

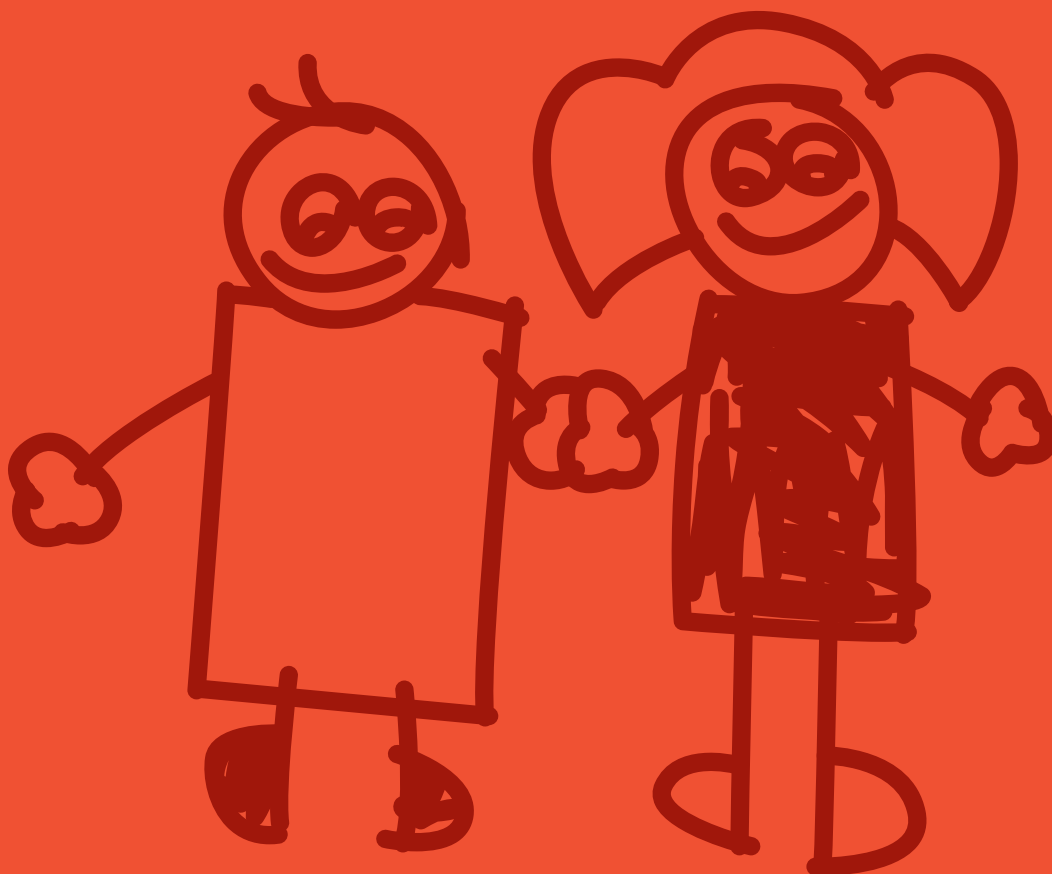


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# Children's Commissioner for Wales

## Our progress: 2008–2015





This report is available in alternative  
formats by phoning us on 01792  
765600 or emailing us at  
[post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)

## **Introduction by Keith Towler, Children's Commissioner for Wales**

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I often explain to children when they ask me what happens at the end of my seven year term as their Commissioner that it's a bit Dr Who-esque – they'll still have a Commissioner championing them and protecting their rights, but he or she will look slightly different to me! The time has come for me to step into that tardis and pass the baton to the third Commissioner.

There were, and remain, countless issues and child rights breaches for the office to manage but I began in 2008 by setting myself two challenges: the first was to raise awareness of the role and of children's rights. Today, the figures for both have never been higher. The second was to work with my team in Swansea and Colwyn Bay to build a strong, confident and resilient organisation. I am confident the third Commissioner will find in place a group of talented and dedicated officers, whose roles will be further strengthened by the independent review into the role and functions of the office, which concluded in December 2014.

Yes, I've experienced plenty of frustrations and some successes along the way, but it's a genuine statement when I tell children and young people that being the Children's Commissioner is the best job in Wales.

It can be a difficult task sometimes to boast about one's achievements, particularly if you're an organisation that prides itself in working in partnership to deliver change. But we will attempt within this report to highlight some key milestones and achievements over the last seven years.

## **Our team**

**We are a team championing children and young people across Wales, working from offices in Swansea and Colwyn Bay.**

**We listen to children and young people about their views and experiences so that we can represent and stand up on their behalf, making sure children and young people's voices are heard loud and clear.**

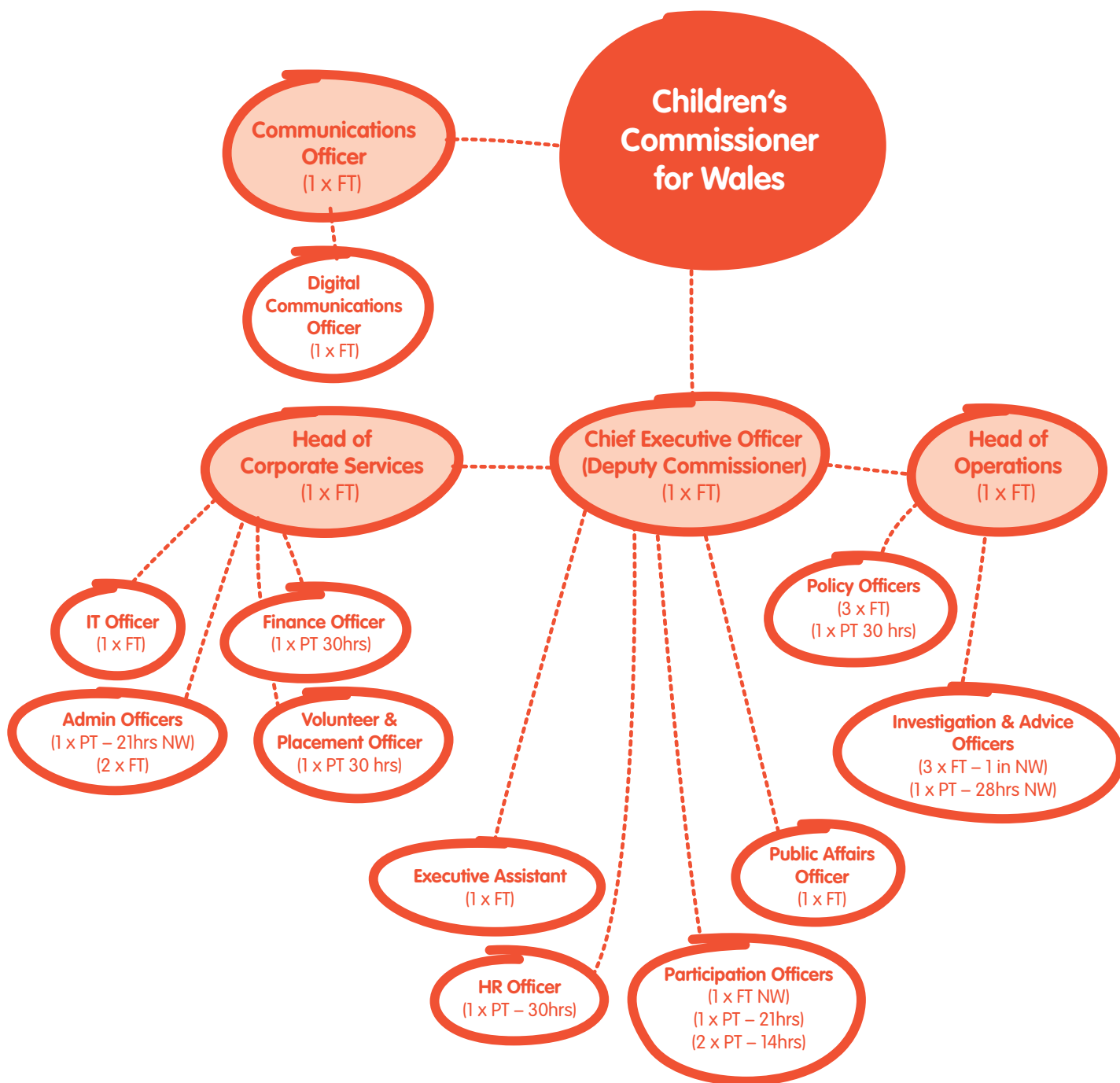
**At the Children's Commissioner for Wales office we work to make sure children and young people are protected, are able to take part in decisions about their lives and have services provided for them to help them to reach their full potential.**

**Some people think that children don't need rights. It is our job to make sure Wales promotes the human rights of children and young people, for example the right to have an education, the right to be protected and the right to survive and develop healthily. Our role is to make sure people think about and look after children and young people's rights. We are committed to making sure as many children and young people as possible know about and understand the United Nations Convention on the Rights of the Child – UNCRC – an international charter which sets out the minimum standards for children and young people wherever they live.**

It's all about making a difference. We are independent of government, so that means they should not tell us what we should and should not do. But it is our responsibility to make sure government and others keep their promises to children and young people. So, when people say they're going to make a difference to children's lives, we make sure that it becomes a reality and that children, young people and their families can see and feel change. Basically, we provide the reality check. If promises are not kept or if children and young people continue to face problems, sometimes we make recommendations around what we think the government and others should do.

Although we are independent, we don't work alone. We work in partnership to make sure Wales is a country where children and young people are respected, valued. Listened to and supported to lead safe and happy lives. We will be transparent, justify our actions and make sure that we are accountable.

## Our structure



**KEY**  
 -.- denotes staff based in North Wales  
 ● denotes line manager

## **Our vision**

**We will work with and on behalf of children and young people in Wales to achieve positive and lasting changes in their lives.**

## **Our goals**

**There are many things we want to achieve and we have got to prioritise. We want to:**

**— Increase understanding of children and young people’s rights and the Children’s Commissioner for Wales**

**So that... children, young people and adults have a better understanding of their rights and how the Commissioner can help if people don’t get their rights.**

**— Reduce inequality and discrimination**

**So that... children and young people have a fair chance.**



—Continue to be a high-performing organisation, providing inspirational leadership to others

So that... we can work in partnership to introduce positive and lasting differences to children and young people's lives and experiences.

—Ensure effective service delivery by all for children and young people

So that... children and young people are protected, are provided with services and support and are able to take part in decisions about their lives.

—Improve attitudes towards children and young people

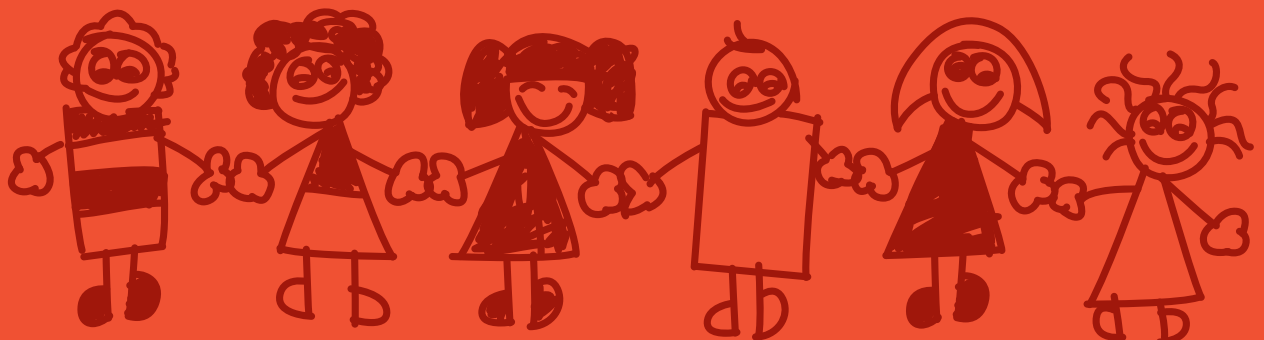
So that... children and young people are valued by everyone.

—Build a strong, confident, inspiring and resilient organisation

So that... our staff work effectively as a team to help make sure children and young people are a national priority.

## Our work

**Increase understanding of children and young people's rights and the Children's Commissioner for Wales and improving attitudes towards children and young people**



**In 2008, there was no accurate baseline of awareness of the post. We commissioned Beaufort to poll, annually, children, young people and adults. The results has shown a steady increase year-on-year, with awareness levels now at an all-time high: 1 in 7 children and young people in Wales have now heard about the Children's Commissioner for Wales and over 40% of adults have heard about the post.**

We took a two-pronged approach to awareness raising: to profile the current post holder as a figure-head and as the authority on children's rights in Wales, and to work in partnership to promote children's rights and the Commissioner who is tasked with promoting and protecting those rights for children in Wales.

Media relations has played a central role in helping to place the Commissioner as the authority on children's rights and help raise awareness of the Commissioner with the general (adult) public. We took a pro-active approach to work with media outlets across Wales, offering opinions on current issues, such as current allegations of childhood child abuse, and enabling them to cover key pieces of the Commissioner's work, such as our review on advocacy for looked-after children and young people. Our team of two communications and digital communications officers, have secured, over the last five years alone, 2110 clips of media coverage, with an advertising value equivalent of £6.6million.

Social media work has enabled young people and adults to have direct engagement with the Commissioner. Our Twitter profile is managed jointly by our Digital Communications Officer and

the Commissioner himself. With over 5591 followers (accurate as of February 2015), we are now seeing an increase in the number of people using it as a tool to raise concerns with the Commissioner himself and with our advice and support service. We're also using it as an essential tool to engage in conversation with people about key issues, and sharing news and information about our work.

We began by using blogs as an internal communications tool – the Commissioner wrote about his visits and meetings as a means of sharing key messages with staff. These blogs have evolved into external opinion pieces, with some being published by the 'Western Mail', 'Children and Young People Now' and Children in Wales' magazine for its 400+ members. The blogs have also become useful for schools, youth groups and other organisations to secure positive media coverage following a visit by the Commissioner, as they're often used as the basis of a local news piece for regional press.

Our award-winning website ([www.childcomwales.org.uk](http://www.childcomwales.org.uk)) and the site dedicated to our Super Ambassadors ([www.superambassadors.org.uk](http://www.superambassadors.org.uk)) are now being used effectively to collate views and opinions of thousands of children.

**Here's an example of how opinions gleaned via our online questionnaire, Backchat, which is housed on our website, has impacted on Welsh Government policy:**

As part of their role as Super Ambassadors, pupils are required to complete special missions, canvassing opinions from peers on a wide range of issues; opinions which are then fed directly into our work.

Following a meeting between the Commissioner and Edwina Hart AM, Welsh Government's Minister for Transport, our policy and participation officers met with representatives from the Department for Economy, Science and Transport to explore ways in which a Special Mission could be created around the Welsh Government's consultation on 'Guidance on the Risk Assessment of Walked Routes to school'.

A mission was set. It included a variety of questions to find out who walked to school, how old they were and what made pupils feel unsafe on their routes to schools.

- **540 responses were received and directly informed the Welsh Government's revised guidance. Our Super Ambassadors' views are also being incorporated into the revised Learner Travel Operational Guidance.**
- **There was also a high number of concerns relating to social dangers as well as fear of traffic; these were related to children's perceived fear of 'strangers' and 'abductions'. We have committed to discuss these concerns further with relevant Welsh Government officials in order to address the wider issues that were raised by children through this piece of work.**

Webinars also feature heavily now in our direct engagement work with children and young people. We believe it is a cost-effective way of enabling a large number of pupils to engage directly with the Commissioner, helping us to gather pupils' views and raise awareness of the Commissioner and UNCRC. This year we hosted 5 webinars, with 900 pupils tuning into just one of them.

Partnership working has been a critical element of how we promote children's rights. Over the last two years, we have worked with S4C on developing a dedicated TV series on our campaign See Me / Dyma Fi, a piece of work aimed at smashing the negative stereotypes of children and young people in Wales. The first programme aired in 2013 and work is well underway with the production of this year's programme and online content. This campaign has attracted some high profile attention from other organisations, including Ofcom, BBC Trust and FILMCLUB Cymru (now INTO FILM). As well as the major digital project with S4C, we also undertook work with FILMCLUB Cymru who agreed to roll out a season focussing on the See Me / Dyma Fi campaign in all its schools.

We commissioned Film Agency Wales to help produce a DVD to help recruit more to our Community Ambassadors scheme – a scheme based on the School Ambassadors concept, targeting children and young people living in areas of social deprivation and/or from disadvantaged groups. The Community Ambassadors are expected to:

- **Tell others about the UNCRC**
- **Tell others about the Children's Commissioner for Wales**
- **Be a voice for the Children's Commissioner on the ground to tell him about the positive things that are happening in their communities so he can share them with others and tell him about anything that they think they need help to improve in their area.**

— They provide vital evidence for our annual Child Poverty report.

Supporting others to work with and listen to children and young people also features in our work plan. Recently we have engaged with organisations including Kids in Museums, Welsh Ambulance and Women’s Aid, offering them advice on participation and ensuring all engagement work with children and young people is underpinned by the UNCRC. Our staff have also helped facilitate the national participation workers’ network. This has enabled us to listen to issues being handled by participation workers across the country, and facilitate discussions for the workers with the Welsh Government’s Empowering Children and Young People Branch.

Our School Ambassadors are primary school pupils who are elected by their peers; their job is to raise awareness about the Children’s Commissioner for Wales and children’s rights within their schools. We now have over 200 active Super Ambassadors schools, and we have secured a direct link with existing Welsh Government programmes, such as the Welsh Network of Healthy Schools.

Working directly with schools is another way of enabling children and young people to find out about their rights and have access to the Commissioner. We proactively arrange at least two visits a week with schools and groups, covering every local authority in Wales, every year. Over the last five years, we have been targeting specific vulnerable groups of children and young people, to help us deliver our Five



Year Plan, including looked-after children and young people events, awards and forums, groups working with children and young people with disabilities, including DEFFO, a forum for deaf young people in Wales, and the national forum for gypsy and traveller children, Travelling Ahead.

Ensuring others who run a similar programmes of visits, such as UNICEF's rights respecting schools, have up-to-date information about us and our work is another cost effective way of making information about rights and the children's commissioner accessible to as many children and young people as possible. In recent years, the office has worked with members of Funky Dragon as part of our corporate planning process. There was a shift away from hosting young advisory groups for the office – not only due to the high resource levels required to host such groups but we also felt it duplicated the work of others. Since Welsh Government funding for Funky Dragon, the children and young people's assembly for Wales, was stopped, we are now working with key partners to ensure a robust, national participation model for Wales, which could play an integral part in holding the Commissioner to account. In the meantime, we will be ensuring contact is maintained with all 22 participation structures.

Ensuring children's rights is placed firmly into the school curriculum, within the PSHE module, was seen at the time as a significant success. However, we have seen the conflicting pressures and changing curriculums having a negative impact on its effective implementation. We have called for the mainstreaming of children's rights as part of the Welsh Government's latest review of the curriculum. We believe it to be the only sustainable, long-term solution to embedding children's rights in Wales, and help increase awareness of the UNCRC and the role of the Children's Commissioner.

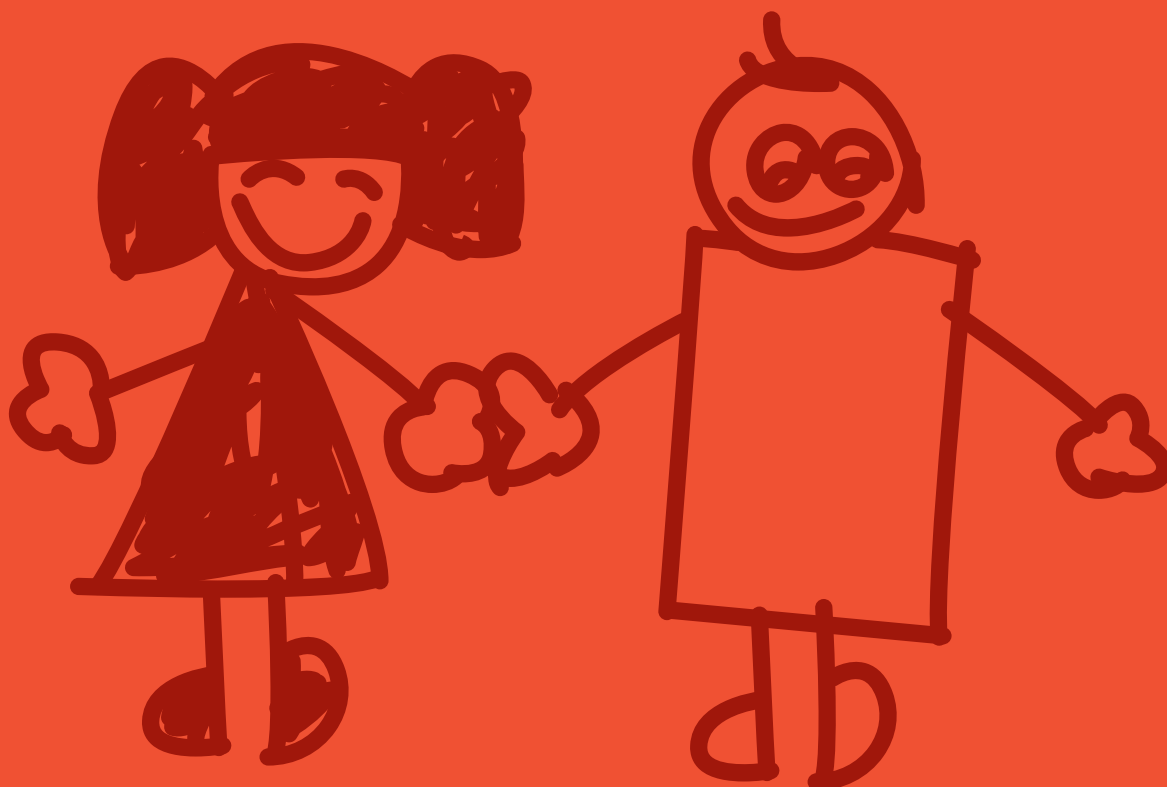
- 2008/09:**  
**Time to Talk / Time to Listen Tour, introducing the new Commissioner to children across Wales. The Commissioner visited every local authority in Wales and met with over 1000 children and young people.**
- 2009/10:**  
**52 groups of children and young people were visited by the Commissioner.**
- 2010/11:**  
**We visited every local authority in Wales, and we launched 'The Rights Challenge' – a badge which enables Scouts and Guides of all ages to learn more about children's rights and about their Commissioner.**
- 2011/12:**  
**We hosted a tenth anniversary celebration event at the Senedd, where we invited 60 pupils to attend a special question and answer session with the First Minister and the Commissioner.**
- 2012/13:**  
**We established the Community Ambassadors scheme, based on the Super Ambassadors scheme.**
- 2013/14:**  
**We worked with over 6200 children and young people through school visits, events, workshops and webinars.**





## Our work

# Reduce inequality and discrimination





**Our advice and support service provides free, confidential and independent advice for children and young people and those who care for them. The service is a source of help and support if children and young people and those that care for them feel they've been treated unfairly. Its aim is to safeguard and promote the rights of children and young people in Wales by providing impartial advice based on the UNCRC.**

Since 2008, here's how many cases we've handled:

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**08/09**  
**321 pieces of advice given**  
 208 cases taken on as full cases\*

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**09/10**  
**475 pieces of advice given**  
 220 cases taken on as full cases\*

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**10/11**  
**477 pieces of advice given**  
 178 cases taken on as full cases\*

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**11/12**  
**427 pieces of advice given**  
 148 cases taken on as full cases\*

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**12/13**  
**217 pieces of advice given**  
 318 cases taken on as full cases\*

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**13/14**  
**230 pieces of advice given**  
 296 cases taken on as full cases\*

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 \* A full case is when we stay involved and support the child or young person to work with other agencies to reach an appropriate outcome.

Whilst the primary aim is to offer advice and support to individuals, cases also identify wider issues and learning opportunities for professionals as well as local and central government.

Over the last seven years we have responded to over 3000 issues. The following examples provide an indication of the types of issue that are brought to our attention:

### **(1) Safeguarding in Sport**

This example illustrates how young people were supported to have their voices and concerns heard, whilst also dealing with a number of agencies and organisations' varying approaches to safeguarding and engaging with children and young people.

The advice and support service was contacted by an athletics coach who felt he and a group of children had been unfairly treated by their club and the club chairman. The coach alleged bullying and racial discrimination by the club that led to him and the group of young people he coached being asked to leave the club. The coach had contacted Welsh Athletics and UK Athletics as well as the NSPCC Child Protection in Sport Unit but nothing had been done by these organisations to resolve the situation. We were advised that the young people felt ignored and not listened to in the process. Arrangements were made to meet with the group of young people and to listen to their concerns about what had happened at the club and with their Coach, and to find out from them what they wanted to do about the situation.

However as part of our initial enquiries into the issue that had been raised with us we became aware of other agencies involved with the coach, including a Local Safeguarding Children's Board Officer from a local authority who provided us with information about a number of concerns that were on-going in respect of this coach.

As a result of the safeguarding concerns reported to us, which included inappropriate coaching techniques, the inappropriate use of power drinks, use of a false ID and false representations regarding qualifications as a coach, one of our Investigation and Advice officers facilitated a meeting between Welsh Athletics Association, UK Athletics the NSPCC CPSU and the local safeguarding officer.

The local authority social services department had been dealing with the safeguarding allegations but there had been no multi agency meeting to share intelligence and no-one appeared to be listening to or explaining to the young people what was going on. We had become aware of a number of different concerns that had not been shared. Agencies were working in isolation from one another. The meeting was arranged to take forward the young people's complaints and to share safeguarding information regarding the Coach.

Following the meeting the UK and Welsh Athletics Associations agreed to meet with the children who had complained to our office to explain to them what had happened and how their complaints were handled. The meeting took place at our office in Colwyn Bay and following a lengthy discussion where the young people had the opportunity to have all their questions answered the UK and Welsh Athletics Associations confirmed that the meeting had been helpful and positive and had changed their views about how as organisations they should be listening and engaging with children and young people in the future.

## **(2) Safeguarding in Education**

A grandmother contacted the office alleging that her grandson's special needs had been neglected by his school and as such he was now in need of a lot more help than he would have required had he had the right level of support initially. A consequence of this neglect was that her grandson was no longer attending school. The grandmother also complained to us that there had been allegations of professional misconduct at the school, which the grandmother alleged was of a child protection nature and in her opinion had not been investigated properly.

Our Investigation and Advice officer advised the grandparent to make a formal complaint to the school about the lack of SEN support, and agreed that due to the seriousness of the allegation our office would follow up her complaint around the child protection allegation. The Investigation and Advice officer immediately contacted the school to ascertain if child protection procedures had been followed. The officer was advised that the head teacher had dealt with the matter. There had been a meeting with social services who had advised the head teacher that the allegation did not meet the criteria for child protection and there would be no more involvement from social services.

However the incident that had been reported, if proven, would constitute gross misconduct on the part of a professional notwithstanding the fact that it did not meet child protection thresholds. The Safeguarding Children in Education guidance from Welsh Government was clear that this type of allegation should be independently investigated and they had put in place provisions for independent investigations to take place at no cost to the school. The Investigation and Advice officer challenged the chair of governors at the school about the failure to investigate the allegation who agreed for the case to be independently investigated.

This case caused concern on two fronts. During conversations the Investigations and Advice officer had met with various professionals and family members and it became apparent that the chair of the strategy meeting led by social services, had not been given all the evidence pertaining to this case and secondly it was apparent that the professionals involved from social services and education did not fully understand the guidance from Welsh Government and were therefore not complying with it.

Following up these concerns the Investigation and Advice officer arranged a meeting with the Head of Safeguarding in Education and the Head of Children's Services to discuss the issues. As a direct result of this meeting the local authorities amended their internal safeguarding training to reflect the issues that our office had identified. This information was also shared with the relevant department in Welsh Government who, following our discussions, amended their own guidance for local authorities to ensure it was clearer and easier to understand.

### **(3) Walked Routes to School**

A parent contacted the office about concerns that they had in relation to a walk to school route that the local authority had identified for her child and a number of other children who were attending a faith school. The school was within the 3-mile walk to school zone, which was consistent with Welsh Government guidance for walking distances. However, the parents believed the route was unsafe. The local authority education department had been challenged about this but maintained their stance that they thought the route was reasonable.

Information was shared with the advice and support service from a police source that in his opinion the route was not safe. The local authority was acting within the law, as there was no duty on authorities when assessing a walk to school route to take into consideration the welfare of a child. The Investigations and Advice officer wrote to the chair of the local safeguarding board to ask if they would discuss this case and the wider safeguarding concerns that this raised. The Local Safeguarding Children's Board agreed to review the situation and although the route was not changed for this family the authority did agree to monitor the situation.

This was not the first such case the service had received where the local authority had acted within the law and had conducted their risk assessments in line with the Royal Society for the Prevention of Accidents (ROSPA) guidelines which do not have a requirement to consider the child's welfare. This information was shared with the office's Policy team and the Commissioner who took the issue forward with the relevant Welsh Government Minister, who in due course produced new guidance from Welsh Government to local authorities which clearly states that the welfare of the child is now a recommended consideration.

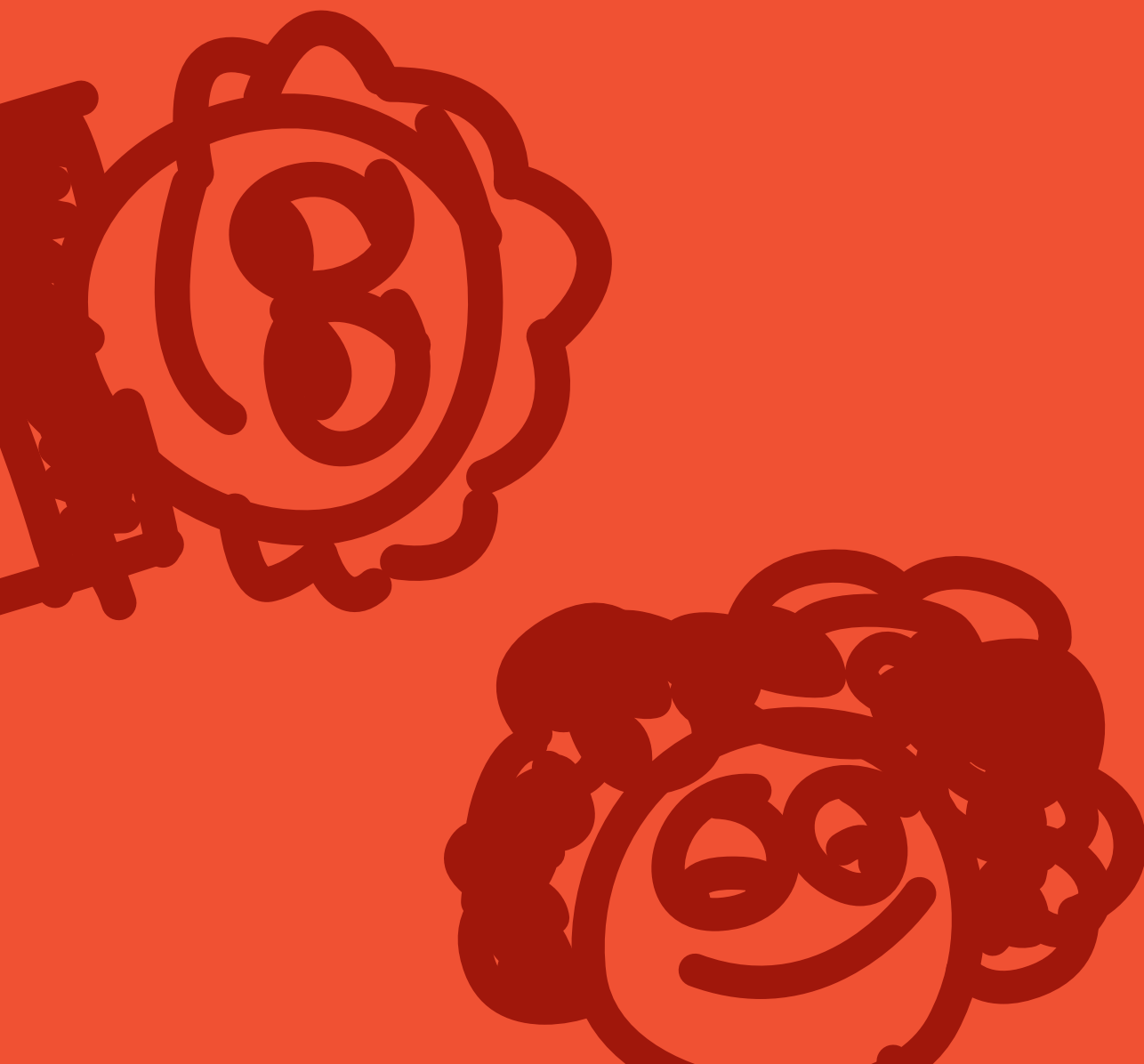
**The Minister made the following statement in March 2014:**

"Prompted by the Children Commissioner for Wales drawing attention to the limitations of the current guidance and the need to enable children and young people to inform the risk assessment of routes to school ...I recognise that local authorities expressed concern about how new guidance would impact on them and the possible resource implications but I am clear that our over-riding priority must be to ensure that children and young people are safe – and feel safe – when walking to school... I will now work with the Children's Commissioner to finalise the guidance and develop plans to monitor the effectiveness of implementation."

**(Edwina Hart AM, Minister for Economy, Science and Transport)**

## Our work

# Continue to be a high-performing organisation



**Publishing reports is one way of highlighting particular problems facing children and young people in Wales. Some of them are spotlight reports, which draw people's attention to something, and others are statutory reports containing recommendations. The Welsh Government and others have to respond to these statutory reports, and explain what they'll be doing to improve the situation on a particular issue for children and young people.**

Here are the reports we've published since 2008 and what's happened to children and young people in Wales as a result:

## 2008/09

### 'A Happy Talent'

A report about children with disabilities' access to play, which analysed the content of local authorities' play strategies and gathered the views of children and young people with disabilities.

### 'Bordering on Concern'

This report details evidence gleaned from across Wales of children and young people being trafficked into and within Wales for forced labour, sexual exploitation, cannabis production, begging and domestic servitude.

### 'UK Children's Commissioners' Report to the UN Committee on the Rights of the Child'

The four UK Children's Commissioners drafted a report on behalf of the four nations of the UK to the UN Committee on the state of children's rights across the country.

## 2009/10

### 'Listening and Learning... the Right story'

A resource packed with messages from children and young people, aimed at everyone working within the education sector in Wales, looking at what would make a positive difference to pupils in schools.

## 2010/11

### 'Full of Care'

We commissioned research that was done by young carers, with young carers and for young carers in order for us to build a clear profile of how they lead their lives.

### 'My Planner'

This resource was designed with and for young people leaving care. It contains information about what care leavers are entitled to and what they should expect as they approach the age of 16 – the age looked after young people are expected to move into independent adult life or to access education and training.

## 2011/12

### **'Lost After Care'**

A decade following the publication of the 'Report of the Tribunal of the Inquiry into the abuse of children in the former county council areas of Gwynedd and Clwyd since 1974, Lost in Care', this publication aimed to give readers a flavour of what it's like to leave care and to demonstrate the experiences of young people who are currently preparing to leave care as well as those who have recently left care.

### **'The story so far: UK Children's Commissioners' Mid-Term Report to the UK State Party on the UNCRC'**

To mark the International Day of the Child 2011, the four UK Children's Commissioners published a midterm report on the UNCRC to the UK Government and devolved administrations. Twenty years since the UK Government ratified the UNCRC, and three years since the UK State Party last reported progress to the UN, this report details real progress made but also draws attention to areas where children and young people are still failed.

## 2012/13

### **'Missing Voices'**

In 2011/12, the Commissioner used his statutory powers to review independent professional advocacy services for looked after children and young people, care leavers and children in need in Wales. The report looks at whether and to what extent the arrangements are effective in strengthening and promoting the rights and welfare of children and young people.

### **'Child Poverty Strategy'**

The Children and Families (Wales) Measure 2010 placed a duty on the Welsh Government to publish a Child Poverty Strategy which focuses on how the Government's policies collectively contribute to three strategic objectives: i) to reduce the number of families living in workless households, ii) to improved the skills of parents / carers and young people living in low-income households so that they can secure well-paid employment, and iii) to reduce the inequalities that exist in health, education, and economic outcomes of children and families by improving the outcomes of the poorest. Although the Commissioner is not subject to the duty, he made a decision to publish his own child poverty strategy to set out our work undertaking to contribute towards tackling child poverty in Wales.

### **'Missing Voices: best practice casebook'**

The information contained within this casebook has been drawn from the questionnaires all local authorities completed as part of the statutory review into independent professional advocacy services for looked after children and young people, care leavers and children in need in Wales, as well as from their written responses to the review's 29 recommendations.



## 2013/14

### **'Girls and Boys Speak Out'** **A Qualitative study of children's gender and sexual cultures (age 10 – 12)**

Jointly funded by ourselves, the NSPCC and Cardiff University's School of Social Sciences, this report used participatory methods to generate qualitative data on how diverse groups of pre-teen children (age 10 -12) understand their own and other's gender and sexual identities, relationships and cultures.

### **'Child Poverty Progress Report'**

Twelve months since the publication of the Commissioner's first child poverty strategy, this report details the work of the Commissioner's Community Ambassadors and highlights the impact of the UK Government's welfare reforms on families in Wales.

### **'Missing Voices, Missing Progress'**

To mark the anniversary of 'Missing Voices', we had intended to undertake a full review of progress towards the 29 recommendations but took into consideration requirements that the Welsh Government had recently placed on local authorities to provide them with information about statutory advocacy provision. The Commissioner chose instead to undertake a more focused piece of work that would not place unreasonable demands on local authorities. This report focused on commissioning arrangements to determine whether advocacy was being provided across local authority areas on longer term contracts ensuring more equitable provision for these vulnerable groups of children and young people.

### **'Lost After Care'**

In 2011 we published 'Lost After Care'. This report details the progress made by local authorities and other partners to address the suggested service improvements contained within 'Lost After Care'.

### **'Consent in Healthcare'**

This leaflet was produced for all children and young people under the age of 18 in Wales. It's about their health care and their right to be involved in decisions about their health, health care or treatment.

## 2014/15

### **'Full Lives'**

This report examines the impact that short breaks have on the opportunities for children with disabilities to enjoy their right to play, leisure and recreation. It looks at the range of services provided and the degree to which children with disabilities and their families feel these actually meet their needs.

### **'The right to learn: supporting children and young people at pupil referral units (PRUs)'**

This report examines the provision of education in PRUs and focused on the views of learners, their wellbeing and their right to education.

### **'Missing Voices: Right to be Heard'**

Two years since the publication of 'Missing Voices', this report reviews all 29 recommendations contained within the statutory review of independent professional advocacy services and focuses in particular on the views of children and young people and their experiences of advocacy.

### **'Generation 2000 research findings'**

Led by WISEKIDS and co-funded by ourselves, Logicalis and S4C, this report reflects the views of over 2000 pupils across Wales and details their online and digital habits and digital literacy.

### **'I want to sit next to sandwiches'**

This survey of over 1000 primary and secondary school pupils in Wales details pupils' experiences of school dinners.

### **'Full Lives: Equal Access? Spotlight report on wheelchair accessibility in secondary schools in Wales'**

This report looks at how local authorities implement their duty under the Equality Act 2010 to plan accessibility of schools for pupils with disabilities.

### **'Learning the Lessons: Operation Pallial'**

In November 2012, Operation Pallial was set up to examine specific allegations of past child abuse in north Wales. This report looks at the early processes established by Operation Pallial and attempts for the first time to identify emerging lessons that any future operation could learn from.

All these reports are available to read and download from our website, [www.childcomwales.org.uk](http://www.childcomwales.org.uk) (under 'Publications')

Publishing reports is one thing; following up on the recommendations contained within them is another. We have to produce a register of recommendations, which includes details of all the recommendations we've made and the progress made by others to implement them. Here are some highlights of what's changed for children and young people over the last seven years:

### **'Bordering on Concern'**

#### **What's changed as a result?**

There has been significant progress in relation to our concerns. Child trafficking is now firmly embedded in Welsh Government and local authorities' policy and practice and is recognised as a significant safeguarding issue. It has led to the appointment of the first Child Trafficking Coordinator for Wales and the Child Trafficking Protocol is now contained within the All Wales Child Protection Procedures.

### **'Full of Care'**

#### **What's changed as a result?**

A significant amount of work has been promised by the Welsh Government in relation to meeting the needs of young carers and young adult carers, through the Carers Strategy for Wales and the Carers Strategy for Wales' delivery plan. The strategy references 'Full of Care' and its recommendations and clearly outlines the concerns of young carers themselves. Carers have also been included in the Social Services and Wellbeing (Wales) Act, which creates a single duty for local authorities to undertake a carers' assessment of young carers where it appears the carer may have support needs.

Despite the good intentions, the experiences of those living as young carers is very different. The slow pace of change and the lack of tangible actions to improve outcomes means some are still facing the same issues that were raised when 'Full of Care' was published.

In 2013 we held an evidence exchange of professionals to review the recommendations. We also responded to the Government's consultation on the Carers Strategy (Wales) Measure guidance and regulations and the Carers Strategy refresh in 2012. We have and will continue to meet with Welsh Government officials and professionals to resolve the issues still faced by young carers in Wales.

## **'Lost After Care'**

### **What's changed as a result?**

We have been encouraged by the commitment that is being shown by a range of organisations to improve the situation for those young people who are moving from care. We continue to work with the Welsh Government, local authorities, advocacy providers and CSSIW to help secure care leavers' future and provide them with the best possible transition from care to independence.

We have and will continue to organise an annual forum for looked after children and care leavers from across Wales and will use this event to obtain feedback from children and young people about the issues they want government and corporate parents to address. We will ensure these messages are heard.

A write up – **'It's My Life'** – containing key messages from young people who attended the 2014 event is available on our website, under 'Publications'.



### **'Listening and Learning... the Right story'**

#### **What's changed as a result?**

Pupil participation in schools across Wales has developed considerably and is now recognised by schools inspector, Estyn, as an essential part of all education.

### **The series of 'Missing Voices' reports**

#### **What's changed as a result?**

Whilst the implementation of our recommendations is mixed across Wales, there have been some significant national developments.

One Minister within the Welsh Government is now responsible for advocacy – the Minister for Health and Social Services. This provides for a real opportunity to fully integrate the national vision for advocacy into the regulations, codes of practice and statutory guidance that sit within the Social Services and Well-being (Wales) Act 2014.

To help shape the new national approach to advocacy for looked after children, the Welsh Government has established a Strategic Leadership Group for advocacy, on which we're an observer. A Task and Finish Group has also been established by ADSS, supported by the WLGA, to drive forward this national approach to advocacy. A key focus for both groups is to ensure the active offer of advocacy is delivered consistently and coherently across Wales.

**Our work**

**Ensure effective  
service delivery**





**Whilst we cannot claim we are solely responsible for changes that are made to the law and policy consultations we engage with, we do try to act as the focal point for highlighting issues of contention, often shared by other organisations working with and for children and young people in Wales.**

We try to achieve systemic change in a number of ways. A critical tool in our box is the annual report, which we're obliged to produce each year for the First Minister. Every year, we include within the report a series of calls on Welsh Government, to which they have to respond. Its content is also debated by the National Assembly for Wales' Children, Young People and Education Committee and is also subject to a plenary debate.

**Here are the key calls from our last six annual reports:**

## **2008**

We challenged those responsible for developing and delivering children and young people's services to focus on closing the gap between the number of good policies and their inconsistent implementation across the country.

**What we achieved that year:**

- **A key recommendation from 'Clywch' - the report of the examination into allegations of child sexual abuse in a school setting - included the provision of school based counselling services, which moved towards full implementation in secondary schools this year**
- **Another of our proposals around enabling children and young people to have the right to make an appeal to Special Educational Needs Tribunal for Wales (SENTW) became a focus for the Welsh Government, who put in considerable amount of effort and resources needed to gain legislative competence and to initiate an Assembly Measure to change the law in Wales.**

## 2009

We detailed our frustrations around the lack of consistent implementation of Welsh Government policies and the failings of local authorities to put the best interests of children at the heart of decisions this year.

### What we achieved that year:

- The Welsh Government announced they would explore the possibility of embedding the principles of the UNCRC into Welsh law. We made a significant contribution to the shaping and development of what would become the Rights of Children and Young Persons (Wales) Measure and the subsequent children's rights scheme and child rights impact assessments.
- We accepted an invitation for the Commissioner to sit on the new National Safeguarding Children Forum, established by the Welsh Government.

## 2010

We called on the Welsh Government, local authorities and other public bodies to focus on getting the basics right for our children as pressures mount on shrinking budgets.

### What we achieved that year:

- School-based counselling services was made available in all secondary schools in Wales – a key recommendation from 'Clywch'
- Every primary, secondary and special school in Wales has a school council.
- The past year has seen the development of a further piece of law in relation to school transport vehicles, the Learner Travel (Wales) Measure. This will help to ensure improved safety standards on all contracted services.



## 2011

Publishing his fourth annual report as Commissioner on the day our office celebrated its tenth anniversary, we questioned whether Wales addresses the real needs of children and asked if now is the time for the Welsh Government to take stock and assess the way in which its policies and initiatives fit together to address the inequalities facing children.

### What we achieved that year:

- The most significant development this year was the passing of the 'Rights of Children and Young Persons (Wales) Measure 2011.
- The Family Justice Review panel was appointed to review the whole of the family justice system in England and Wales, looking at all aspects of the system, from the court decisions on taking children into care, to disputes over contact with children when parents divorce. The Commissioner was appointed to represent children's interests and provide a Welsh perspective on the panel's work.
- The Commissioner used his powers for the first time to carry out the review of independent professional advocacy for looked after children and young people, care leavers and children in need.

## 2012

Youth services in Wales deserve to be valued and directed with strong strategic support at a national and local level was this year's call.

### What we achieved this year:

- We became involved in a significant piece of work relating to the abuse of children in north Wales care homes over several decades. The Commissioner made it clear during extensive media interviews that he believed there were outstanding issues relating to the Waterhouse report and that the abuse that had taken place in north Wales care homes should be investigated thoroughly for the sake of the victims. The intense public interest generated by the allegations quickly led to two independent reviews being established – Operation Pallial and the Macur Review. The Commissioner agreed to be a part of Operation Pallial's Strategic Coordinating group.
- The UN Committee on the Rights of the Child announced they would prepare a General Comment on Article 31 (Play) of the Convention. This is a document published by the Committee, which provides a detailed interpretation of an article or issue relating to the Convention, and provide guidance on the actions required by governments to ensure its implementation. The International Play Association were asked by the Committee to take a lead role in the organisation and development of the General Comment and the Commissioner agreed to become a member of the international working group to assist in the drafting.

## 2013

Vital services aimed at protecting vulnerable children and young people are in danger of being lost due to the lack of vision and leadership from the Welsh Government, was the stark warning from the Commissioner as he published his last annual report.

### What we achieved this year:

- **Welsh Government agreed to put in place measures to ensure their flagship programmes engage with families affected by parental imprisonment.**
- **Welsh Government also agreed to assess 'Travelling Ahead Towards a Better Future' and committed to further actions to support the learning needs of gypsy and traveller children by March 2015.**
- **We were pleased that some of the most concerning issues children and young people have raised with the office have been addressed through the Social Services and Wellbeing Bill and that due regard to the UNCRC was reflected in the final Act.**
- **A CAMHS Children, Young People and Families Delivery Assurance group was established by the Welsh Government, following a call from us in the 2012/13 annual report.**

Another means of influencing change is by working in partnership. The Commissioner is often asked to engage on a high level strategic basis with a diverse range of issues. The current Commissioner, as a member of the Family Justice Review Panel, played a significant role in the wide-ranging and seismic changes to the Family Justice system that followed the publication of the Family Justice Review report in November 2011. The Commissioner ensured that the voice and rights of the child were kept at the forefront of discussions about the many changes that the review panel recommended, and ensured that the Welsh perspective on change was not lost.

Similarly on an international stage the Commissioner was part of a UN Committee task and finish group that developed a General Comment on Article 31 (Play) published by the UNCRC in March 2012. The General Comment provided a wider and deeper understanding for governments across the world about the implementation of Article 31.

At a more local level the Commissioner was part of the Wales National Safeguarding Children's Board that has helped to shape changes to safeguarding in Wales, including the introduction of Child Practice Reviews in place of Serious Case Reviews. The Commissioner has helped to ensure that the distinct voice of the child has remained a paramount concern in safeguarding developments being taken forward through the Social Services and Wellbeing (Wales) Act 2014.

The Commissioner through his ability to speak out on children's issues can also mobilise others to initiate significant investigations into safeguarding and children's rights. The Welsh Government's investigations into safeguarding practices in Pembrokeshire local authority was in part instigated by concerns that the Commissioner had raised about pupils being locked in rooms in Pupil Referral Units in Pembrokeshire. The Commissioner has maintained an active interest in ensuring that problems identified and the solutions proposed have been carried through in Pembrokeshire. Significant changes to safeguarding practice and culture in both education and the wider authority have resulted in the Commissioner and his team providing on-going support and guidance to Pembrokeshire social services department in relation to children's rights and the participation of children and young people.

## Our work

### Build a strong and resilient organisation



## Following extensive consultation work with staff and external organisations, we began changing some of our working practices in 2009. The main areas of change included:

- We have refined our **working practices** between Policy and Investigations and Advice functions so that a question of principle in an individual case or cases is used to deliver systemic change more generally for children and young people in Wales. Our casework function is a powerful source of information, received directly from children and young people and the adults who work with or care for them on issues that are affecting their rights and welfare.
  - We have strengthened our commitment to **children and young people's participation** by ensuring that work with children and young people became an explicit part of all staff job descriptions. This commitment has been further reinforced with a number of learning and development sessions on participation/ group work skills and a separate review of our Participation Officer's role and job description. This change in working practice means that with support from Participation colleagues, Policy Officers work with and survey children and young people when they are responding to consultations or delivering a report on a distinct topic; the Communications Officer works with children and young people when developing marketing materials, including our website; the Human Resources Officer works with children and young people when running recruitment processes or when developing public booklets about our Complaints Processes, and officers from Corporate Service functions have consulted with children and young people when making changes to our premises.
  - We have developed working principles and practices that reflect the Commissioner's conscious decision to **work positively in partnership** with other agencies to build trust, help professionals who work with children and young people to develop and share best practice and drive cultural change in attitudes in society towards children and young people.
- We engage with a wide range of external organisations and individuals to promote and protect the human rights of children and young people. Along with his Chief Executive, the Children's Commissioner meets regularly with key stakeholders such as the Association of Directors for Social Services (ADSS) Cymru, Heads of Children's Services, Welsh Government Officials, Senior Officers of NGOs, Local Health Boards and Police and Crime Commissioners. This year alone, staff took part in 50 working groups, either as full or observer members.
- We also work closely with the Older Person's Commissioner, Welsh Language Commissioner and the Public Services Ombudsman for Wales and have established a Memorandum of Understanding on joint work and the sharing of information. Also established are Memoranda of Understanding with the Welsh Government (to protect the independent status of the Commissioner), Care Council for Wales and CAFCASS Cymru.
- >>>

We are also an active member of the British and Irish Network of Children's Commissioners and Ombudsmen (BINOCC) and the European Network of Commissioners and Ombudsmen (ENOC). The four Children's Commissioners in the UK work collaboratively on monitoring and reporting of the UNCRC, holding the UK State Party to account on the realisation on the rights of children and young people across all jurisdictions, and on influencing the UK Government on non-devolved matters such as child poverty, youth justice, asylum and immigration.

- We have implemented a more **robust performance management, planning and governance framework** that would build a strong, confident and resilient organisation.
- To support the structural and cultural developments that have evolved during the tenure of the current Commissioner and to ensure **good governance** in relation to employment, a full suite of people management policies have been established or reviewed with full staff involvement. All of our policies are published and accessible on the staff intranet and will be equality impact assessed as they are revised.
- The Commissioner is fully committed to developing a culture that places a high priority on **learning and development**. A timetable for delivering mandatory (Equality Diversity and Rights, Participation Skills, Child Protection and Safeguarding, Health and Safety at Work) and optional learning and development sessions is developed and published each year using the information gathered by managers during the personal development element of the appraisal process, the requirements of the corporate plan for the year ahead, course evaluation sheets and the yearly staff survey.
- In 2010 we committed to undertaking a **regular survey of employee experiences** of working for the Children's Commissioner for Wales. The results of the three surveys conducted to date have helped to identify ways to improve working conditions and practices within our organisation and has helped to identify ways to improve staff engagement through the implementation of an improvement action plan.
- In 2013 a working group of staff members was established to oversee the actions that have been identified as a result of the surveys. The group is referred to as the **Employee Matters group**, it has 11 members, is currently chaired by a Policy Officer and meets regularly each month to ensure momentum and progress.

— The Children’s Commissioner for Wales is a listed authority under the **Equality Act (Statutory Duties) (Wales) Regulations 2011**. This means that the office must follow the ‘general duties’ to promote equality. We have developed a four year Strategic Equality Scheme and we have reported on our progress with this work annually since 2011. Progress with this work internally is made through a small equalities working group and a compliance report in relation to our equality objectives is a standing agenda item at our monthly Management Team meeting; so too is our compliance with Welsh language legislation.

As an independent institution, our Audit and Risk Assurance Committee plays an integral role in holding the Commissioner and his office to account. They ask questions of us to ensure we are delivering on the things we’ve promised to do; that we are delivering on what the legislation that set up the organisation requires us to do and ensures the Commissioner, as Accounting Officer, following the guidance and procedures set out by HM Treasury and the National Assembly for Wales.

**Below we outline the role of the Audit and Risk Assurance Committee as well as detail our governance framework.**

As Accounting Officer, the Commissioner has responsibility for maintaining a sound system of governance that supports the achievement of his policies, aims and objectives, whilst safeguarding the public funds and assets for which he is personally responsible, in accordance with the responsibilities assigned to him in Managing Public Money.

The Governance Framework comprises the systems and processes, and culture and values by which the Commissioner directs and controls the activities of his office. The Framework enables the monitoring of the achievement of strategic objectives and to determine whether the objectives have been delivered in a cost effective manner.

Baker Tilly provides the Internal Audit for the office. They operate to Public Sector Internal Audit Standards and submit regular reports, which include the independent opinion on the adequacy and effectiveness of the Commissioner’s system of internal control. They have provided the Commissioner with reasonable assurance that there is adequate and effective internal control process to manage the achievement of the office’s objectives.

The system of internal control is a significant part of the Framework and is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system is based on an on-going process designed to identify and prioritise the risks to the achievement of policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. It also

accords with HM Treasury guidance. The Commissioner established the Audit and Risk Assurance Committee to provide advice and support in relation to his governance arrangements. It meets at least bi-annually and is made up of senior officials of the office and non-executive members. Its current membership is as follows:

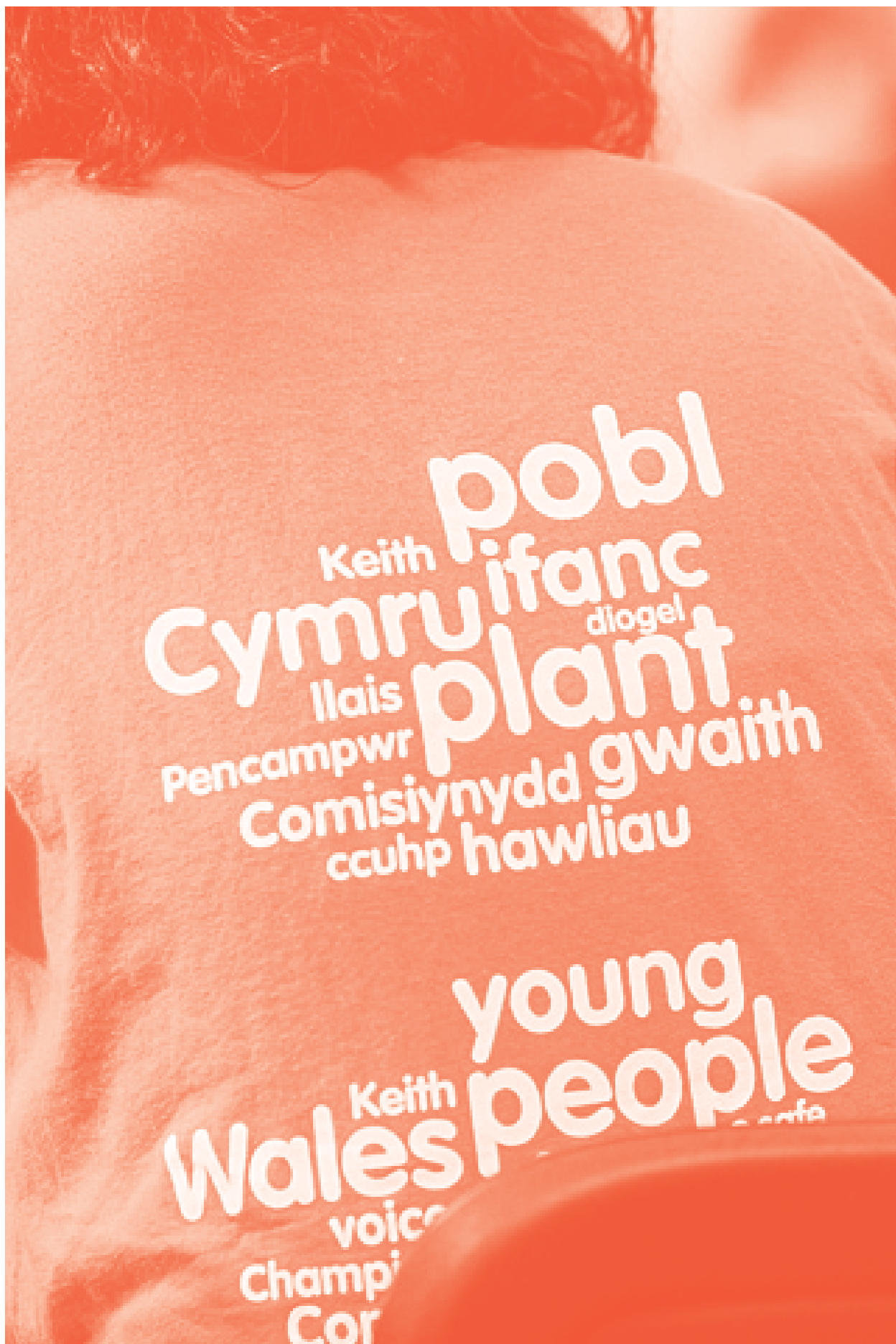
- **Wyn Mears, Chair, Business Consultant and Former Director of the Association of Certified Chartered Accountants.**
- **Ian Summers, Finance and governance advisor to the National Assembly for Wales and former partner of the Wales Audit Office.**
- **Greta Thomas, Former director of the NSPCC in Wales.**
- **Dr Iolo Doull, Consultant respiratory paediatrician at the University Hospital of Wales, Cardiff.**
- **Aine Denvir, Child Care Solicitor.**

From the review of the effectiveness of the systems of internal control, we are assured that the present arrangements meet the needs of the office and ensure we comply with best practice.

The Commissioner has also been subject to external audit. The Auditor General for Wales (AGW) is responsible for the audit of the Commissioner's financial statements in accordance with the applicable law and with International Standards on Auditing (UK and Ireland). Grant Thornton acts on behalf of the AGW as our external auditors.

The AGW is required to obtain evidence that will provide him with reasonable assurance that the income and expenditure have been applied to the purposes intended by the National Assembly for Wales and that the financial transactions conform to the authorities that govern them. Throughout the Commissioner's term of office the AGW has placed a clear audit certificate on his annual report and accounts; and has not raised any issues in a separate report.





## **Our future**

**Whilst child rights breaches continue, the job of a Children’s Commissioner never ends. Despite the tremendous achievements over the last seven years, we continue to see and hear child rights violations daily. There remain significant areas of concern for us; they include:**

- short breaks provision for children and young people with disabilities and their families;**
- child poverty and the impact of austerity;**
- provision of child and adolescent mental health services;**
- education within pupil referral units;**
- participation structures within Wales;**
- independent professional advocacy and**
- accessibility of secondary schools for young people with disabilities.**

**These will form the basis of our annual work plan during this transition year, as well as a comprehensive review with stakeholders of our ‘Five Year Plan’.**

The findings of the independent review of the office will also be a priority. There were particular areas we were keen for the review to identify, to help further strengthen the Commissioner's role in Wales. They include:

- Consolidating and updating existing legislation into a new Children and Young People's Bill to ensure the Children's Commissioner for Wales has the power to act on all matters which relate to or affect children in Wales, including non-devolved issues.
- Clarifying the powers and role of the Commissioner in relation to the formal scrutiny of the duty of due regard contained in the Rights of Children and Young Persons (Wales) Measure 2011
- Renaming the Children's Commissioner for Wales the Children and Young People's Commissioner for Wales, to properly reflect the age range the office's remit covers

- Changing the wording in relation to the statutory aims of the Commissioner from ‘promoting the rights and welfare of children’ to ‘promoting the rights and wellbeing of children’. This would reflect and be consistent with the terminology used in the recent Social Services and Wellbeing (Wales) Act
- In accordance with the Paris Principles for human rights institutions, change the governance arrangements for the Children’s Commissioner from the Welsh Government to the National Assembly for Wales.

We are hopeful that, in discussion with the Welsh Government and the National Assembly for Wales, we are able to work towards these aspirations.

## **Conclusion by Keith Towler**

**This is my final opportunity as Commissioner to pay tribute to the tremendous work of my staff team. They are true children champions and have made a huge contribution to the realisation of children's rights in Wales over the years.**

**In April 2015, Professor Sally Holland will become the third Children's Commissioner for Wales. Sally is a passionate advocate of children's rights. Unfortunately, there's no text book on how to become a children's commissioner but one thing's for sure, she'll have some of the most passionate, dedicated and supportive staff she could wish for who'll help make her ambitions a reality, like they did for me. They'll also definitely keep her on her toes.**

**Of course the most important people in all of this are the inspirational children and young people of Wales. I would like to thank them for their support, for their courage and for always telling it like it is. As an office we have always tried to listen and act on your concerns and that is something that you should always come to expect from this office and from those who care and work for you.**

A handwritten signature in black ink that reads "Keith". The signature is stylized, with a large 'K' and a cursive 'ith'.



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