

they have hardly changed at all. There are ongoing concerns too about the provision of independent advocacy services for looked after children. Whilst on paper at least such services are provided in just about all local authorities in Wales, the services continue to rely on short term funding and piecemeal commissioning arrangements. Since the UN Committee reported in 2002, the situation still remains one of concern with many looked after children and young people continuing to wait for the full range of their rights to be met.

Key recommendations

The Welsh Assembly Government working with local authorities should ensure:

- A continued and increasing emphasis on offering a range of quality placements to meet children and young people's needs.
- Basic improvements in frontline services in health (especially mental health) education and social services for looked after children and young people.
- An all Wales advocacy strategy for all looked after children and young people in Wales.
- Ambitious targets for looked after children and young people are set.
- Local authorities are encouraged to be better corporate parents for looked after children and young people.
- Increased accommodation options for care leavers, including extending the use of supported lodgings and enabling more young people to stay in foster placements.
- Children and young people in care are able to maintain secure and enjoyable placements.

Endnotes

¹ Barnardo's, Child Poverty Action Group, Children in Wales, the Children Society, NSPCC, SCF. (2000) *Wales' children, our future – A manifesto*.

² See www.lgdu-wales.org.uk

³ The report of the Chief Inspector, Social Services in Wales 2003-2004, SSIW, November 2004.

⁴ Welsh Assembly Government Circular 05/2005. Children First programme in Wales: Guidance for 2005-2006.

⁵ Report of the task and finish group on workforce issues in social care Sep. 2001 Welsh Assembly Government.

⁶ Waterhouse, R. Clough, M. and Le Fleming, M. (2000) *Lost in Care: Report of the Tribunal of inquiry into the abuse of children in care in the former County Council areas of Gwynedd and Clwyd since 1974*, HC21, London HMSO.

⁷ Children's Commissioner (2003) *Telling Concerns*. Downloadable at www.childcom.org.uk

⁸ Pithouse, A. et al (2005) *A Study of Advocacy Services for Children and Young People in Wales*. Cardiff University & NEWI.

⁹ Barnardo's, Child Poverty Action Group, Children in Wales, the Children Society, NSPCC, NCH.

¹⁰ Utting, W. (1997) *People Like us : the report of the Review of Safeguards for children living away from home*, London Department of Health.

¹¹ Waterhouse, R. Clough, M. and Le Fleming, M. (2000) *Lost in Care: report of the Tribunal of inquiry into the abuse of children in care in the former County Council areas of Gwynedd and Clwyd since 1974*, HC21, London HMSO.

¹² Social Exclusion Unit (2003) *A better education for children in care*, London. Social Exclusion unit.

¹³ S. Jackson, S. Ajayi and M. Quigley, (2005) *Going to Care from University*. Frank Buttle Trust.

Non-discrimination: disability

Lynne Hill – Children in Wales

Guiding principles: non-discrimination (Article 2)

Disability

CONCLUDING OBSERVATIONS para.22. The committee is concerned that the:

Principle of non-discrimination is not fully implemented for all children in all parts of the State party and that unequal enjoyment of economic, social, cultural, civil and political rights still exist, in particular for **children with disabilities**, children from poor families, Irish and Roma travellers' children, asylum and refugee children, children of minority groups, children in the care system, detained children, and children aged between 16 and 18 years.

Relevant Articles of UNCRC: Article 23 of specific relevance.

Commentary on progress

Legislation

The UK Parliament has enacted both specific legislation relating to disabled people, and generic legislation, which incorporates the needs of disabled people. Children and young people are included within disability specific legislation by virtue of their disability; there has been no children and young people specific legislation in relation to disability. The overall aim of the legislation is to reduce the discrimination experienced by disabled people, including, by implication, disabled children and thus enable disabled people to access their rights, and have a positive impact on disabled people's life chances.

The *Disability Discrimination Act (DDA) 1995* was the first anti-discrimination legislation relating specifically to disabled people, and enshrined in law, disabled people's rights to participate in civil society. *The Disability Discrimination Act* is an acknowledgement that disabled people face discrimination for reasons related to their disability, which prevents them fulfilling their potential as individuals.

The *Disability Discrimination Act (DDA) 2005* amends and extends existing provisions in the *DDA 1995* by ensuring that anti discrimination law covers all the activities of the public sector and requires public bodies to promote equality of opportunity for disabled people.

Key elements of the 2005 Act for children and young people include:

- Making it unlawful for operators of transport vehicles to discriminate against disabled people, thus increasing the opportunities for children and young people to access public transport.
- Making it easier for disabled people to rent property and for tenants to make disability related adaptations, thus ensuring that disabled children can have access to appropriate equipment and adaptations.
- Ensuring that discrimination law covers all activities of the public sector.
- A duty on the public sector, including schools, to promote equality of opportunity for disabled people and to eliminate discrimination. The duty is anticipatory and public bodies will have to produce Action Plans to show how they intend to meet their new duties.

The sixth session of the ad hoc committee on the *International Convention on the Protection and Promotion of the Rights and Dignities of Persons with Disabilities* was held in August 2005. This draft Convention includes an article, on the rights of disabled children. In discussion, there was general agreement that draft article 16 did not add much substance to what was already contained in Article 23 of the Convention on the Rights of the Child. There was also agreement in the Committee that some specific references to children with disabilities were needed in the draft Convention, but views varied on how to achieve this. However it is important that the rights of disabled children are clearly identified within this new Convention, and that this document serves to underpin the rights enshrined in the UNCRC.

The main provision of the Equality Bill currently going through the UK Parliament that relates to disabled children will be the establishment of the Commission for Equality and Human Rights (CEHR). The CEHR will take on the work of the existing equality Commissions (the Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE), and the Disability Rights Commission (DRC) and will additionally assume responsibility for promoting equality and combating unlawful discrimination in three new strands, namely sexual orientation, religion or belief, and age. The CEHR will also have responsibility for the promotion of human rights. There have been concerns voiced within the disability arena that without the Disability Rights Commission there will be less focus on the rights of disabled people, both children and adults.

Policy and practice

In 1999 the Welsh Assembly Government introduced the *Children First* Programme, a generic plan that addresses the needs of all children, including disabled children. Of the 11 objectives in the Programme, objective 6 relates specifically to disabled children and is broken down into four sub-objectives.

- To maintain an accurate and up to date record of the numbers and circumstances of children with special needs and the services being provided for them.
- To increase the number of disabled children in receipt of family support services – including short term breaks and domiciliary services – and the numbers of hours of service provided in order to enable disabled children and their families to lead as ordinary a life as possible.
- To increase the numbers of disabled children who use inclusive play and leisure services, including holiday play schemes, after school clubs and pre-school provision with appropriate support if necessary.
- To ensure that parents with disabled children are provided with information about services from the statutory and voluntary sector on an inter-agency basis.

In practice there remains a high degree of variation in the availability and quality of services. In some areas the experience of service users shows little of the progress aimed for in the initiatives identified above. It is hoped that the Welsh Assembly Government's *Children First* initiative will be paying particular attention to the needs of disabled children in the immediate future.

The *National Services Framework for Children and Young People and Maternity Services in Wales (NSF)* was launched on September 20th 2005. It focuses strongly on disabled children and young people, identifying standards to be achieved through key actions in relation to:

- Child and family centred services
- Access to services
- Quality of services
- Transitions.

Outcomes will be monitored through the development of a *Self-Assessment Audit Tool (SAAT)*, which all local authorities will return.

Statistical evidence (gaps in data availability)

The Welsh Assembly Government *Children First* team collates the figures on a Wales wide basis in relation to all its indicators, including those relating to disabled children; however this information is not in the public domain. Data relating to children, gathered by the Local Government Data Unit (LGDU), gives information relating to children who are on child protection registers or within the looked after system, but does not categorise children by disability.¹ Thus it is impossible to monitor changes in the number of disabled children identified as 'at risk' or within the looked after system.

All local authorities should hold a disability register, to assist the planning of services; however this data is not available publicly. As registration is voluntary, any data would be indicative rather than comprehensive. There are additional barriers to data collection, in that each local authority has its own individual eligibility criteria for access to services. This could lead to difficulties when comparing the numbers of disabled children known to each individual local authority social services team.

Views of children and young people

In 2003 the Welsh Assembly Government commissioned a report entitled *Are you listening? What disabled children and young people in Wales think about the services they use.*² This report, which surveyed 105 children and young people, identifies a number of key issues and messages to decision makers.

The key messages that came from the report were:

1. Respect. Disabled children and young people valued being listened to, talked to and treated with respect. They want to be treated in the same way as non-disabled children. They were frustrated and distressed when this did not happen.
2. Provision of information. "*Many disabled children and young people receive information 'second hand' via parents and carers, not directly*"³
3. Access and availability. There are many challenges and barriers to disabled children and young people being able to access services. The barriers were physical e.g. transport, and attitudinal e.g. not having a choice of locally available services and provision.
4. Participation. Disabled children and young people want to be involved in making decisions about services and issues that affect them. The report found that while there are examples of good practice, this is not a consistent picture across Wales, with very little evidence of disabled children and young people being involved in shaping services.
5. Transition services are not meeting the needs of many disabled children and young people, and they are not having the same opportunities and choices as non-disabled young people.⁴
6. Bullying is a very significant issue for disabled children and occurs in all school settings. Bullying caused both distress and frustration for those involved. Disabled children and young people had differing levels of confidence that schools and other settings would deal effectively with bullying. Many disabled children and young people felt that they would not be listened to or supported and felt that they would not report bullying for fear of worsening the situation.

In June 2005 the Young Disabled Person's Network, facilitated by Children in Wales undertook a consultation exercise with a group of disabled young people to ascertain their views on what would help in relation to anti-bullying information for children and young people. The results of this exercise echo those noted above.

Wales celebrated the *European Year of Disabled People* by hosting an international conference of young disabled people in June 2003. Ninety-five young people between the ages of 14 and 24 from 35 countries ranging from Kazakhstan to Mongolia, gathered together for a week at Swansea University. The timetable of the week and the issues discussed were determined by the participants themselves, making Wales a world leader in empowering young disabled people and serving as a role model for future events of this sort.

Delegates drew up a manifesto entitled *'Local, National and Global Priorities for Young Disabled People'* demanding that young disabled people be included in decisions affecting all areas of their lives. The manifesto was presented to a panel of key international decision makers in a plenary session. A list of actions was drawn up for all the delegates to carry out on their return to their respective countries, intended to be the first building blocks of an international peer-led network of young disabled people. Wales continues to support young disabled people, through the continuing Young Disabled Persons Network which meets three times a year, and which has given evidence to the National Assembly in relation to issues of safeguarding children and bullying. Members of this Network are also currently involved in a young disabled persons steering group to advise the National Assembly's Equality of Opportunity Committee.

Other qualitative evidence

In 2003, the Audit Commission published a report entitled *'Services for disabled children. A review of services for disabled children and their families'*. The study spoke to 240 disabled children and young people, in five different areas of England and Wales.⁵ The report concluded:

- Service provision varied across different areas. While there was evidence of good practice, services were still seen as a postcode lottery with service provision sometimes depending on how hard parents are able to push;
- Service provision and equipment, and adaptations are often delivered after a long wait, thus denying disabled children and young people opportunities to develop and integrate within their society;
- Before getting access to the appropriate services, disabled children and young people and their families have to be prepared to fight their way through a confusing array of information, and a range of assessments processes;
- The care demands on parents, multiple appointments with services and lack of suitable childcare affects parents' ability to work. Mothers of disabled children are less likely to have paid employment than other mothers, and in many situations fathers' employment opportunities and earnings are reduced. Where families are claiming benefits, they find the forms complex and frustrating to complete, and also can be unaware of the full range of benefits open to them. These factors can effectively exclude families from ordinary activities and an acceptable quality of life;
- Disabled children and young people face significant barriers to participation in play, sport and youth activities. There were difficulties in finding information about services, meeting eligibility criteria, being confident that the child's needs would be met, and being able to access a service due to transport problems. Many disabled children and young people had to travel significant distances to access a specialist provision. Families in rural areas found transport a particular challenge when carrying out day-to-day activities and attending distant locations for services.⁶

Conclusion

The evidence gathered for this report presents a mixed picture for disabled children in Wales. While there are examples of good practice in relation to participation and service delivery, there is no consistent practice across Wales. The rights expressed in the UNCRC are still not being fully met for disabled children in relation to access to information, equal access to services, and participation. The monitoring of progress is difficult to track due to significant shortfalls in data collection.

Key recommendations

The Welsh Assembly Government working with local authorities, local health boards and NHS Trusts should ensure:

- Service commissioners and providers give priority to implementing the *National Service Framework for Children, Young People and Maternity Services*.
- Statistical data pertinent to disabled children and young people, particularly in relation to safeguarding, is collected and analysed.
- Provision of support to ensure that disabled children and young people are able to participate in a range of opportunities and that their views are fully taken into account at both national and local levels.

Endnotes

¹ See www.lgdu-wales.org.uk

² Claire Turner (2003) *Are you listening? What disabled children and young people in Wales think about the services they use*. Welsh Assembly Government.

³ Ibid p.6.

⁴ This point was echoed in a piece of work undertaken by Children in Wales in 2004, when 20 young disabled people held a one day meeting with the Children's Commissioner for Wales. All participants reported concerns, unhappiness and frustration about the transition process they had experienced.

⁵ Audit Commission Public Sector Briefing, Services for disabled children. A review of services for disabled children and their families. Audit Commission p.2.

⁶ Ibid. p.29.