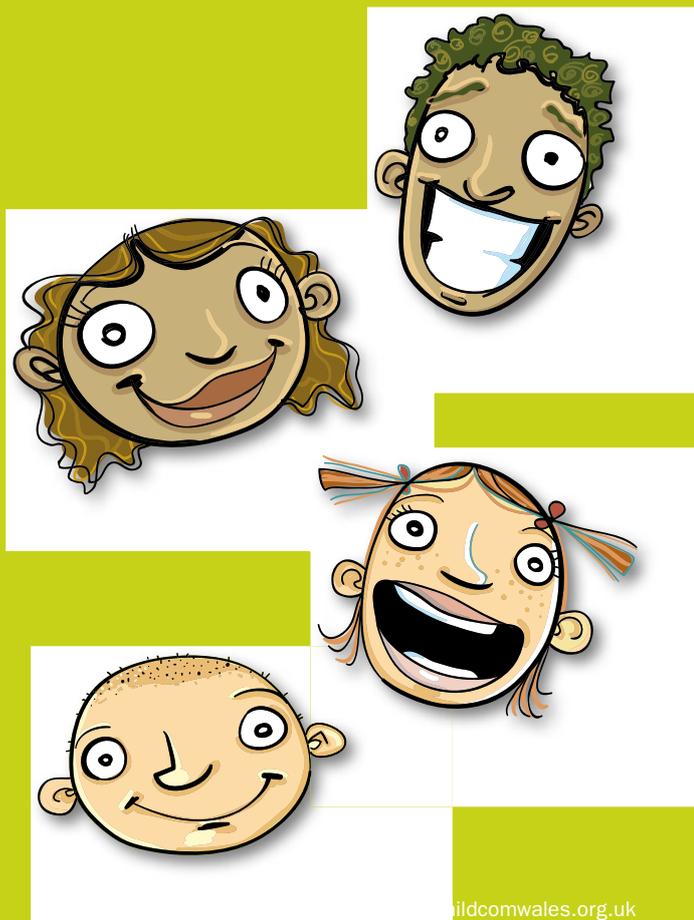
"My friend has down syndrome and people bully her. I think there should be a quiet place for her to sit."



The e-Wales division was set up within the Welsh Assembly Government to work with other departments and partners to strengthen Wales on the ICT stage globally. We responded to the consultation on ICT in Wales from this division *Towards e-Wales – A strategic consultation* in 2006. It is vital that the revised *Towards e-Wales* strategy and the ICT strategy are aligned in their strategic approach on educating all children and young people in the safe and responsible use of technology. Education in the use of ICT is all the more urgent given the proposals contained within “*One Wales*” for a free laptop for every schoolchild in Wales. We look forward to the publication of the revised strategies and how these will contribute to keeping children and young people safe when using technology and urge the WAG to continue their investment in this area.



respect
influence
rights
listening
involve
voices



School reorganisation proposals and lack of respect for children's views

Article 12 of the UNCRC states that children and young people have the right to express their views freely in all matters affecting them and Article 13 ensures children the right to freedom of expression and to receive information. Local education authorities across Wales are currently faced with decisions about closing and merging a number of schools. These decisions often cause considerable debate within local communities; however children and young people do not appear to be considered to be members of these communities. Often they write to us expressing their concerns and worries about the proposals.

WAG guidance does not include children as one of the categories of interested parties. This means views and opinions have to be sought from parents and other local residents but not the children in the schools. Education is an important part of the life of a child and proposals to close or merge their school will have an effect on them. The guidance should be revised to reflect the provisions of the UNCRC and to allow children and young people to have their views on important changes to their educational experience heard alongside the views of other people, including their parents.

Fingerprint identification in schools

A number of schools in Wales have already installed systems that scan pupils' fingerprints in order to register or to pay for school meals or even borrow library books. Whilst such systems offer some benefits to the schools in terms of speeding up administrative functions, I am concerned about the impact of the use of such technology on the children and young people.



Clear guidance from the Information Commissioner's Office states that schools should inform and consult fully the school community, parents and pupils prior to the installation and use of such systems for the collection of personal data. This would allow for parental and pupil concerns to be expressed and for the school to explain why they are considering the use of such technology.

Many of the systems allow for other ways for pupils to be recognised, for example by using swipe cards, rather than through the use of fingerprint scans.

DNA collection and retention

Large numbers of children are having DNA samples taken by the police because they are suspected of having committed a crime. Similarly, DNA samples may be taken from children in order to eliminate them as suspects. These samples are retained whether the children are subsequently charged with a criminal offence or not. Some estimates are that there are 24,000 children in the UK whose DNA has been retained but who have never been convicted of a crime. We will – in conjunction with the other UK Children's Commissioners – be considering the human rights implications of this practice.

The duties, powers and functions of the Children's Commissioner for Wales

Some six years ago Wales broke new ground in the United Kingdom by establishing a Children's Commissioner for Wales. The enhanced law making powers of the Assembly under the Government of Wales Act 2006 provides the Welsh Assembly Government with the opportunity to once again lead by example by reviewing the powers of the Children's Commissioner to ensure that they are at the forefront of global best practise. I have reported on the current weaknesses and on how the law could be amended to maximise the ways in which we can promote and protect the rights and welfare for children and young people based on comparison with other Children's Commissioners and Ombudsmen, international guidance and our own experience.

“My mum disabled and we keep getting bullied and they make fun of her because she has diabetes”



Proposed amendments include extending the entire range of functions to include all public and private bodies in Wales, including those public bodies who provide services which are not devolved, the power to request information from all persons falling within the mandate for the purpose of undertaking any of the functions, the power to bring, intervene or assist in legal proceedings before any court or tribunal similar to the Northern Ireland Commissioner for Children and Young People and an express power to co operate with and work jointly with the other UK Commissioners. The amendment of the current legislation will equip the next Children's Commissioner with even more effective tools to champion the rights and welfare of children in Wales.

“We have a school council in our school, but I feel that the council isn't strong enough and that the children don't show enough interest in it.”

respect
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support



Section 6

Summary financial information

The following financial information is based on the full Annual Report and Resource Accounts of the Children's Commissioner for Wales for the year ended 31st March 2007. This section is an overview and does not contain all the relevant 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 report and accounts. These were laid before the National Assembly for Wales (the Assembly) and contain the detailed information required by law and the Financial Reporting Manual. A copy of the annual report and accounts can be obtained, free of charge, by writing to the Commissioner at their registered office:

Oystermouth House
Charter Court
Phoenix Way
Llansamlet
Swansea SA7 9FS

Under Schedule 2 to the Care Standards Act 2000, the Children's Commissioner for Wales is required to keep proper accounting records for each financial

year in conformity with an accounts direction as determined by the Assembly, detailing resources acquired, held or disposed of during the period and the use of resources by the Children's Commissioner for Wales during the period.

Audit Committee

The Commissioner has established an Audit Committee to provide advice and assurance in respect of corporate governance, risk management and control within the Commissioner's office and the adequacy of the internal and external audit arrangements.

The Audit Committee meets at least bi-annually and is made-up of senior officials of the Commissioner and three independent members, these are:

- Brian Charles, Chair of the Committee – former chair of Dwr Cymru/Welsh Water;
- Tom Cassidy – Ex-Chief Executive of CADW; and
- John Cory – Ex-Finance Director of the Wales Tourist Board

Senior officers

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

Peter Clarke	Children's Commissioner for Wales & Accounting Officer until 21 January 2007
Maria Battle	Deputy Children's Commissioner & Accounting Officer from 22 January 2007
Rhian Davies	Assistant Commissioner (Policy and Service Evaluation)
Sara Reid	Assistant Commissioner (Communications and Participation)
Elaine Cloke	Acting Head of Legal and Investigations from 22 January 2007
Tony Evans	Head of Corporate Services from 15 May 2006

Funding

The Children's Commissioner for Wales is independent of, but funded by the Welsh Assembly Government. In 2006-07 the Commissioner received £1.6 million (2005-06: £1.4 million) to fund activities. Since the establishment of the office of the Children's Commissioner the amount of funding, received from the Welsh Assembly Government has increased steadily to match the ever increasing workload of the Commissioner.

We received funding in 2004-05 of £296,250 which related to the 2005-06 period.

Format of the accounts

These financial statements have been prepared in accordance with Paragraph 7(2) Schedule 2 of the Care Standards Act 2000 and the Accounts Direction issued by Welsh Ministers. A copy of that direction can be obtained from the Children's Commissioner, Oystermouth House, Charter Court, Phoenix Way, Swansea, SA7 9FS.

These accounts have been prepared for the period from 1 April 2006 to 31 March 2007 and reflect the assets, liabilities and resource outturn of the Children's Commissioner.

Results for the year

The Operating Cost Statement shows a net operating cost, for the period, of £1,581,000 (2005-06: £1,525,000) representing an increase in net expenditure of 3.6 percent compared to 2005-06. The general fund balance as at the year-end is £176,000 (2005-06: £118,000)

Between April 2006 and March 2007 the Commissioner's staff has increased from 22 (full time equivalent) to 25 (full time equivalent) to reflect the increasing workload of the Commissioner's office.

Senior official appointments

The Commissioner was appointed by the National Assembly for Wales and took up office on 1 March 2001. The appointment was for a maximum of 7 years, and he remained in post until his death on 21 January 2007. Maria Battle has fulfilled the role from 22 January 2007.

The remaining senior officers took up appointments between January 2001 and February 2007 and were appointed by the Commissioner under Schedule 2 paragraph 4 of the Care Standards Act 2000.

Equal opportunities

All applications for employment with the Children's Commissioner for Wales were considered on the grounds that all job applicants should have equal opportunity for employment and advancement on the basis of their ability, qualifications and suitability for the work.

No job applicant or employee should receive less favourable treatment on grounds of race, colour, sex, sexual orientation, age, marital status, disability, religion, family/domestic responsibilities or working patterns, nor should any individual be disadvantaged by conditions or requirements which cannot be shown to be justifiable.

Payment policy

Under the Late Payment of Commercial Debts (Interest) Act 1998, the Children's Commissioner for Wales is required to pay suppliers' invoices not in dispute within 30 days of receipt of goods or services or valid invoice, whichever is the later. For 2006-07 the Children's Commissioner for Wales achieved 99 percent (87 percent in 2005-06) of all such payments made during the period. No interest was paid in respect of late payments.

Auditors

The Children's Commissioner for Wales accounts are examined and certified by the Auditor General for Wales in accordance with paragraph 9 of Schedule 2 to the Care Standards Act 2000 (Note 8).

Bentley Jennison was appointed in February 2007 to provide internal audit services for the Commissioner, however, their work has covered the period 1 April 2006 to 31 March 2007.

During the period no remuneration was paid to the auditors for non-audit work.

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.

Objective:	2006-2007			2005-2006		
	Gross £000	Income £000	Net £000	Gross £000	Income £000	Net £000
Objective 1	759	-	759	787	-	787
Objective 2	234	-	234	235	-	235
Objective 3	70	-	70	55	-	55
Objective 4	82	-	82	52	-	5
Objective 5	19	-	19	18	-	18
Objective 6	262	-	262	247	-	247
Objective 7	38	-	38	40	-	40
Objective 8	117	-	117	91	-	91
Total	1,581	-	1,581	1,525	-	1,525

respect influence
involve rights
listening

The Commissioner's objectives were as follows:

1. To promote the rights and welfare of children, and 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 are aware of the rights of children and young People.
2. 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.
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 National Assembly for Wales and the Welsh Assembly Government 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 National Assembly for Wales and the Welsh Assembly Government about any matter affecting the rights and welfare of children in Wales.

Objectives are reviewed to ensure that they reflect the role and function of the Commissioner. 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.

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YOUR LIFE**

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Comisiynydd Plant Cymru
Children's Commissioner for Wales



Remembering Peter

Peter Clarke, the first Children's Commissioner for Wales, died on 21st January 2007. An online remembrance board was set up so that those who knew him and worked with him could record their memories of Peter. Here are just some of the comments that appear on www.celebratingpeter.org.

*A great children's champion.
We will miss him.*



As the UK's first Children's Commissioner he is owed a huge debt for the way that he carried out that role, for the many causes he took up and for the way that he brought to the forefront the many issues that were brought to him by young people. In particular his fight to improve Child and Adolescent Mental Health Services, his campaign for a national advocacy unit and his raising the profile of child poverty and bullying in Wales are important contributions to improving the life of many young people.

The pupils, staff and governors of St Christopher's School would like to send their sincere condolences to Peter Clarke's family. We are very sad to hear the news of Peter's passing and our thoughts are with his family and close friends at this sad time.

We would like to put on record our many thanks for all the work Peter did for children's rights in Wales especially for those children who had special educational/additional needs. His pioneering work in his role of Children's Commissioner for Wales will not be forgotten. We thank him and celebrate all that he achieved for children in Wales and in the special personal touch he had with anyone who met him.



Peter was a true friend to children and young people in Wales. He spoke to them as equals, listened to what they had to say and respected their views. He was an honourable children's champion and he will be missed by all who knew him. His unique contribution as the first Children's Commissioner in the UK will always be remembered.

He was a truly remarkable man, one of the first children's champions and the impact of his work will continue for many years to come. He will be greatly missed.



Peter Clarke has set a firm foundation, upon which we must build our children's future. A man of true purpose, integrity and vision, he has set down the roots for growth and from them many branches will reach out to those in plight and steady them in their hour of need. Rest in peace Peter with the knowledge that you did indeed, make a difference.



I have been associated with the office since Peter was appointed and regarded him as a friend. He was the first such Commissioner in the UK and without doubt he has set the standard for others to follow. He will be difficult to replace.



He was a very special man with a kind heart, genuine warmth and passion to improve the lot of children and young people in Wales. He will be sorely missed by everyone and Wales will be a worse place without him.



Peter will always be remembered as a great person with a strong conviction for the improvement of Children's Rights. We all know that the fervour for this conviction made a difference for many children in Wales and in the UK.



Peter was very much a pioneer. Not only was he Wales' first Children's Commissioner, he was also the first to hold such a post in the UK.

He had the difficult job of establishing the office of Children's Commissioner from scratch and worked tirelessly to develop his demanding role as champion of the rights of children and young people. He always placed the highest importance on listening to the views of children and young people and making sure that their voices were heard, and responded to, particularly by government at all levels.

He could sometimes be tough and demanding as a champion for children but that was his job. He always fulfilled his duties with passion, dedication and commitment. He blazed a trail for others to follow. He made an enormous contribution to the lives of children and young people in Wales in the past six years and many thousands have benefited, and will benefit in the future, from his work.

We would like to say how very much this kind, compassionate and dedicated gentleman will be missed by the children and young people of Wales. He will leave a void that will be very hard to fill.

He was a most dedicated family man as well as a true champion for children and young people in Wales. He will be greatly missed by many.





His commitment to the children of Wales was unquestionable. He will be greatly missed.

We set up a Peers Active Listening Scheme with our sixth form 3 years ago. Peter was kind enough to invite us to the Welsh Assembly to meet with him so that we could explain our scheme to help stamp out bullying in school. He listened and helped us to formulate our ideas so that we could improve our scheme. We are still working with our sixth form so that they continue with the good work that the sixth form of three years started. He was extremely kind and encouraging to the students and valued enormously what they were doing to help children. We were very sad to hear the news of his death but we are very grateful that we met him and learnt more about his passion and commitment to help young people in Wales.

"We thought he was a very smart man and ideally suited to being the Children's Commissioner for Wales because he was a man who truly wanted children to be happy and treated fairly. We are very grateful that we had the chance to meet him."



There are children in Wales whose lives have been improved by his care and his work, and we must do everything we can to help to ensure that isn't forgotten, and to help make it go on.

Peter was a very caring man whose dedication for children's welfare will not be forgotten. He will be much missed.

A photograph of Peter Clarke, a man in a dark blue suit and white shirt, sitting at a wooden table. He is looking towards the camera with a slight smile. In the foreground, a young child with brown hair is looking towards the camera. The background shows a classroom setting with a whiteboard and a blue bulletin board with photos.

Peter Clarke 1948 - 2007

*Let us never talk so much we cannot listen.
Let us never know so much we cannot learn.
Remember those who think they are forgotten
And be there when they have no place to turn
And let the world our actions make
be better – for the children's sake.*

Act of commitment from Peter's Memorial Service by Grahame Davies



*Na foed inni'r huotledd nad yw'n gwrando.
Na'r clyfrwch nad yw'n fodlon dysgu mwy.
Boed inni gofio'r rhai sy'n anghofiedig
Ac achub cam y rhai sy'n teimlo'r clwy'
A boed i'n gwaith a'n geiriau i gyd
– er mwyn y plant – greu glanach byd.*

Y weithred o ymroddiad o Wasanaeth Coffa Peter gan Grahame Davies