

State of Children's Rights in Wales

Alternative country specific report
on the situation of children's rights
as defined under the United Nations
Convention on the Rights of the Child
(UNCRC)

Wales UNCRC Monitoring Group



Grŵp Monitro CCUHP Cymru

About This Report

This is the second report prepared by the Wales UNCRC Monitoring Group, which is a civil society coalition facilitated by Children in Wales, to inform the 94th Session and the examination of the United Kingdom of Great Britain and Northern Ireland.

Our report, produced as an 'alternative' to that of the reports from the UK state party and the W/Government, provides an update on the key priorities identified in our first report which was submitted in December 2020 to inform the UNs List of Issues Prior to Reporting (LOIPR), alongside commentary on new developments which have emerged more recently.

Both reports have been informed by an extensive call for written evidence, roundtable events and an analysis of secondary sources.

Due to fixed word limitation, this report does not contain all of the details pertaining to all of the issues impacting on children rights in Wales. However, it does provide an overview of the key priorities civil society organisations have identified.

A copy of this report can be accessed on www.childreninwales.org.uk

Devolution: Wales within the context of the UK

The W/Government has responsibility for the implementation of the UNCRC in many policy areas, as set out through the Government for Wales Act 2006. This includes education, health, social care and the protection and wellbeing of children and vulnerable persons, with the W/Parliament able to pass laws to give effect to the UNCRC.

The UK/Parliament is responsible for legislating on matters which are non-devolved, including criminal and youth justice, immigration and social security.

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Barnardo's Cymru

Children in Wales

Children's Legal Centre for Wales

Children's Commissioner for Wales (observer status)

Equality and Human Rights Commission in Wales (observer status)

National Deaf Children's Society

NSPCC Cymru

Observatory on Human Rights of Children

Play Wales

Save the Children

UNICEF UK

Welsh Local Government Association (observer status)

About the Wales UNCRC Monitoring Group

The [Wales UNCRC Monitoring Group](#) is a national alliance of non-governmental and academic agencies, tasked with monitoring and promoting the United Nations Convention on the Rights of the Child (UNCRC) in Wales. The Wales UNCRC Monitoring Group was established in 2002 and since May 2016 has been facilitated by Children in Wales. The Group has worked with the UN Committee on the Rights of the Child and submitted civil society reports to inform successive UK State Party Examinations in 2002, 2008 and 2016, and is engaged in other opportunities to forward children's rights, through other UN treaty mechanisms, W/Government and W/Parliament policy and legislative processes

Contributions

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EYST Wales
Faith in Families
Fair Treatment for the Women of Wales
Food Sense Wales
Fostering Network Wales
Glynn Vivian Art Gallery
Gorseinon Primary School
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Natural Resources Wales
Neath & Port Talbot Educational Psychology Service
Neath Port Talbot Youth Service
Noah Ark Children's Hospital for Wales
NSPCC Cymru
NYAS Cymru

Observatory on Human Rights of Children / Children's Legal Centre
Olchfa School
Pembrokeshire Youth Service
Pentrehafod School Student Parliament
Place2Be
Platform
Play Wales
Pontybrenin Primary School
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Torfaen Young-people's Forum
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UNICEF UK (Youth Justice)
Voices from Care Cymru
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Disclaimer: Views expressed in this report may not reflect the view of the organisations/individuals listed above

6 PRIORITY RECOMMENDATIONS

We call upon the UN Committee on the Rights of the Child to recommend that the W/Government deliver the following 6 priorities (*in addition to the more detailed recommendations within our report under the thematic clusters*)

1. Incorporation of the CRC into Welsh Law

Introduce legislation to fully and directly incorporate the CRC into Welsh law without delay

2. No Child Experiences Poverty

Ensure the maximum level of available resources to deliver urgent priorities set out in a revised Strategy and Delivery Plan, with measurable milestones and targets, subject to robust monitoring and transparent reporting arrangements.

3. Make Children a Priority

Prioritise the rights of all babies and children, including those most disadvantaged, in response to the Cost-of-Living emergency and learning from COVID-19. Publish a fully resourced and comprehensive children's rights action plan, and appoint a children's minister with responsibility for effectively coordinating the implementation of the CRC throughout W/Government.

4. All Children are Safeguarded and Protected

Work in collaboration with the public sector and specialist services to prioritise tackling peer-on-peer sexual harassment for all children, including online. This should include using all levers to press the UK/Government to pass a strong Online Safety Bill without delay, that delivers on children's right to be safe online. W/Government should commit to hearing the voices of lived experience groups and children when developing its work on peer-on-peer sexual harassment. This must be done in a trauma informed way, which does not cause further harm and is accessible and inclusive of all needs.

5. Positive Mental and Emotional Health

Ensure that all babies and children have access to early intervention and preventative services, whilst also investing in CAMHS to ensure children with more complex needs can access treatment and support without lengthy waiting lists. The W/Government's response to the Mind Over Matter report should be reassessed as a matter of priority.

6. Supported Care-experienced children and those at risk

Ensure that specialist edge of care services – particularly those that work pre-and post-birth with vulnerable parents – are available in all parts of Wales. Pursue means to ensure parity of support for care-experienced children across the country, which should be a key feature of the transforming children's policy agenda.

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OUR REPORT

NEW DEVELOPMENTS

Cost-of-Living

The Cost-of-Living crisis is a human rights issue.¹ The maximum use of available resources should be put in place to better protect and provide for children, including those disproportionately affected, and whose health and wellbeing is being significantly compromised as inequalities grow.²

The UK's Cost-of-Living emergency³ is getting progressively worse, with inflation reaching a 41-year high in November, accelerated by a surge in energy and essential food costs. Food prices alone are rising at their fastest rate for 45 years, disproportionately hitting low-income families least protected the hardest.⁴ All projections indicate that further pain will be felt over the winter months and well into next year.⁵

Child poverty levels in Wales, at 31%, were already the highest of all UK nations prior to COVID-19 and the Cost-of-Living emergency. Growing numbers of children are now falling into destitution, as more families face financial adversity and struggle to meet basic needs for shelter, survival and development. Many children with particular vulnerabilities are being disproportionately impacted, including disabled children, very young children and those with health conditions.⁶

The Cost-of-Living emergency is further exacerbating the financial and material hardship families experienced during the pandemic.⁷ Already exhausted and traumatised by increasing levels of need, the current crisis is now being described as acting as another lockdown for many children⁸ facing isolation, stress and exclusion. Many key workers are now providing food and clothing for cold and hungry children,⁹ as families struggle with increased costs and reports of parents being pushed to the edge.¹⁰ Addressing poverty, and the risk of poverty from growing need, has been described as the single biggest challenge facing all tiers of government.¹¹

Whilst some steps have been taken by the UK and W/Governments to mitigate the impact of the emergency¹² and unprecedented energy price rises through a universal energy price guarantee supported by targeted grant support for disadvantaged households, this is clearly

¹ Just Fair (2022) [Cost-of-living crisis hub](#)

² Welsh NHS Confederation/Royal College of Physicians (2022) [Mind the Gap: The Cost-of-living crisis and the rise in inequalities in Wales](#)

³ An 'emergency' is defined as 'a serious, unexpected, and often dangerous situation requiring immediate action', Oxford dictionary

⁴ poorer families tend to spend a larger share of what income they have on food

⁵ Resolution Foundation (2022) [In at the deep end](#)

⁶ W/Parliament Research (2022) [Seismic impact of the Cost-of-Living crisis on disabled people](#) / BBC Wales (December 2022) [Cost-of-Living: the stress of rising costs and a child with cancer](#) / Between 1 April 2021 and 31 October 2022, a third of recipients of Save the Children's Early Years Grant in Wales included someone who had a disability or health problem in the family with a babies or very young children (reference below).

⁷ Save the Children-Achub Y Plant (2022) [From COVID-19 to Cost-of-Living: 18 months of providing early years grants to families in Wales](#)

⁸ Evidence from Barnardo's Cymru

⁹ Barnardo's Quarterly Practitioner Survey is a quarterly survey of staff working in Barnardo's Children's Services across the UK. Quoted - [here](#)

¹⁰ Nesta (2022) [Cost-of-Living crisis pushing worried parents to the edge with 2 in 3 concerned about paying for essentials](#), September 2022

¹¹ Audit Wales (2022) ['Time for Change' – Poverty in Wales: Report from the Auditor General for Wales](#), November 2022

¹² For example, the W/Government have set up a [Cost-of-Living hub](#)

not enough. Far greater urgency and financial support for children is needed, alongside longer-term change to help ensure families are better protected from economic volatility and have sufficient incomes to cover basic living costs¹³ to survive and thrive.

Recommendation

- That government obligations to promote and protect children's rights are central to all solutions to tackle the Cost-of-Living emergency

Impact of COVID-19

The impact of COVID-19 on children lives, particularly those most vulnerable, has been profound and unprecedented, as a consequence of government measures taken to manage the health risks, minimise contact and reduce transmission rates. Schools, childcare settings, youth clubs, primary health care and family support services all experienced periods of closure and significant disruption.¹⁴

In short, the pandemic elicited a socio-economic and public health crisis, and had an adverse impact on the realisation of children's rights in Wales, serving to exacerbate pre-existing inequalities and exposing the fragility of systems, with negative implications for children's mental health, wellbeing and education; of children being exposed to violence in the home and increased levels of poverty, trauma and distress due to isolation, separation and loss.¹⁵

Some children with particular characteristics and in certain situations were disproportionately affected, notably ethnic-minority families,¹⁶ some vulnerable children living away from home, children in low-income households, disabled children and those children facing additional strains from balancing education demands with caring responsibilities.¹⁷ The full destructive impact and lasting implications of the pandemic may not be known for some time.

Recommendations

- Ensure that the rights of children are at the centre of all recovery planning¹⁸
- Ensure that lessons are fully learnt, and contingency arrangements are in place and resourced, to support children through any further disruption from this pandemic or future health emergencies

¹³ Children's Commissioner for Wales (2022) [Joint letter to UK/Government's Prime Minister: Commissioners call for immediate action to protect younger and older people against 'potentially devastating' impact of the cost-of-living crisis](#)

¹⁴ For an overview of the impact of COVID-19 on children and young-people in Wales and recommendations for the W/Government, see Welsh Parliament Children, Young-people and Education Committee (2021) [The impact of COVID-19 on children and young-people: final report](#). Many children's CSOs provided oral & written evidence to inform scrutiny – [here](#) – including Children in Wales [response](#) on behalf of the National Children's Charities Policy Group. See also Children's Commissioner for Wales (2020) [Coronavirus and Me](#) and WHO Collaborating Centre on Investment for Health & Well-being/Public Health Wales (2021) [Placing health equity at the heart of the COVID-19 sustainable response and recovery](#)

¹⁵ The impact of government measures to manage risk has not been identical for all children, with school closures offering an opportunity for some children to enjoy quality time with their families; to be less exposed to peer and education pressures, and for personal growth. See for example, [Centre for Population Health](#) (2020).

¹⁶ Public Health Wales (2020) [How are we doing in Wales?: A Focus on Ethnicity](#)

¹⁷ For example, children trying to balance their caring roles with school work see [Carers Trust Wales](#) (2020)

¹⁸ European Network of Ombudspersons for Children (2021) [Position Statement on COVID-19: Learning for the future](#).

Impact of leaving the European Union (EU)

Children have been one of the main beneficiaries of EU membership and Structural Funds (ESF), of which Wales has been the biggest net beneficiary in the UK. The UK/Government's main vehicle for replacing EU funding, the Shared Prosperity Fund, contains very limited interventions in Wales that specifically target children.¹⁹ The rollout of this fund has been subject to significant delays and created uncertainty and confusion regarding the distribution formula and many governance issues,²⁰ particularly for CSOs delivering youth projects. There is significant scope for a gap in services and a lack of equivalent projects targeting children to emerge. ESFs have long provided targeted support via projects, traineeships and apprenticeships specifically tailored to support children.²¹

The UK's withdrawal from the EU has had a profound impact on the policy and opportunity landscape for children in Wales with many of the programmes providing learning opportunities either not having been replaced or fully replaced. Whilst COVID-19 has created a delay felt by these losses which makes it difficult to assess the full impact at this stage, there will be significant degree of opportunity loss from the UK's non participation in Erasmus+ and the inability of the UK/Governments replacement Turing scheme to fill the funding gaps,²² including for children from disadvantaged backgrounds. Positively, the W/Government has launched a parallel international learning exchange programme called Taith²³ in an attempt to fill this gap, but not all EU funded programmes that were of direct benefit to children have been replicated.²⁴

Whilst EU legislation and some protections were transposed into UK law, the EU Charter of Fundamental Rights no longer applies and the European Court of Justice has no jurisdiction.²⁵ Previous concerns that rights currently enjoyed by children could be diluted or deprioritised²⁶ persist, with the recent introduction of a UK Bill²⁷ providing UK/ministers with power to restate, revoke or replace EU pre-Brexit law by December 2023. Meaningful legislative engagement with, and consent from the W/Government and CSOs has not taken place,²⁸ with decisions likely to have significant impact on existing social, cultural and environmental rights presently enjoyed by children in Wales.

¹⁹ UK/Government (2022) [Interventions List for Wales](#)

²⁰ Welsh Parliament Finance Committee (2022) [Post EU Funding arrangements, October 2022](#)

²¹ For example: i. Traineeships East Wales supported 16-18 year olds at risk of becoming NEET in East Wales ii. Active Inclusion East Wales supported 16 – 24 year olds who are the furthest from the labour market iii. Communities for work provided one to one support for 16-24 year olds at risk of from the most deprived communities to help them gain employment iv. And Inspire2Achieve aimed to reduce the number of children and young-people aged 11-24 at risk of becoming NEET.

²² The funding provided to young-people is less,. It also fails to replicate a range of opportunities like: i. the sharing of learning materials between twinned schools ii. those targeting educators iii. it also does not cover tuition fees and offers fewer and less accessible opportunities outside of higher education, with some having described the scheme as widening inequality when contrasted with Erasmus+. See for example [The Turing Scheme: 'I spent 3 months in France without any funding' | Varsity](#)

²³ W/Government (2022) [Taith: International Learning Exchange Programme](#)

²⁴ For example, [Creative Europe](#) provides cultural and media opportunities and has recently been seeking to increase engagement with younger audiences

²⁵ [European Union \(Withdrawal\) Act 2020](#)

²⁶ See evidence received by the W/Parliament EAAL Committee (2017) [European Union \(Withdrawal\) Bill and its implications for Wales and Children in Wales & Wales Observatory on Human Rights of Children \(2017\) Brexit & Children's Rights: A Briefing Paper](#)

²⁷ UK/Parliament (2022) [The Retained EU Law \(Revocation and Reform\) Bill 2022](#)

²⁸ W/Parliament Research (2022) [Unfettered authority? The Retained EU Law Bill in Wales](#)

The rising charges on the cost of food imported from the EU have increased food bills by 6% in the past year, and been exposed for disproportionately hitting poorer families the hardest who spend a larger proportion of what income they have on food.²⁹

Recommendation

- Ensure that existing rights protections for children enshrined in pre-Brexit EU law are retained or strengthened

Human Rights frameworks – regression vs progression

i) UK level

At the UK level, the policy landscape and direction of travel has rapidly become more hostile to fundamental rights, and more disconnected from an evidence-based approach that draws upon meaningful stakeholder engagement. Partly facilitated and emboldened by the UK's exit from the EU, the UK/Government has recently sought to weaken the domestic enforcement of international human rights and continues to explore the possibility of withdrawing from the European Convention on Human Rights, decrying international involvement in its domestic rights frameworks by international authorities.³⁰

In 2021, the UK/Government commissioned an independent review of the Human Rights Act 1998 (HRA) which generated a significant body of evidence in support and produced a report to this effect.³¹ Despite this, the UK/Government published a consultation to repeal and replace the HRA with a Bill of Rights Bill which received universal condemnation from CSOs³² and the UK's devolved governments,³³ highlighting the regressive nature of proposals which called into question the very universality of human rights by seeking to make these conditional on people's conduct. The proposal dubbed the #RightsRemovalBill seeks to generally reduce the justiciability of human rights domestically and uses anti-rights framing and language, noting that human rights were 'frustrating government action'; that certain categories of individuals were 'underserving' and that rights were being 'misused'.

The UK/Government response to the consultation recognised that in some cases, 90-100% of respondents did not support the proposals which largely ignored the Independent Review's conclusions. Despite the significant body of evidence, the Bill was brought forward and came under further criticism from CSOs,³⁴ NHRIs and the Joint Committee on Human Rights.³⁵

²⁹ London School of Economics and Political Science (2022) ['By the end of 2021, Brexit had already cost UK households a total of £5.8 billion in higher food bills'](#), December 2022

³⁰ Policy Exchange (2022) [The Future of Human Rights Law Reform](#)

³¹ [The Independent the Human Rights Act Review](#)

³² See for example, British Institute of Human Rights (2022) [HRA reform](#)

³³ W/Government (2022) [Written Statement: Response to the UK/Government consultation](#)

³⁴ Liberty, Amnesty International et. al. (2022) [Joint Civil Society Briefing on the Bill of Rights Briefing for the Second Reading in the House of Commons, September 2022](#)

³⁵ House of Commons Joint Committee on Human Rights (2022) [Bill of Rights](#)

The proposals will have a significant negative impact on the rights of children. The UK/Government's own impact assessment³⁶ acknowledged in paragraph 275 that children from an ethnic-minority background may be disproportionately impacted by these proposals, not least because children represent 45% of claimants using the legislation the UK/Government is seeking to repeal.³⁷ The document also notes that many of the concerns expressed by children's rights CSOs were warranted, accepting that the proposals would result in:

- a. Fewer cases of human rights breaches successfully being brought by claimants
- b. No or reduced damages awarded for some human rights breaches due to the consideration of claimant conduct, meaning that some claims will not be brought in the first place (which the document highlighted as positive)
- c. Increased litigation costs resulting from a new permissions stage
- d. Reduced protections for individuals where their rights may have otherwise been protected by new positive obligations

It is unsurprising therefore that a coalition of children's rights CROs argued that the UK/Government proposals would 'significantly weaken respect for children's human rights and the ability of children to hold the UK/Government and public bodies to account where their rights have been infringed'.³⁸ The Bill would risk destabilising the UK's devolved settlement and breach longstanding international legal obligations.³⁹ The Bill is unwelcome, unnecessary and must be resisted⁴⁰ with the recent UN UPR examination making recommendations against the proposals.⁴¹

ii) Wales level

The legislative direction of travel at the UK level contrasts sharply with the progressive approach being taken in Wales to strengthen human rights and incorporate UN treaties within the limitations and competencies of devolution, with the active involvement of CSOs. Detailed research into strengthening and advancing human rights and equalities (SAEHR) was carried out in 2020-21.⁴² The report sets out 40 recommendations including introducing a Human Rights Act for Wales. The W/Government has responded positively and is in the process of developing a detailed plan of action and preparatory work on options for incorporation of UN Conventions into Welsh law, consistent with the first recommendation of the SAEHR report and previous commitments to incorporate the UN Convention on the Rights of Persons with

³⁶ [Draft Bill of Rights: Impact assessment](#)

³⁷ Evidence from Wales Civil Society Alliance/Wales Governance Centre

³⁸ Coalition of children's rights CSOs (2022) [Bill of Rights 2022: Implications for children Second Reading Briefing, House of Commons 12th September 2022](#)

³⁹ Rt Hon Lord Dyson (2022) Human Rights Act reform: a dangerous or welcome change? Lecture delivered at the University of Leeds on 16th November 2022

⁴⁰ Reported at the UK-wide Civil Society Alliance Conference, Edinburgh 10-11 November 2022

⁴¹ United Nations (2022) [United Kingdom UPR Review](#)

⁴² Hoffman, S.; Nason, S.; Beacock, R.; Hicks, E. (with contribution by Croke, R.) (2021). [Strengthening and advancing equality and human rights in Wales](#). Cardiff: W/Government, GSR report number 54/2021

Disabilities (CRPD) and Convention on the Elimination of all Discrimination against Women (CEDAW).⁴³

Recommendations

- Strengthen opposition to any repeal of the Human Rights Act 1998 by the UK/Government
- Prioritise and expedite steps to bring forward a Human Rights Bill in Wales, which gives further effect to the CRC in Welsh law

⁴³ W/Government (2022) [Strengthening and Advancing Equality and Human Rights in Wales research report: W/Government response | GOV.WALES](#)

GENERAL MEASURES OF IMPLEMENTATION

Legislation

In 2011, Wales became the first UK jurisdiction to legislate to incorporate the CRC into domestic law⁴⁴ requiring W/Ministers to have due regard to the CRC when exercising any of their functions.⁴⁵ Section 4 of the legislation requires W/Ministers to publish a periodic 'Compliance Report'⁴⁶ with Section 6 giving power to amend legislation if it is considered desirable to give further effect to the CRC.

A commissioned report⁴⁷ was mostly positive about the primary impact of the legislation, including steps taken to embed the CRC as a framework for policy development and to support scrutiny and advocacy. However, as an example of indirect incorporation, it has done little to enhance judicial accountability as the CRC is not directly applicable in domestic courts. Welsh law does not confer a legal remedy on a child who is the victim of a violation of the CRC, nor does it give the CRC superior or equal status to domestic legislation.

The Wales Act 2017⁴⁸ confirmed the competence of the W/Parliament to legislate to 'observe and implement' international obligations. The example of Scotland, which has passed a Bill to directly incorporate the CRC into law, demonstrates the potential of a reserved model of devolution to enable incorporation in a manner which provides for directly enforceable rights at devolved level.⁴⁹

Recommendations

- Introduce legislation to fully and directly incorporate the CRC into Welsh law.
- Call upon the UK/Government to fully and directly incorporate the CRC at UK-wide level.

Ratification of the Optional Protocol 3 (OP3)

The UK/Government has refused to ratify OP3⁵⁰ despite UN recommendations⁵¹ and calls from CSOs⁵² and the W/Government⁵³ to do so. Ratification would provide individual children

⁴⁴ [Rights of Children and Young Persons \(Wales\) Measure 2011](#)

⁴⁵ Since May 2012, Welsh Ministers are required to have due regard to the requirements of the CRC and its Optional Protocols when making decisions about a provision to be included in an enactment, or the formulation of a new policy and/or legislation, or a review of or change to an existing policy and/or legislation. This requirement was extended to cover all ministerial functions from May 2014

⁴⁶ The latest [Compliance Report](#) was published in 2018 and covers the period June 2015-January 2018

⁴⁷ Hoffman, S. & O'Neill, S. (2018) [The impact of Legal Integration of the UN Convention on the Rights of the Child in Wales](#), EHRC Wales

⁴⁸ [Wales Act 2017](#)

⁴⁹ Scottish Government (2021) [UNCRC \(Incorporation\) \(Scotland\) Bill](#). The text of the CRC has been transposed into the Bill and will make the CRC rights directly applicable, including in court. The Bill was expected to be passed in early 2021. However, this has been delayed by a UK Supreme Court decision which held that the Scottish Parliament over-stepped its powers when enacting the legislation. The legislation is currently being amended.

⁵⁰ [OP3 - on a communications procedure \(OP3\)](#)

⁵¹ [UN Concluding Observations 2016](#)

⁵² All [documents submitted](#) can be accessed via the website of the UN Human Rights Office of the High Commissioner

⁵³ W/Government (2020) [Written Response by the W/Government to the report of the Children, Young-people and Education Committee entitled Children's Rights in Wales](#). (Recommendation 11)

an opportunity to make direct representation to the UN and seek redress where they consider rights to have been breached.

Recommendation

- Call upon the UK/Government to ratify OP3 at the earliest opportune moment

National Policy & Strategy

The W/Government has recently published a national plan of action for children.⁵⁴ The plan does not effectively communicate how the W/Government will implement the CRC, but presents a list of priorities to be achieved without setting clear targets, or a roadmap explaining how they will be translated into practice.⁵⁵ The Nine Milestones at the end of the plan to be achieved by 2050 focus on children as future adults rather than children with rights in the present.⁵⁶ There is also a lack of policy coherence, as the plan fails to address many recommendations from significant national inquiries undertaken by W/Parliament Committees.⁵⁷ Not all areas of policy are included in the plan and more detail is required in many crucial policy areas, including children's health services and ending child poverty.⁵⁸

The plan fails to make connections to key legislation and policy in Wales. Even though the CRC and the rights of children are referred at the introduction of the plan, there is only a hyperlink to some important Welsh legislation. There is no mention of how the W/Government will achieve the legal rights or the legislative targets as set out in other key legislation.⁵⁹

There is a lack of detail on how Ministers will meet their obligation to have due regard to the CRC. Instead, the reference is well-being objectives (under the WBA 2015) rather than children's legal rights as set out in the CRC.⁶⁰ There is the lack of information on funding allocation to support realisation of the W/Government's ambitions in different policy areas, and no evidence of a CRIA undertaken on the plan, contrary to the W/Government's commitment set out in its own Children's Scheme.

Recommendation

- Publish a comprehensive and fully resourced national strategy with CSO and child involvement; with achievable and measurable rights-based targets subject to robust monitoring, evaluation and scrutiny arrangements

⁵⁴ W/Government (2022) [Children and Young-people's Plan](#)

⁵⁵ Croke R (2022) [A New W/Government Plan for Children: the devil is in the detail](#) (Blog for Children's Legal Centre for Wales)

⁵⁶ Ibid

⁵⁷ For example, the National Inquiry on Children's Rights and the National Inquiry on COVID-19, both of which made recommendations with far reaching implications for all children

⁵⁸ For example, there is no reference of the All-Wales Breastfeeding Plan within the document – Evidence from RCPCH (2022)

⁵⁹ For example, duties prescribed by the [Children and Families Measure 2010](#), the [Social Services and Well-Being \(Wales\) Act 2014](#), and the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)

⁶⁰ Croke R (2022) [A New W/Government Plan for Children: the devil is in the detail](#) (Blog for Children's Legal Centre for Wales)

Children's Rights Impact Assessment

Legislation requires the W/Government to publish a Scheme⁶¹ setting out how it will comply with the due regard duty. The Scheme introduced a CRIA procedure to be applied to all proposals for legislation and policy which directly or indirectly impact on children.

Whilst research has confirmed the importance of CRIA to ensure the CRC is taken into account by W/Ministers in policy decision-making and for raising the profile of children's rights, it considers the CRIA application to be inconsistent and variable.⁶² Weaknesses include the application of CRIA being too late in the policy process to make any difference; lack of relevant expertise during CRIA completion, and a failure to fully apply CRIA to some important policies affecting children. This included the W/Government's budget, with a W/Parliamentary Committee recommendation for this to be rectified rejected.⁶³

COVID-19 has highlighted how CRIA may be overlooked. The W/Government failed to apply CRIA to initial emergency regulations introduced,⁶⁴ despite the very obvious impact on children of measures such as school closure and restrictions on outdoor activity.⁶⁵ This was compounded by a failure to apply CRIA to specific initial steps taken as lockdown restrictions were lifted.⁶⁶

The new manual⁶⁷ and revised CRIA template⁶⁸ are welcome developments to support policy and legislative development. The CRIA template has been strengthened to make it more explicit that evidence from children should be gathered as part of the evidence gathering process, and positive steps are being taken in this regard. However, too many public consultations on policies directly impacting on children continue to be issued without a draft CRIA for consideration.

Recommendations

- Systematically complete and publish CRIA on all policy and legislative proposals which are likely to directly or indirectly affect children
- Introduce legislation to make CRIA a statutory requirement

⁶¹ W/Government (2021) [Children's Rights Scheme](#)

⁶² Hoffman, S. & O'Neill, S. (2018), [The impact of Legal Integration of the UN Convention on the Rights of the Child in Wales](#) and UNICEF (2017) [Briefing, Strengthening CRIA in Wales](#)

⁶³ W/Government (2020) [Response to the CYPE Committee recommendations from their Inquiry into Children's Rights](#) following calls for an individual CRIA to be published

⁶⁴ Evidence received from UNICEF UK

⁶⁵ Evidence received from Wales Observatory on Human Rights of Children and Young-people

⁶⁶ For example in relation to school reopening see evidence received from Wales Observatory on Human Rights of Children and Young-people

⁶⁷ W/Government (2021) [Children's Rights Scheme: manual for W/Government staff](#)

⁶⁸ W/Government (2021) [Children's rights Impact Assessment template: guidance for staff in the W/Government](#)

Coordination

Existing coordination arrangements have come under scrutiny, with CSOs calling for these to be strengthened.⁶⁹ A central team should have ‘sufficient human, technical and financial resources’ to effectively implement Ministerial duties, and have embedded strategic relationships with senior personnel across the whole of W/Government, as well as with CSO/NHRIs. The establishment of a Children’s Rights Advisory Group with CSO/NHRIs involvement has been a positive development.⁷⁰

There is no named ‘Minister for Children’ with calls for this to be rectified rejected.⁷¹ Responsibility for children sits within the portfolio of the Deputy Minister for Health and Social Services, though it is unclear how CRC duties are discharged across all ministerial portfolios. Acceptance of calls for all Ministers to receive CRC training have been welcomed, yet there is no detail on how this is being delivered, and it should be made mandatory.

Local authorities and other public bodies have significant powers in respect of implementing the CRC. W/Government has imposed a due regard duty on some authorities and individuals.⁷² Whilst sectoral legislation is welcome, this has to-date been ad-hoc with ineffective monitoring arrangements. CSOs have called for all public bodies to be placed under a specific duty, and for W/Government to monitor compliance through their coordination function.⁷³ Regrettably, a W/Parliament Committee recommendation in support of this has been rejected.⁷⁴

Recommendations

- Appoint a Minister for Children with oversight of the due regard duty, supported by a Cabinet Committee for Children and a well-resourced central team with sufficient expertise, capacity and authority to coordinate all matters relating to CRC implementation across all Ministerial portfolios
- Introduce legislation to ensure all (devolved) public bodies have a due regard duty to the CRC, with robust monitoring, accountability and reporting arrangements in place to ensure compliance
- Ensure that training for officials and ministers is made mandatory and reported

⁶⁹ Wales UNCRC Monitoring Group (2019) [Evidence to CYPE Committee Inquiry into Children’s Rights](#)

⁷⁰ The W/Government has established a Children’s Rights Advisory Group (CRAG) with standing members: Children’s Commissioner for Wales, Children in Wales, UNICEF, and Wales Observatory on Human Rights of Children. CRAG advises the W/Government on matters relating the children’s rights at a strategic level, and is available to assist all departments with CRIA

⁷¹ W/Government (2020) [Response to the CYPE Committee recommendations from their Inquiry into Children’s Rights](#)

⁷² Section 7(2) of the [Social Services and Well-being \(Wales\) Act 2014](#) imposes a duty to have due regard to the UNCRC on any person exercising functions under the Act in relation to: a child who has, or may have, needs for care and support; a child who is a carer who has, or may have, needs for support; or looked after children (as defined in the Act). Section 7(1) of the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#) imposes a duty on to have due regard to the UNCRC on a relevant body exercising functions under Part 1 of the Act (relating to Additional Learning needs of a child or young person).

⁷³ Wales UNCRC Monitoring Group (2019) [Evidence to CYPE Committee Inquiry into Children’s Rights](#)

⁷⁴ W/Government (2020) [Response to the CYPE Committee recommendations from their Inquiry into Children’s Rights](#)

Allocation of Resources

The W/Government budgetary considerations are subject to the due regard duty to the CRC and should be subject to a specific CRIA. There is a lack of transparency on expenditure on children in public budgeting across all ministerial portfolios making it difficult to assess changes in funding allocations to specific areas. The W/Governments preference for a holistic Strategic Integrated Impact Assessment (SIIA) to accompany their draft budget means that it is not possible to assess whether the maximum level of available resources to fulfil CRC obligations are being used.⁷⁵ The recent Improvement Plan makes limited reference to children or the CRC.⁷⁶

In evidence to a W/Parliament Committee,⁷⁷ it became clear a CRIA has again not been undertaken on the current budget, echoing earlier concerns by the Committee's predecessor Committee.⁷⁸ The Committee Chair reinforced that it is a statutory obligation to demonstrate how the budget has given due regard to the CRC and commented that it is inadequate that the SIIA did not once mention children's rights.⁷⁹

Without transparent evidence it is impossible to determine whether the W/Government has adhered to their duty to have due regard to the CRC in drafting the budget. If child rights budgeting⁸⁰ was undertaken, it would encourage collection and publication of essential data and the development of indicators to help evaluate impact of spending and inform future budget allocation decisions. It would also encourage public bodies to apply similar mechanisms to determine their budget allocation on children.

Recommendation

- Undertake child budgeting analyses, ensuring that CRIA on its annual budget is completed and published, and includes an assessment of the resources available to implement proposals in line with the CRC

Independent monitoring

A review of the appointment, funding and accountability of the Children's Commissioner for Wales (CCfW) recommended that they be transferred from the W/Government to the

⁷⁵ W/Parliament Children, Young-people and Education Committee (2022) [The 2022-23 W/Government Draft Budget](#)

⁷⁶ W/Government (2022) [Budget Improvement Plan](#)

⁷⁷ W/Parliament Children and Young-people and Education Committee (2022) [Scrutiny of the W/Government Draft Budget 2022-2023 Evidence Session 1](#) (January 13th 2022)

⁷⁸ W/Parliament Children, Young-people and Education Committee (2020) [Children's Rights in Wales](#)

⁷⁹ [\(February 11th 2022\)](#)

⁸⁰ In 2006, Wales became the only territory in the EU to attempt a child-focused budget analysis with work undertaken to identify the proportion of the Government budget spent on children. This showed that, in 2006–07 an estimated 28 per cent, or £4.4 billion, of W/Government expenditure was allocated to children. See evidence received from UNICEF UK

W/Parliament.⁸¹ This has been rejected by successive W/Ministers,⁸² who have instead committed to respect the independence of the CCfW and not seek to influence decisions.⁸³

The CCfW has repeatedly asked for more powers to be able to deal with matters which relate to children in Wales which fall outside devolved competences. This is presently subject to discussion.⁸⁴

Recommendations

- Transfer responsibility for the appointment and funding of the CCfW to the W/Parliament
- Undertake a full-scale review into the powers and legal remit of the CCfW to meet the request for powers to respond effectively to any matter affecting a child in Wales

Raising awareness & understanding

Existing legislation places a duty upon W/Ministers to promote knowledge and understanding of the CRC. The extent to which activities have directly achieved their intended aim is difficult to gauge, given that no comprehensive analysis has been undertaken.⁸⁵

The recently published W/Government 'Raising Children's Rights Awareness Strategy'⁸⁶ to raise awareness of the CRC amongst children, parents/carers and professionals through relevant programmes and training is to be welcomed. However, as a monitoring report on its implementation is not planned until the end of 2023, with an update in 2024, it is not possible to report on progress made to date.

Research⁸⁷ has shown that whilst there are a plethora of CSOs delivering activities which contribute towards this aim,⁸⁸ accessing knowledge about the CRC for children is often dependent on the school they attend and/or whether they are involved in formal engagement structures. We anticipate that recent legislation, through the Curriculum and Assessment (Wales) Act 2020, which places a duty on governing bodies and head teachers to promote

⁸¹ The Independent Review of the Children's Commissioner for Wales, Recommendation 6: There are clear principles around independence of public bodies involved in human rights. The W/Government should acknowledge and adhere to them by transferring the appointment and funding of the Children's Commissioner to National Assembly for Wales (*now W/Parliament*). See also [Response](#) from the Children's Commissioner for Wales to all recommendations.

⁸² W/Government (2022) [Letter to Chair, CYPE Committee 26th May 2022](#) & W/Government (2015) [Written Statement - Response to the recommendations from the Independent Review of the Role and Functions of the Children's Commissioner for Wales](#)

⁸³ The MOU between the CCfW and W/Government states that "*The W/Government recognises the statutory basis upon which the Children's Commissioner's independence is established. It respects the need for the Children's Commissioner to operate independently of Welsh Ministers in order to exercise her statutory functions effectively. It will not seek to influence any of the Children's Commissioner's decisions, including use of the Children's Commissioner's statutory powers, content of reports due for publication or budgetary decisions, other than to provide necessary factual information.*"

⁸⁴ Children's Commissioner for Wales (2015) [Response to the Recommendations of the Independent Review into the Role and Function of the Children's Commissioner for Wales](#) & W/Government (2022) [Letter to Chair, CYPE Committee 26th May 2022](#)

⁸⁵ Wales UNCRC Monitoring Group (2019) [Evidence to CYPE Committee Inquiry into Children's Rights](#)

⁸⁶ W/Government (2021) Raising Children's Rights Awareness Strategy - The Plan sets out 5 strands: Direct communication and engagement with children; The early years approach; Children's rights in education settings; Public sector/professional awareness of children's rights; and Communication with Parents

⁸⁷ Hoffman, S. & O'Neill, S. (2018), [The impact of Legal Integration of the UN Convention on the Rights of the Child in Wales](#)

⁸⁸ For example, through training to children and/or the workforce,

knowledge and understanding of the UNCRC, will help address current barriers⁸⁹ and embed human rights education in all schools.

Recommendations

- Strengthen monitoring and scrutiny arrangement by reporting annually on progress to implement the Strategy, beginning by early 2023
- Monitor and report on education providers obligation to promote knowledge of the CRC under new legislation

Data Collection

There is a lack of Wales specific and disaggregated data, which would provide a better understanding of the impact decisions, policy and legislation are having on particular groups of children, including children with protected characteristics. Part of the difficulty is that Wales is not a particularly diverse nation in comparison with neighbouring countries. Therefore, when data is presented at a sub-national level, it is often necessary to apply statistical suppression to avoid presenting low numbers. A consequence of this is that headline groupings tend to be used e.g. for ethnicity, or binary splits are provided. Where questions are asked about protected characteristics, they are not always asked in a consistent manner which makes it difficult to make comparisons across sectors, or are voluntary with 'opt-outs' or applied to particular age ranges (age 16 -18).

Recommendations

- Take steps to strengthen data collection mechanisms, including disaggregated data for matters within the W/Government's competence
- Use its influence on partnership bodies⁹⁰ to encourage a strengthening of data collection and sharing of relevant findings in relation to reserved matters which impact upon children in Wales

⁸⁹ CSOs/NHRI have worked with W/Government and education leads to produce guidance to support schools to embed the CRC as part of designing their curriculum. See [Cross-cutting themes for designing your curriculum](#)

⁹⁰ For example the Wales Youth Justice Advisory Panel,

GENERAL PRINCIPLES

Non Discrimination

Age Discrimination

Whilst the UK Equality Act 2010⁹¹ provides protections against persons with one or more protected characteristics, it is not unlawful to discriminate against children because to their age.

Recommendation

- Call upon the UK/Government to amend legislation to protect children against age discrimination

Discrimination & hate crime

Many children with certain characteristics continue to experience discrimination, stigmatization, violence and greater threats from hate crime, and show differential outcomes in relation to health, education and wellbeing as will be presented throughout this report.

Data shows a rise in reported hate crime against children linked to race, sexual orientation, religion, disability, transgender identity or gender reassignment,⁹² with actual figures likely to be much higher. Recent official data show a 35% increase in recorded hate crime across Wales compared to 2020/21,⁹³ of which

- 3,888 (62%) race
- 1,329 (21%) sexual orientation
- 227 (4%) religion
- 864 (14%) disability
- 247 (4%) transgender

Concerns also focus on the impact of increased exposure to online hate incidents, particularly during COVID-19 enforced school closures.⁹⁴

Research has exposed widespread levels of **racial hate crime** between children in schools,⁹⁵ with calls for an enhanced reporting mechanism and standardised recording template, alongside increased support for victims and training opportunities for teaching staff, only 1.3% of which identify as being from an ethnic minority background compared with 12% of learners.⁹⁶ Some ethnic-minority children are hampered by experiences of racism in their

⁹¹ [Equality Act 2010](#)

⁹² Victim Support Wales (2020) [Children and young-people affected by Hate Crime in Wales](#)

⁹³ Home Office (2022) [National Hate Crime Statistics for England and Wales 2021/2022](#)

⁹⁴ Evidence received from EYST

⁹⁵ For example, Show Racism the Red Card Wales (2020) [Racism in Wales? Exploring prejudice in the Welsh education system](#). See also evidence received from Swansea Community Integration Team

⁹⁶ Education Workforce Council (2022) [Annual Education Workforce Statistics for Wales](#)

everyday school life⁹⁷, by the lack of role models in an education workforce that does not reflect the ethnically diverse profile of Wales⁹⁸

As highlighted during the consultation to inform the new W/Government Anti-racist Action Plan,⁹⁹ there's a need for greater investment in hate crime prevention programmes and preventative action around racism, alongside face-to-face hate crime specific services to support children affected.¹⁰⁰ We welcome the development of Wales becoming the first part of the UK to make it mandatory to teach Black, Asian and Minority Ethnic histories and experiences in the school curriculum from September 2022,¹⁰¹ and support calls for anti-racist education and positive representation of ethnic diversity to be embedded throughout the school curriculum.¹⁰²

Gypsy, Roma and Traveller (GRT) families in Wales face widespread racism, prejudice and intolerance, with GRT children facing particular inequalities and barriers in meeting their health, education and housing needs.¹⁰³ Despite a statutory duty on local authorities to undertake an accommodation needs assessment,¹⁰⁴ and provide sufficient culturally appropriate sites in Wales, a recent W/Parliament Committee called for immediate action having found the situation facing traveller communities in Wales concerning, highlighting inaction by both the W/Government and local authorities,¹⁰⁵ including in regard to a lack of quality existing provision¹⁰⁶ and play facilities, overcrowding and sites located far from schools.¹⁰⁷ A lack of culturally appropriate housing risks children losing their identity and understanding of their cultural way of life.¹⁰⁸

Meanwhile, provisions in the UK/Governments Police, Crime, Sentencing and Courts Act 2022 create new criminal offences, and strengthen the police's powers of arrest and to seize homes on unauthorised encampments. These steps have been opposed by the W/Government,¹⁰⁹ and viewed as a risk to children's rights by the CCfW,¹¹⁰ with CSOs critical of the Act for being discriminatory, violating human rights and criminalising the way of life of GRT families,¹¹¹ and for undermining drives towards a more inclusive society. The provisions in the Act are of particular concern given that there are no transit sites in Wales as travelling families continue to have to encamp on whatever land they can find.¹¹²

⁹⁷ EYST (2018) [Experiences of Racism and Race in schools](#)

⁹⁸ Williams, C., (2021) [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group, Final Report](#)

⁹⁹ W/Government (2022) [Anti-racist Wales Action Plan](#)

¹⁰⁰ Victim Support Wales (2020) [Children and young people affected by Hate Crime in Wales](#)

¹⁰¹ W/Government (2022) [Press Release: Learning of Black, Asian and Minority Ethnic histories included in the new Welsh curriculum](#)

¹⁰² Race Alliance Wales (2020) [From Rhetoric to Reality: Our Manifesto for an Anti-Racist Wales](#)

¹⁰³ Equality and Human Rights Commission (2021) [Legal Briefing on Racial Discrimination: Gypsies, Roma and Travellers and their sites in Wales](#)

¹⁰⁴ [Housing Act \(Wales\) 2014](#)

¹⁰⁵ W/Parliament Local Government and Housing Committee (2022) [Provision of sites for Gypsy, Roma and Travellers](#), August 2022

¹⁰⁶ TGP Cymru Travelling Ahead (2022) [Written correspondence](#) to the W/Parliament Local Government and Housing Committee to inform their inquiry

¹⁰⁷ W/Parliament Local Government and Housing Committee (2022) [Oral evidence session 22nd June 2022](#)

¹⁰⁸ Evidence received from TGP Cymru concern

¹⁰⁹ W/Government (2022) [Written Statement: Police, Crime, Sentencing and Courts Act 2022](#)

¹¹⁰ Children's Commissioner for Wales (2022) [Consultation response: inquiry into the provision of sites for Gypsy, Roma and Travellers](#)

¹¹¹ Tai Pawb (2022) [Written evidence: Inquiry into the provision of sites for Gypsy, Roma and Travellers](#)

¹¹² TGP Cymru Travelling Ahead (2022) [Letter to John Griffiths MS](#), Chair of the W/Parliament Local Government and Housing Committee, 2nd March 2022

Many GRT children face barriers accessing health and education rights. Only 1 in 5 children achieve expected educational outcomes at age 16 despite improved attendance rates¹¹³ and attempts to narrow the attainment gap.¹¹⁴ GRT families face particular barriers in accessing health services and have poor health outcomes.¹¹⁵

LGBTQ+ children continue to face significant barriers in realising their rights, in respect of their health and education, with research reporting high rates of poor mental health,¹¹⁶ bullying¹¹⁷ and sexual harassment¹¹⁸ in schools, and a lack of support amongst some public sector frontline staff.¹¹⁹ LGBTQ+ young-people are significantly more at risk of homelessness than their peers.¹²⁰

More support should be provided in schools for LGBTQ+ children, who often experience homophobic, biphobic or transphobic abuse and discrimination. Schools should ensure that all forms of bullying are recorded and acted upon, and that staff engage in regular equalities and diversity training in addressing discrimination against LGBTQ+ children.¹²¹ One significant development is that it has become mandatory for relationships and sexuality education (RSE) within the new curriculum for Wales, to be inclusive and reflect diversity.¹²² This must include developing learners' awareness and understanding of different identities, views and values and a diversity of relationships, gender and sexuality, including LGBTQ+ lives.

W/Government are due to publish an LGBTQ+ Action Plan for Wales,¹²³ which will aim to tackle the existing structural inequalities experienced by LGBTQ+ communities; to challenge discrimination and to create a society where LGBTQ+ people are safe to live and love authentically, openly and freely as themselves. As LGBTQ+ children face additional vulnerabilities at home and in their communities, the Action Plan must contain strong and clear priorities to specifically support and safeguard LGBTQ+ children in all spaces. Comprehensive and mandatory equalities training and professional development programmes should be introduced for all public bodies.¹²⁴

We welcome the announcement that W/Government are committed to banning the practice of conversion therapy in Wales and to secure the devolution of any necessary powers, alongside delivering a dedicated public campaign¹²⁵

¹¹³ Estyn (2019) [More Gypsy, Roma and Traveller pupils attend school, but further support needed](#)

¹¹⁴ W/Government (2018) [Enabling Gypsies, Roma and Travellers](#)

¹¹⁵ EHRC (2018) [Is Wales Fairer?: the State of Equality and Human Rights](#)

¹¹⁶ Stonewall (2018) [LGBT in Britain Health Report](#)

¹¹⁷ Stonewall Cymru (2017) [School Report Cymru](#) - 54% of LGBT pupils and 73% of trans pupils have experienced bullying based on their sexual orientations and gender identities

¹¹⁸ Estyn (2021) ["We don't tell our teachers" Experiences of peer-on-peer sexual harassment among secondary school pupils in Wales](#)

¹¹⁹ Evidence received from Stonewall Cymru

¹²⁰ End Youth Homelessness Cymru (2019) [Out on the Streets](#)

¹²¹ See recommendations in Estyn (2020) [Celebrating Diversity and Promoting Inclusion: Good practice in supporting LGBT learners in schools and colleges](#)

¹²² See W/Government (2021) [The Curriculum for Wales – Relationships and Sexuality Education Code](#)

¹²³ W/Government (2021) [LGBTQ+ Action Plan – Public Consultation](#)

¹²⁴ In line with the recommendation of the Independent Expert panel for advancing LGBTQ+ equality

¹²⁵ W/Government (2022) [Press Release: Conversion Therapy Ban Moves Forward in Wales](#)

Recommendations

- Tackle discrimination experienced by particular groups of children, including by promoting cultural awareness, delivering training and providing support to address bullying, hate crime and intolerance
- Ensure that all frontline public sector staff receive mandatory diversity and inclusion training on how to tackle abuse, bullying and discrimination
- Monitor the implementation of RSE, ensuring it is LGBTQ+ inclusive and meeting the needs of LGBTQ+ children
- Monitor implementation of the LGBTQ+ Action Plan (once published) and Wales' Anti-Racist Action Plan, ensuring they include robust priorities to support and safeguard children
- Invest in hate crime prevention programmes and services which support victims.
- Strengthen monitoring and accountability arrangements, and ensure that local authorities discharge their duty to provide sufficient and appropriate housing provision for GRT families
- Ensure that all children have equal access and improved outcomes in respect of their health and education
- End the practice of conversion therapy

Respect for the Views of the Child

Whilst some progress has been made through the establishment of an independent Youth Parliament¹²⁶ accountable to the W/Parliament operating alongside other established national structures to consult with children,¹²⁷ it remains that children's views are not systematically heard on all decisions affecting them.

Many children continue to feel that they are not listened to by professionals when decisions are made and do not routinely have access to independent advocacy support. Analysis from reports into child deaths for example, found that children's voices 'were sometimes missing and/or not always central to practice', concluding that CPRs often did not consider the experience from the perspective of children.¹²⁸ This finding was replicated in the recent CPR published in November 2022.¹²⁹

Many children lack opportunities for collective meaningful participation locally, despite mandatory guidance in place since 2010.¹³⁰ More should be done to ensure that children are routinely involved in the decision-making process earlier, with particular regard to those most underrepresented and seldom heard. Equitable models of participation should be embedded

¹²⁶ [Wales Youth Parliament](#)

¹²⁷ For example, [Young Wales](#)

¹²⁸ Rees, A. et. al. (2022) [Findings from a thematic analysis of Child Practice Reviews in Wales](#), Cardiff University

¹²⁹ Cwm Taf Morgannwg Safeguarding Board (2022) [Logan Mwangi Child Practice Review](#). Findings reveal that 5 year old Logan Mwangi' voice was not heard; there was an absence of one to one sessions outside the family home and there was no knowledge of his lived experience.

¹³⁰ Promoting and facilitating children and young-people's participation is a duty on local authorities in the [Children and Families \(Wales\) Measure 2010](#)

across all public services aligned to agreed national standards¹³¹ and legislation,¹³² with strengthened monitoring and accountability arrangements to ensure that practice is of a sufficient quality¹³³ and involvement is impactful and leads to evident change. Positively, W/Government has proactively worked with CSOs to engage children on policy developments, including the implications of Brexit, and with NHRIs on the impact of COVID-19,¹³⁴ with a number of tools and exemplar approaches have been developed.¹³⁵

Whilst participation is well embedded within legislation and education policy, in practice there are more meaningful opportunities available for children age 7+, as methods are often based around verbal communication, limiting engagement by babies and younger children and in some instances, children with additional needs. In the curriculum framework for children (3–7 years), participation is recognised as one of 12 pedagogical elements, yet there is little evidence that this is being routinely delivered as intended.¹³⁶ Practitioners should be upskilled to enable young children to fully participate,¹³⁷ and the interface between children’s voice in schools and local/national participation opportunities should be strengthened.

Positively, all 16-17 year olds are now able to vote in national elections¹³⁸ and most in local elections.¹³⁹

Recommendations

- Ensure that national and local arrangements for children’s participation promote a rights-based approach, are sustainable, embedded, adequately funded and monitored against national standards, and that these include opportunities for children to discuss the issues of importance to them
- Ensure there are equitable opportunities for younger children, and those most marginalised and vulnerable to participate at a local and national level

¹³¹ The [National Standards for Children and Young-people’s Participation](#), are endorsed by WG, should be adopted by Public Service Boards when consulting children.

¹³² [Well-being of Future Generations \(Wales\) Act 2015: guidance](#)

¹³³ See for example evidence received from Children’s Rights Co-ordinator (Swansea)

¹³⁴ See Young Wales report on [young-people’s views on Brexit](#) (2018) and Children’s Commissioner for Wales et al (2020) [Coronavirus and me](#)

¹³⁵ See for example Children’s Commissioner for Wales (2022) [A Children’s Rights Approach to Additional Learning Needs](#), and Children in Wales (2022) [Early Years Resources](#)

¹³⁶ Clement, J. (2019) [Spatially Democratic Pedagogy: Children’s Design and Co-Creation of Classroom Space](#). An evaluation of the Foundation Phase identified children’s participation as their ability to ‘spontaneously direct their learning or their ability to ‘choose which activity to engage with’. However, these participatory practices are framed by spaces that already have predetermined ways of being and overpower the intentionality of the child. Taylor, C. et al. 2015. [Evaluating the Foundation Phase: Final Report](#). Project Report. Cardiff: W/Government

¹³⁷ See for example, evidence received from Swansea’s Children’s Rights Coordinator. Evidence from Homestart Cymru suggests that their teams on the ground have expressed they have good awareness of the details and applications of the UNCRC but lack full understanding of how this can be fully applied to the early years

¹³⁸ [W/Parliament and Elections \(Wales\) Act 2020](#)

¹³⁹ [Local Government and Elections \(Wales\) Act 2021](#) W/Government shelved plans for some adults in prisons and children in custody the right to vote due to the COVID-19 crisis <https://www.bbc.co.uk/news/uk-wales-politics-52221041>

VIOLENCE AGAINST CHILDREN

Cruel or Degrading Treatment or Punishment

Policing is a reserved matter for the UK/Government. Despite the UN Committee recommending that the use of **Tasers** on children be banned, police firearm officers are still permitted to use electronic stun guns on children. Combined data from Wales and England shows that the use of Tasers on children continues to rise.¹⁴⁰ Tasers were used 55 times on children in Wales, some as young as 11 years old, and spit/bite guards were used 34 times, including once on a child under 12,¹⁴¹ despite research underlining how traumatic and distressing it is for children to be hooded.¹⁴² There is no national guidance for the use of such devices on children.

Under UK law applicable to Wales, police officers may carry out a **strip search** of a child. For any child this will be traumatic; a violation of privacy rights and bodily integrity, dehumanising and degrading.¹⁴³ Home Office data reveals that 183 children were subject to strip search by police forces operating in Wales in the year ending March 2022.¹⁴⁴

The use of **restrictive interventions** on children in childcare, education, health and social care settings are matters for the W/Government. Pain-inducing techniques and seclusion should never be used with children in Welsh settings, and better child-centred planning which puts the rights and best interest of the child first, should prevent the use of restrictive practices¹⁴⁵ which should only be used as a last resort to prevent harm.¹⁴⁶ There remains a lack of collated or published data, included by protected characteristics, on the use of restraint and restrictive interventions¹⁴⁷ on children in Welsh settings,¹⁴⁸ or accessible information on how restraint is used in behaviour management planning, post-incident reviews or to inform staff training and practice. Despite national guidance, recent reports highlight frequent, excessive and unacceptable use of restraint on children, alongside poor governance, recording and monitoring arrangements,¹⁴⁹ described as unacceptable.¹⁵⁰

Recommendations

- Call upon the UK/Government to prohibit the use of Taser and other harmful devices on children in Wales in compliance with international human rights standards¹⁵¹

¹⁴⁰The number of incidents has risen from 16,193 in 2017/18 to 34,429 in 2020/21 (Wales & England). Home Office (2021) [Police use of force statistics, England and Wales: April 2020 to March 2021](#)

¹⁴¹ BBC Wales (2019) <https://www.bbc.co.uk/news/uk-wales-50867382> drawing on the UK/Government annual 'use of force' figures

¹⁴² CRAE, CLC NI, Wales UNCRC Monitoring Group & Together (2022) [Universal Periodic Review: UK 4th Cycle Policing and the child justice system](#)

¹⁴³ Croke R. (2022) '[Strip search of children: a violation of children's rights](#)', Blog Children's Legal Centre Wales

¹⁴⁴ The actual figure is likely to be higher as 3 of the 4 police forces operating in Wales provided data. Home Office (2022) Police powers and procedures: Other PACE powers, England and Wales, year ending March 2022

¹⁴⁵ These expectations are set out in W/Government (2022) [Reducing Restrictive Practice Framework: A framework to promote measures and practice that will lead to the reduction of restrictive practices in childcare, education, health and social care settings](#)

¹⁴⁶ Children' rights Impact Assessment: W/Government (2021) [Reducing Restrictive Practices Framework](#) (CRIA)

¹⁴⁷ This can include limiting a child's movement and freedom to act independently; forced isolation and seclusion, or the use of physical, mechanical and chemical forms of control.

¹⁴⁸ Equality and Human Rights Commission (2021) [Restraint in schools inquiry: using meaningful data to protect children's rights](#)

¹⁴⁹ Health Inspectorate Wales (2022) [Independent Mental Health Service Inspection](#)

¹⁵⁰ Children's Commissioner for Wales (2022) [Response to HIW's latest inspection report on Hillview Hospital](#)

¹⁵¹ Children's Rights Alliance England are also recommending that, in the absence of prohibiting Taser and Spit-hood use on children, that the UK/Government publish guidance and training for police on their use to ensure they are only used as a last resort.

- Call upon the UK/Government to end strip searching of children. Immediately, introduce mandatory recording and reporting requirements.
- Monitor full implementation and compliance with the Reducing Restrictive Practice Framework and report on progress.
- Where Welsh children are placed in English custodial or other care settings, call upon the UK/Government to share appropriate data regarding incidences of restraint and to harmonise guidance across nations
- Systematically collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in all childcare, education, health and social care settings

Corporal Punishment

We commend the W/Government for introducing and enacting legislation which has banned the physical punishment of children, thus providing children with equal protection in law.¹⁵² W/Government ran an effective public awareness raising campaign, involving CSOs and children, of the change in law and to offer parents a positive alternative under the ‘Give it Time’ campaign.

W/Government must aim to fully realise Articles 19 and 37 and ensure effective implementation of legislation, by continuing to raise awareness of changes, particularly amongst some population groups.¹⁵³ and support those services which enable parents to use positive non-violent parenting methods.

Recommendations

- Ensure there is effective implementation of the legislation,
- Continue to raise awareness of the legislative changes with the public, and target those groups where awareness and understanding may be low, alongside access to fully resourced parenting advice and support services
- Analyse the impact of the Act based on the number of referrals to non-criminal justice support provided by local authorities, and engage with CSOs on what the successes and potential issues have been

Freedom from all forms of violence

Child protection

As of 31st March 2021, 2,470 children in Wales were on the child protection register (but did not have looked-after status).¹⁵⁴ Emotional/psychological abuse was the most common reason recorded, accounting for just under half of registrations.¹⁵⁵ However, official figures underestimate the true prevalence of child maltreatment, which often goes under-reported to

¹⁵² [Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020](#)

¹⁵³ For example, the W/Government’s own analysis was that whilst awareness has been sufficiently raised – both of adults in Wales and of those visiting by targeting tourism destinations – there are still issues with reaching some groups of people, particularly those from ethnic minority communities

¹⁵⁴ W/Government (2021) [Children receiving care and support on the Child Protection Register by local authority, category of abuse and gender](#)

¹⁵⁵ Ibid

child protection agencies and can remain hidden.¹⁵⁶ COVID-19 will have exacerbated under-reporting as many children were not seen by universal services. Police recorded child homicides as an important measure of child safety, have continued to decline, though studies suggest the number of children who die where abuse is suspected are higher than recorded figures.^{157, 158}

The child protection system in Wales has been under increased scrutiny following the tragic death of Logan Mwangi. The child practice review found deep-rooted practice issues locally, including the lack of appropriate information sharing between agencies and poor professional confidence in reporting concerns.¹⁵⁹ This has led to calls to review current arrangements and for W/Government to outline next steps for improving practice across Wales.

Physical abuse (PA)

Around 1 in 14 children in the UK have been physically abused (PA).¹⁶⁰ W/Government and public bodies should continue to respond effectively to all incidences of PA, when someone deliberately hurts a child resulting in injury. COVID-19 restrictions exacerbated the risk for some children, as a national helpline recorded a 53% increase in contacts concerned with children experiencing PA during lockdown compared to before.¹⁶¹ Children accessing helplines during lockdowns also informed that physical punishment had been occurring more frequently.¹⁶²

In 2020/21, a national helpline received over 12,000 contacts about PA, making this the 3rd most discussed concern and 2nd most commonly mentioned form of abuse, with over 5,000 counselling sessions with children held.¹⁶³ Services are seeing a 'slow burn' of requests for help following the lockdowns with more complex risk and need.

Sexual Abuse (CSA)

Reports highlight the worrying drop in child protection plans for CSA in Wales,¹⁶⁴ with the number of children on the register because of CSA declining by 28% over 10 years.¹⁶⁵ This is in spite of high number of calls to national helplines about abuse and neglect.¹⁶⁶ During lockdown, specialist services working with child survivors highlighted concerns that support could not be provided to young children who couldn't access virtual support independently, including play-therapy. This will have had ongoing ramifications for children's recovery as well as for specialist support services meeting growing demand.

¹⁵⁶ [Child Abuse Extent and Nature](#) (2019) - Around 1 in 7 adults who called the NAPACs helpline in the latest year had not told anyone about their abuse before (*Eng/Wal figures*)

¹⁵⁷ Brandon, M. et al (2012) [New learning from serious case reviews; a two year report for 2009-2011](#). See also ONS (2019) [Homicide Rates in England and Wales](#)

¹⁵⁸ Data available is from before the pandemic and we know that in Wales there have been a small number of tragic child homicides including that of Logan Mwangi in the summer of 2021. See [Logan Mwangi murder: Mum, stepdad and teen sentenced - BBC News](#)

¹⁵⁹ Cwm Taf Morgannwg Safeguarding Board (2022) [Logan Mwangi Child Practice Review](#)

¹⁶⁰ NSPCC (2021) [Statistics briefing: physical abuse \(nspcc.org.uk\)](#)

¹⁶¹ NSPCC (2020) [the impact of the coronavirus pandemic on child welfare: physical abuse](#)

¹⁶² *ibid*

¹⁶³ NSPCC statistics briefing 2021, <https://learning.nspcc.org.uk/media/2669/statistics-briefing-physical-abuse.pdf> (England and Wales)

¹⁶⁴ The [Centre of Expertise on Child Sexual Abuse](#) (CSA)

¹⁶⁵ Evidence received from NSPCC Cymru - from 160 in 2007/08 to 115 in 2017/18

¹⁶⁶ Between June-September 2022, 14,030 contacts were made to Childline from across the UK about CSA (both on and offline). While 21,792 contact were made to the NSPCC helpline (about CSA), from adults concerned about a child.

The W/Governments Action Plan on Preventing CSA¹⁶⁷ has expired, with no further plan produced despite calls for a refreshed plan to continue the progress made to date.¹⁶⁸ Concerns remain about the availability of specialist support services.¹⁶⁹ Waiting times for Sexual Assault Referral Centres are lengthy,¹⁷⁰ support is not consistently available geographically, and future funding levels are uncertain. There is a lack of data, knowledge of impact and services for children of a parent arrested for online CSA offences.¹⁷¹

Recommendations

- Adopt a long-term, sustainable, trauma-informed response to safeguarding children against violence and neglect
- Ensure that children who have experienced abuse can access appropriate, child centred therapeutic services when needed
- Take a public health approach to CSA and commit to a publishing a refreshed CSA Plan alongside an impact assessment report of the previous Plan.

Peer-on-peer sexual harassment

The scale and impact of peer-to-peer harassment is profound and becoming increasingly prevalent, negatively impacting on children's mental health, relationships and education.¹⁷² Despite the challenge in obtaining precise figures, research found that 61% of girls and 29% of boys reported experiencing sexual harassment, permeating their lives inside and outside school, as well as online, with LGBTQ+ and children with additional learning needs particularly at risk.¹⁷³ The authors conclude that its prevalence is so commonplace it has become normalised. Almost half of all children who experienced harassment reported that they hadn't disclosed incidences to adult.

Recommendations

- Ensure the recommendations of the W/Parliament Committee are fully implemented, and that children co-design the response.
- Commission a review into the prevalence of peer-to-peer harassment amongst younger children, ensuring the involvement of children's CSOs in the process

Online Safety

The scale and extent of CSA online has been steadily increasing:

- The report by the UK Independent Inquiry into CSA found there has been a recent, significant increase in CSA online, including live streaming.¹⁷⁴

¹⁶⁷ W/Government (2019) [National Action Plan Preventing and Responding to Child Sexual Abuse](#)

¹⁶⁸ A forthcoming report from the W/Parliament Cross-Party Group on Preventing CSA will present commentary on the impact of the first action plan, and will call for a second plan to continue the work and progress made to date.

¹⁶⁹ Evidence received from NSPCC Cymru

¹⁷⁰ Crouch-Puzey, E. (2018) [State of the Sector](#). Welsh Women's Aid

¹⁷¹ Evidence received from Tarian Regional Organised Crime Unit

¹⁷² W/Parliament Children, Young-people and Education (2022) [Everybody's affected: peer on peer sexual harassment amongst learners](#)

¹⁷³ Estyn (2021) ['We don't tell our teachers': Experiences of peer-on-peer sexual harassment amongst secondary school pupils in Wales](#), December 2021

¹⁷⁴ Independent Inquiry Child Sexual Abuse (2022) [IICSA Report](#), October 2022, p4 - The Inquiry found the sexual abuse of children was live streamed for money, at times at the direction of the person paying to view the abuse. While most internet companies either prohibit or

- There has been a tenfold increase in online CSA offences recorded by police in England and Wales over the last decade.¹⁷⁵
- Girls are being disproportionately affected, with research showing 80% of the victims in online grooming crimes are girls.¹⁷⁶
- Grooming is increasingly a cross-platform issue, with police in England and Wales recording 70 different apps and games involved in grooming crimes in the last 12 months alone.¹⁷⁷ Multiple social media sites were often used in the same offence.
- The threat to children's safety online is continually evolving as new technologies are introduced which pose new harms. Immersive and virtual reality (VR) environments, such as the metaverse, present concerning opportunities for deeper harm. This includes new grooming threats as the line between known and unknown perpetrators is blurred.
- Online CSA also increased during lockdown creating a 'perfect storm' with children spending more time online, groomer's taking advantage of the crisis and less moderators available to assess and intercept harm. CSOs have also seen a rise in younger children experiencing online harms.¹⁷⁸

The UK Online Safety Bill, awaiting passage through UK/Parliament, represents a vital child protection measure to introduce a regulatory system to tackle the online harm of children. CSOs are calling for the Bill to be passed without delay or dilution. In Wales, 200+ children will be victims of online sexual abuse in every month the Bill is delayed.¹⁷⁹

In Wales, since 2018 the W/Government's approach to child safety online is summarised in their national action plan with new actions added year-on-year.¹⁸⁰ In 2020, the scope of the approach was broadened to account for cyber resilience and data protection, and adopted as an online area on the Education Portal Hwb. In 2022, the W/Government announced their intention to establish a CYPs Advisory Board to help shape the plan moving forward.

W/Government's approach needs to retain a clear focus on and prioritise child safety online. There need to be metrics and indicators to measure, track the success and effectiveness of actions under the plan.

Recommendations

- Call upon the UK/Government to pass the Online Safety Bill without dilution or delay and urgent child protection measure to be progressed
- Consider a periodic review process for the W/Government action plan supported and inputted into by the CYP advisory board. Reviews could be timetabled in line with the W/Parliament term (every 5 years). Periodic Reviews would allow for scrutiny, to take

discourage children under 13 years from accessing their platforms, the Inquiry repeatedly heard evidence that under 13-year-olds easily accessed their services and that they were at significant risk of being groomed.

¹⁷⁵ NSPCC data on a freedom of information request to police forces in England and Wales, August 2021

¹⁷⁶ NSPCC research, (2021) <https://www.nspcc.org.uk/about-us/news-opinion/2021/online-grooming-crimes-girls/>

¹⁷⁷ NSPCC data on a freedom of information request to police forces in England and Wales, August 2021

¹⁷⁸ [how-to-win-the-wild-west-web-report.pdf \(nspcc.org.uk\)](#)

¹⁷⁹ NSPCC analysis of Home Office crime data

¹⁸⁰ W/Government (2022) [Enhancing digital resilience in education: An action plan to protect children and young people online](#). As it currently stands, the action plan runs to 79 actions covering 7 core areas, namely: (i) Advice and Support; (ii) Collaboration (iii) Communication and Promotion; (iv) Guidance and Policy; (v) Research; (vi) Resources and (vii) Training and Development. A summary of key actions can be found [here](#), published for the first time in 2022

stock of progress and to audit areas that would benefit from additional focus or resource given the evolution of the EU and UK legislative environment. This would include consideration of how to:

- i) Implement and apply relevant recommendations from the IICSA report for Welsh children
- ii) Support the implementation of an effective and fully bilingual regulatory framework as proposed by the Online Safety Bill that will improve protections for Welsh children online
- iii) Assess the implications of Law Commission recommendations to extend the scope of image-based offences in coming years¹⁸¹ ensuring children are not over-criminalised and receive the necessary support
- iv) Implement and ensure strong user advocacy arrangements¹⁸² for children, including through the Welsh language, to ensure that the future regulatory regime delivers on reducing harm to children and hears their voices.

Criminal Exploitation / Child Sexual Exploitation (CE/CSE)

Any child can be criminally exploited regardless of age, gender or ethnicity.¹⁸³ The increased risk of CE/CSE¹⁸⁴ amongst children is driven in part by rising levels of poverty¹⁸⁵ with a recent inquiry describing its scale and response by relevant authorities responsible for safeguarding children particularly concerning.¹⁸⁶ There are believed to be over 1,000 'County Lines' drug networks across the UK - a four-fold increase in four years – with criminal gangs recruiting vulnerable children as young as 13.¹⁸⁷ Human trafficking forms part of this type of crime and abuse, and more children are being criminalised for drug related offences.¹⁸⁸ There are concerns that vulnerable children who may have experienced significant levels of trauma and not had support from statutory services as a result of high eligibility thresholds, are now being criminalised for their involvement in criminal activity, rather than being recognised as victims of CSE.¹⁸⁹ Many lack support networks and are specifically targeted by criminal groups. Many children who go missing for prolonged periods are at risk of CSE/CE and may be trafficked,¹⁹⁰ and are not always heard or have an allocated social worker.¹⁹¹

Recommendation

- Work with public bodies to ensure that greater protection is provided to avoid children becoming victims of CE/CSE, and monitor the implementation of statutory guidance in respect of CSE

¹⁸¹ Law Commission, [Intimate image abuse: final report](#), July 2022

¹⁸² NSPCC [advocacy-policy-paper.pdf \(nspcc.org.uk\)](#)

¹⁸³ Maxwell, N. (2022) [County lines: a co-ordinated Welsh community response to child criminal exploitation](#), CASCADE: Cardiff University. See also [Complex Safeguarding Wales](#)

¹⁸⁴ Hallet, S. et al (2019) [Keeping Safe](#) Cardiff University

¹⁸⁵ Evidence received from Barnardo's Cymru

¹⁸⁶ Independent Inquiry into Child Sexual Abuse (2022) Child sexual exploitation by organised networks investigation report, February 2022

¹⁸⁷ BBC Wales (2018) <https://www.bbc.co.uk/news/uk-wales-44127068>

¹⁸⁸ Guardian (2018) [Rise in drug arrests](#)

¹⁸⁹ Evidence received from Llamau

¹⁹⁰ All-Wales Practice Guide (2021) [Safeguarding children who go missing from home or care](#)

¹⁹¹ Evidence received from Action for Children

Domestic Abuse (DA)

It is well evidenced that experiencing DA in the home can have a long-lasting, detrimental impact on a child's physical and mental health development, with implications for psychological and health-harming behaviours into adulthood.

Rates of reported DA increased by 83% over the past 4 years,¹⁹² with children as victims and witnesses. It is estimated that at least 130,000 children live in households considered to be 'high risk' of DA in Wales and England.¹⁹³ UK research shows that 12% of under 11s and 17.5% of 11–17s had been exposed to DA between adults in their homes during childhood.¹⁹⁴ During COVID-19 lockdown there were concerns that children were isolated from support providers, in potentially unsafe situations, and their voices lost.¹⁹⁵ With universal services unable to see children, pressure mounted on the specialist services who saw an increase in demand. Helplines also experienced increased contacts.^{196,197}

Despite W/Government's ground-breaking legislation,¹⁹⁸ implementation has been slow, and resources limited. There is inconsistent and insufficient provision of services for child survivors across Wales. Specialist VAWDASV services report a lack of funding for this specific work, with some areas reporting little to no coverage. A recent report described this as a 'postcode lottery' for child victims seeking support.¹⁹⁹ Following CSO intervention, the new VAWDAV National Strategy (2022-26)²⁰⁰ will have a specific subgroup focusing on the needs of children to help redress gaps in prevention, protection and support. CSO mapping of specialist DA service provision for children confirms the urgent need for resources to meet need,²⁰¹ findings which are expected to be repeated by the DA Commissioner.²⁰² During 2018/19, 4,263 children were known to access some form of specialist VAWDASV service in Wales, compared to the estimated 18,487 children who experience abuse in a year. It is estimated that 77% of children impacted by DA had no specialist support.²⁰³

Recommendations

- Monitor implementation of VAWDASV Commissioning Guidance and National Strategy to ensure that specialist support and recovery services are available for child victims both in refuge and community in every area of Wales

¹⁹² BBC Wales (2019) <https://www.bbc.co.uk/news/uk-wales-50565513> -Across all 4 Welsh Police forces, domestic abuse reports rose from 18,960 in 2015-16 to 41,532 in 2018-19

¹⁹³ [SafeLives](#) (accessed 2020)

¹⁹⁴ Radford, L. et al (2011) [Child abuse and neglect in the UK today](#) London: NSPCC

¹⁹⁵ Welsh Women's Aid (2020) Written evidence to W/Parliament CYPE Committee inquiry into the impact of COVID-19

¹⁹⁶ NSPCC (2020) [The impact of the coronavirus pandemic on child welfare: domestic abuse](#) - Contact to NSPCC helpline about DA rose from an average of around 140 contacts a week before lockdown, to an average of around 185 contacts a week since the government's stay at home guidance was issued, with Childline counselling for DA increasing from 50 to 65 a week.

¹⁹⁷ NSPCC (2021) [The impact of domestic abuse on children and young-people from the voices of parents and carers](#). • In 2020/21 (1st April 2020 – 31st March 2021) the NSPCC helpline responded to over 11,600 contacts about domestic abuse, an increase of 35% compared to 2019/20.

¹⁹⁸ [Violence against Women, Domestic Abuse and Sexual Violence \(VAWDASV\) 2015 Act](#)

¹⁹⁹ Joyce Watson MS and Welsh Women's Aid (2022) [A duty to support: A research report reviewing support for children and young-people experiencing violence and abuse in Wales](#)

²⁰⁰ W/Government (2022) [Violence against Women, Domestic Abuse and Sexual Violence Strategy 2022-26](#)

²⁰¹ Welsh Women's Aid (2019) [Children Matter](#)

²⁰² The Domestic Abuse Commissioner for England and Wales is also undertaking a mapping exercise of service provision. The full report is expected Autumn 2022, but [early findings](#) reinforce the urgent need for more resources. With just 29% of survivors who wanted support for their children able to access it .

²⁰³ Ibid

- Ensure that sustainable and adequate funding for the specialist VAWDASV sector to provide support for all children who need it, including in refuges and for therapeutic recovery support
- Commit to an inquiry into the adequate commissioning and provision of specialist services for children affected by VAWDASV across Wales

Harmful Practices

Whilst the UN Committee welcomed the enactment of the Serious Crime Act (2015)²⁰⁴ enabling courts to issue protection orders to protect potential or actual child victims of FGM, concerns remain over the number of children affected by harmful practices, including FGM, honour-based abuse (HBA) and forced marriage.

Despite underreporting, in the year ending March 2022, there were 2,887 HBA related offences recorded by police in England and Wales, an increase of 6% compared with the year ending March 2021 (when there were 2,725 offences).²⁰⁵ Whilst the mandatory publication of annual data and the increase in recorded offences has been welcomed by some CSOs, citing the multiple barriers victims face in coming forward and enabling timely support to be provided to those that come forward,²⁰⁶ there are clear limitations with the data made available. The published data does not quantify how many victims, including children, are affected by HBA and there remains a distinct lack of Wales-only data to capture its prevalence. Without clear, robust and meaningful data, the true scope, scale and prevalence of HBA and the Criminal-Justice System's response to both victims and perpetrators cannot be fully understood.²⁰⁷ Other official data meanwhile, shows that 35% of cases to whom the Forced Marriage Unit gave advice or support to were children.²⁰⁸ Previous independent research in relation to FGM has estimated that 144,000 girls are at risk of FGM in the UK, with the majority of cases thought to take place before a child is 8-years old.²⁰⁹

Whilst we welcome steps taken in Wales to tackle harmful practices through statutory guidance and all-Wales safeguarding practice guides to support practitioners when responding to violence against children,²¹⁰ more routine and specialist training is required to ensure that practitioners improve their understanding and response, to better support children as victims of harmful practices.

Recent UK legislation²¹¹ which raises the minimum age of marriage and civil partnership to 18 in all circumstances has received Royal Assent and will come into effect in February 2023. This will expand the ambit of the criminal offence of forced marriage such that it is always

²⁰⁴ [Serious Crime Act \(2015\)](#)

²⁰⁵ Home Office (2022) [Statistics on honour based abuse offences, England and Wales, 2021-22](#)

²⁰⁶ Karma Nirvana (2022) [Honour Based Abuse offences rise by 6%](#)

²⁰⁷ *ibid*

²⁰⁸ Home Office (2022) [Forced Marriage Unit Statistics 2021](#). Caution should be taken with figures released by the Home Office Forced Marriage Unit which show a significant fall in case numbers being recorded (adults and children), which can be put down to a procedural changes in the way cases are logged.

²⁰⁹ City University (2015) [Prevalence of FGM in England and Wales](#)

²¹⁰ Wales Safeguarding Procedures (2021) [Safeguarding Children from Harmful Practices related to tradition, culture, religion or superstition](#)

²¹¹ Ministry of Justice (2022) [Implementation of the Marriage and Civil Partnership \(Minimum Age\) Act 2022](#)

illegal to arrange for a child to marry, even if violence, threats or any other form of coercion are not used. This closes a legal loophole that allows 16-17-year-olds to marry with parental consent.²¹²

Recommendations

- Ensure that preventative and protection measures are strengthened to address all harmful practices against children, and ensure that professional and public awareness of HBA is enhanced
- Call upon the UK/Government to enhance their data sets and improve data collection, disaggregated by age and country

²¹² Guardian (2021) [Child marriage thriving in the UK due to legal loophole, warns rights groups](#)

FAMILY ENVIRONMENT & ALTERNATIVE CARE

Childcare and Early Years support

Every child in Wales has a right to the best start in life. Wales has a split system of Early Childhood Education and Care (ECEC) with childcare focused on parental employment support (with a range of demand and supply-side subsidies) and a supply-side funded universal early education offer for children aged 3-4 years of age.²¹³

Many families can access some free or subsidised childcare, but availability is limited, eligibility is restrictive and coverage is not universal.

The W/Government funded Childcare Offer for Wales²¹⁴ is a national programme supporting working parents and those in education or training, with over 17,000 children aged 3-4 now accessing free childcare. Whilst the recent evaluation was generally positive and found that the Offer had helped low-income families the most, improved awareness amongst families is required.²¹⁵ CSOs and the CCfW continue to call for the Offer to be extended to children from non-working families who tend to be living in poverty and most effected by the Cost-of-Living emergency²¹⁶ and other age groups.²¹⁷ This has yet to be accepted.

Whilst the Childcare Offer and has ensured a more inclusive approach that supports parental choice and reflect the needs of the child, the biggest challenge currently facing the childcare sector is the retention, recruitment and general morale of its workforce, exacerbated by COVID-19. Unless funding rates are addressed, there could be negative repercussions on capacity and available quality provision for children.²¹⁸

Flying Start is a programme for children aged 0-3 years whose families live in specific areas of disadvantage, with around 25% of two-year-olds in prescribed areas receiving supply-side funded part-time childcare as part of a wider package of parenting and developmental support which includes enhanced health visiting service, parenting support and speech & language support. However, around 44% of children from income deprived backgrounds are in-eligible as they live outside pre-defined geographical areas.²¹⁹

The W/Government has committed to expanding free childcare for two-year-olds to all children whose parents meet an expanded eligibility-criteria²²⁰ through a phased approach²²¹ in communities identified as being most in need, alongside funding to support existing settings to expand Welsh language provision. This should create more opportunities for the

²¹³ Wales UNCRC Monitoring Group & Children in Wales (2020) Thematic Report: Early Years

²¹⁴ The Childcare [Offer](#) for Wales provides eligible parents with a mixture of 30 hours a week of free childcare or early education for children aged 3 or 4 for 48 weeks of the year

²¹⁵ W/Government Social Research (2022) [Evaluation of Year 4 of the Childcare Offer](#)

²¹⁶ Evidence from the Early Years Action Group. See also Written evidence from the [Children's Commissioner for Wales](#); Children in Wales to the W/Parliament Equality and Social Justice Committee's inquiry into childcare and parental employment (2021)

²¹⁷ For example, see Cwlmw (2021) [Childcare and parental employment: the pandemic and beyond](#): written evidence to the W/Parliament Equality and Social Justice Committee's inquiry into childcare and parental employment (2021)

²¹⁸ W/Government Social Research (2022) [Evaluation of Year 4 of the Childcare Offer](#)

²¹⁹ Save the Children (2018) [Little Pieces, Big Picture](#)

²²⁰ The eligibility criteria has been widened to include parents in education and those 'on the edge of work'

²²¹ Phase one of this expansion began in September 2022 and includes the delivery of all four core elements of the Flying Start Programme to an additional 2,500 children across Wales. Phase two will commence in April 2023 and will focus on delivering the high-quality childcare element of the Flying Start Programme to around 3,000 more children aged between two to three years

youngest children to access high quality childcare through their language of choice and reduce some of the current gaps in provision. However, it remains that there will still be children in low-income families not eligible to access this childcare due to their parents' employment and education status, or living outside geographical boundaries. Further, only the childcare element is being extended from April 2023.²²²

There has been a decline in the number of childminders in Wales, with the numbers falling by almost 18% since 2014.²²³ The number of new childminders registering in the past year has declined by 51% with de-registrations increasing by 58% from the previous year.²²⁴ These are concerning statistics, with calls for better start-up grants and parity with other provision to deliver parental choice and to support improved outcomes for children.²²⁵

Overall, the childcare system is still not fulfilling its full potential, with barriers prevailing in relation to sufficiency, accessibility, quality, availability and cost,²²⁶ as well as provision for older children and in school holidays. 19% of Out of School Childcare Clubs have closed since March 2020.²²⁷ Delivering a national high quality integrated ECEC system should be a key component to recovery from the economic effects of COVID-19, and help prevent disadvantaged children in particular from falling further behind developmentally and educationally, especially in light of the current Cost-of-Living emergency.

Recommendations

- Ensure that all children have access to high quality childcare, as part of a coherent and integrated ECEC system
- Widen the eligibility criteria for the Childcare Offer and Flying Start childcare to ensure all children in poverty can access free childcare, whilst aspiring towards universal access to funded provision
- Review the funding rate offered to providers for the delivery of the Childcare Offer to help address recruitment and retention issues, whilst also considering the implications any increase in the funding rate would have on the cost and delivery of other early years services.

Family Support

Children of all ages need happy, healthy home environments with strong adult-child relationships and attachments to thrive. This is particularly so for babies and young children. COVID-19 has shone a light on challenges faced in that many children live in less-than-optimal home conditions, which requires a more holistic response than relying on schools and childcare settings to be a solution to supporting wider family difficulties.

²²² A 3rd phase is due to be introduced in 2025, informed by learning from the first two phases. See W/Government (2022) [Phased expansion of Early Years provision](#)

²²³ Care Inspectorate Wales (2020) [Chief Inspectors Annual Report 2019-20](#)

²²⁴ Care Inspectorate for Wales (2022) [Chief Inspectors Annual Report 2021-22](#)

²²⁵ Pacey Cymru (2022) referenced in evidence received from the Early Years Action Group

²²⁶ See for example, [Report](#) and [Summary of Engagement with Parents report](#) to the W/Parliament Equality and Social Justice

Committee's inquiry into childcare and parental employment (2021); Coram Family and Childcare Trust (2020) [Childcare Survey 2020](#)

²²⁷ Clybiau Plant Cymru (2021) [State of the Out of School Sector](#)

Families have access to a range of universal and specialist family support services, focused on early intervention and prevention, providing strength-based support to build and create resilient and self-reliant families.²²⁸ These services, complemented by an expanded national parenting advice and support resource²²⁹ offer a vital link between the home environment, statutory care services and education provision. However, more needs to be done to create a fully integrated wrap-around family support system to ensure that all children receive a full range of support aligned to their needs, and that parenting programmes provide an optimal focus on the home-learning environment, recognising that all parents may need support at different stages of their child's development.²³⁰

Statutory children's services have experienced significant budget cuts during the past decade. Whilst local authorities were provided with additional funding to help address the fallout from COVID-19, concerns remain around their current capacity to respond to growing need, with the Cost-of-Living emergency²³¹ placing further pressure on family finances, mental health and relationships, adding significant pressure to social work caseloads.

Investment to enhance early intervention services which promote family stability, resolve conflict and help families safely stay together, for example family group conferences,²³² parental advocacy,²³³ and which support children on the edge of care to have a voice in decisions²³⁴ have been welcomed. Yet additional resources to meet growing demand and achieve equitability of access in every region is required.

W/Government have announced their intention to provide a national baby bundles scheme, which will be universally available to new and expectant parents. Bundles would be offered to all families free of charge for each baby born. Research and engagement work is being carried out with parents, midwives and health visitors to inform the development, including their content and the registration process.²³⁵

Recommendations

- Provide the necessary resources to enable public bodies to ensure that vulnerable children receive timely and adequate support, and have equitable access to high-quality services to help prevent needs escalating
- Ensure that early intervention and preventative services have the necessary resources to meet growing demand and help prevent family breakdown
- Ensure that the national baby bundles scheme is subject to robust monitoring, evaluation, review and reporting processes

²²⁸ For example, [Families First](#) is a national programme providing multi-agency systems of support with a clear emphasis on early intervention, prevention and tackling child poverty

²²⁹ ['Parenting Give it Time'](#) website providing parenting advice and support promoting the many benefits of positive parenting.

²³⁰ Evidence received from the Early Years Action Group

²³¹ Nesta (2022) [Cost-of-Living crisis pushing worried parents to the edge with 2 in 3 concerned about paying for essentials](#), September 2022

²³² W/Government (2020) Written statement: Support for families and vulnerable children

²³³ Parent advocacy aims to support families to stay together through relationship building. This services is offered by [NYAS Cymru](#) and [TGP Cymru](#) in Wales

²³⁴ Evidence received from CREYEN, providing examples of meetings where children had their voices heard and views shared in helping to create a successful plan moving forward.

²³⁵ W/Government (2022) [Written Statement: An update about progressing a national baby bundles scheme](#)

Care-Experienced Children

On 31st March 2022, there were 7,080 children looked-after in Wales, a slight decrease of 2% on the previous year.²³⁶ However, this figure represents a 24% increase compared to 10 years ago and the rate remains significantly higher than in England. 69% were accommodated in foster care placements, a gradual decline in proportion over recent years, with nearly a third placed with relatives or friends. During 2020-21, 1,691 children started to be looked-after, a decrease of 4% compared with the previous year. 62% who started to be looked after received care because of abuse or neglect.²³⁷ There have been calls from some CSOs for this data on these categories to be separated.²³⁸

There has been a sharp increase in the proportion of infants who became the subject of care proceedings at birth, or early in the first year of life. The rate of new-born babies involved in care proceedings has more than doubled in three years.²³⁹ In 2015, for every 10,000 babies born, 39 became subject to care proceedings. By 2018, that had risen to 83.²⁴⁰ 52% of all babies (under 1) subject to care proceedings were under 2 weeks old, and babies less than 1 year-old comprised around 30% of all Section 31 cases in Wales.²⁴¹ Research has revealed that pregnant women who are at risk of their babies being removed from their care in the first year of life are far more likely to have had mental health problems compared to other pregnant women.²⁴²

Amongst the 22 local authority areas in Wales, variations persist in the rate and number of children in care²⁴³ and whether they are placed within or outside their local area.²⁴⁴ Children are more likely to come from deprived communities²⁴⁵ with cuts to welfare payments and austerity identified as a driving factor for the rise.²⁴⁶ Levels of domestic abuse, mental ill-health, parental learning disabilities, variations in safeguarding practices and the impact of COVID-19 have also been cited.^{247,248} The increase in numbers could also be due to more informed practice and awareness of child abuse and neglect, and the responsibility of agencies to respond appropriately.

The W/Government have committed to safely reduce the numbers of children in care,²⁴⁹ and explore radical reform of current services which has been cautiously welcomed²⁵⁰. Such decisions must however always be made in the best interest of the child and be driven by a

²³⁶ W/Government (2022) [Children looked after by local authorities: April 2021 to March 2022](#), published 22 November 2022

²³⁷ *ibid*

²³⁸ Evidence received from NYAS Cymru

²³⁹ Nuffield Family Justice Observatory (2019) '[Born into Care: new-borns and infants in care proceedings in Wales](#)'.

²⁴⁰ *Ibid*

²⁴¹ *Ibid*

²⁴² Griffiths, L.J. et al. (2020). [Born into care: One thousand mothers in care proceedings in Wales](#). London: Nuffield Family Justice Observatory.

²⁴³ Wales Centre for Public Policy (2021) [Children looked after in Wales: Evidence Briefing Paper, Cardiff University](#)

See also BBC Wales News (2021) [Alarm over growing numbers of children in care in Wales](#)

²⁴⁴ Stats Wales (2021) [Children looked after at 31 March by local authority and location of placement](#)

²⁴⁵ Elliott, M. & Scourfield, J. (2017) [Identifying and Understanding Inequalities in Child Welfare Intervention Rates: Comparative studies in four UK countries. Single country quantitative study report: Wales](#) - Children are 16 times more likely to come into care if they come from the most deprived 10% of areas than the least deprived 10% areas.

²⁴⁶ BBC Wales (2019) <https://www.bbc.co.uk/news/uk-wales-47190227>

²⁴⁷ Wales Centre for Public Policy (2021) [Children looked after in Wales: Evidence Briefing Paper, Cardiff University](#)

²⁴⁸ Wales Centre for Public Policy (2021) [The Coronavirus pandemic and children's social care practice](#), Cardiff University

²⁴⁹ W/Government (2019) [Looked after Children – Reduction Expectation Plans: CRIA](#)

²⁵⁰ Evidence from Voices from Care Cymru

need to improve outcomes.²⁵¹ It is noted that a W/Parliament Committee has launched an inquiry to scrutinise the W/Government's commitment which will report in early 2023.²⁵²

Recommendations

- Take steps to strengthen pre- and post- birth support for vulnerable pregnant women/families to prevent more babies and children from entering care
- Take steps to improve multi-agency working between health and social care in the crucial ante and post-natal period
- Deliver on the commitment to radically reform current services for children looked after and care leavers.

Placement choice, stability and sufficiency

All children have the right to family life, and appropriate matching and placement stability are conducive to helping to improve the education and health outcomes for care-experienced children.²⁵³ At 31st March 2021, there were 516 children who had experienced three or more placements during the year, which is a decrease of 21% compared with the previous year.²⁵⁴ This equates to 7% of children and is the lowest proportion seen since 2002-03, when data started to be collected.²⁵⁵

Whilst some moves can be seen as positive when more suitable and stable accommodation is later found, other moves are due to breakdowns, which are detrimental and disruptive for the child, their family and ability to establish and maintain relationships.²⁵⁶ Placement decisions must never be resource-led and must always be in the best interests of the child, informed by their views, wishes and feelings, and a desire to achieve stability. A wider pool of suitable placement options are needed, and children must be appropriately consulted on options to make an informed decision and improve accountability.²⁵⁷ Reports of children being placed in unregistered accommodation are particular concerning,²⁵⁸ with the lack of data on their usage nationally.²⁵⁹ All planned placement endings should be preceded by a review where children's views are recorded.²⁶⁰

W/Government is consulting on plans to eliminate profit from care in Wales.²⁶¹ Whilst the principle of this is welcomed, issues related to ensuring continuity and stability of placement in the aftermath of change and the impact this could have on availability and sufficiency of residential and foster care placements remain. The voices of care-experienced children, who

²⁵¹ Evidence from NSPCC Cymru

²⁵² [Children, Young-people and Education Committee](#) (2022) Consultation: Services for care-experienced children: exploring radical reform.

²⁵³ See for example CASCADE (2015) [Understanding the educational experiences and opinions, attainment, achievement and aspirations of looked after children](#), Cardiff University

²⁵⁴ W/Government (2021) [Experimental Statistics: Children looked after by local authorities, 2020-21](#)

²⁵⁵ Ibid

²⁵⁶ Park, M et al (2020) [What do children and young-people looked after and their families think about care?](#) Wales Centre for Public Policy

²⁵⁷ See civil society evidence to the W/Parliament Public Accounts Committee (2017/18) [inquiry into care-experienced children and young-people](#)

²⁵⁸ See for example TGP Cymru (2019) [Out of sight, out of rights?](#)

²⁵⁹ Children's Commissioner for Wales (2022) Our Report Card in [Annual Report 2021/22](#)

²⁶⁰ Evidence received from Fostering Network Wales

²⁶¹ W/Government (2022) [Consultation: Proposed changes to legislation on social care and continuing health care](#)

support this commitment,²⁶² should be central to how these changes are made, and improving outcomes should be the key priority.

Recommendations

- Take immediate steps to improve long-term placement stability, enhance choice and voice, and increase capacity of local placements

Corporate Parenting

Existing corporate parenting²⁶³ arrangements should be strengthened by ensuring that all public bodies share responsibility to support children in their care, and take a lead role in care planning; meeting educational, health, social and employment needs, and involving CSOs and children as partners. Whilst steps being taken to introduce a voluntary charter for corporate parents are to be welcome, legislation should be introduced to extend responsibility and accountability to all public bodies in Wales.²⁶⁴

Recent research examining the role of corporate parents during COVID-19 uncovered inconsistent practice, with some children in precarious and vulnerable situations, facing increased adversity and risk.²⁶⁵

Recommendations

- Introduce legislation, alongside guidance, training and robust monitoring arrangements, to extend corporate parenting responsibility to all public bodies in Wales
- Promote and maximise take-up of organisations willing to sign the Corporate Parenting Charter and monitor compliance amongst all public bodies

Mental Health

Research informs that care-experienced children have higher rates of mental health problems than the general population,²⁶⁶ with early exposure to abuse and neglect having a profound impact²⁶⁷ which can be lifelong. W/Government have taken positive steps to improve the mental health offer available to care-experienced children with a requirement for mental health assessments to be undertaken upon entry into care. However, research has reported that assessments are inadequate, guidance is lacking and training for staff is required.²⁶⁸

Mental health support for care-experienced children is often lacking, with reports identifying poor availability of emotional and therapeutic support services, particularly in relation to

²⁶² Evidence from Voices from Care Cymru.

²⁶³ The term 'Corporate Parent' means the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for the children who are looked after.

²⁶⁴ Evidence received from Voices from Care Cymru

²⁶⁵ Roberts, L. et al (2021) Corporate Parenting in a pandemic: considering the delivery and receipt of support to care leavers in Wales during COVID-19

²⁶⁶ NSPCC Cymru & Voices from Care Cymru (2019) [Listen. Act. Thrive.](#)

²⁶⁷ Evidence received from Voices from Care Cymru

²⁶⁸ NSPCC Cymru & Voices from Care Cymru (2019) [Listen. Act. Thrive.](#)

CAMHS,²⁶⁹ compounded by lengthy waiting lists and high referral thresholds. Care-experienced children have no statutory right to therapeutic support unless they are adopted, despite experiencing significant trauma and uncertainty in their lives.²⁷⁰

For some children, access to advocacy support in mental health settings would be hugely beneficial in helping navigate the system, ensuring their wishes are conveyed and to help prevent escalation of need.²⁷¹ Personal advisers should also prioritise support for the child's mental health as a key performance indicator.²⁷²

Recommendations

- Ensure children are assessed on entry to care; receive timely access to advocacy support and appropriate therapeutic services, including CAMHS when needed, ensuring that mental health needs are also met upon leaving care
- Issue comprehensive guidance alongside training to health professionals, to enhance the initial mental health assessment, and monitor delivery
- Create a statutory duty for care-experienced children to be actively offered therapeutic support throughout their lives
- Issue guidance to mental health service providers to ensure that continuity of service is maintained if a child moves area and thus ensure that they continue to receive unbroken support

Independent Advocacy and Information

Care-experienced children should have accurate and timely information to make informed decisions during their care journey, yet often experience barriers to accessing information and engagement with key workers,²⁷³ which was particularly acute during the early stages of the pandemic.

The W/Government have made encouraging progress in ensuring that all care-experienced children have access to statutory independent advocacy support through an 'active offer' and for all services to operate to a quality national standard subject to regulation and inspection arrangements.²⁷⁴ These arrangements should however be robustly monitored and subject to an independent review to ensure practice is consistently embedded, and services receive sufficient funding in response to demand. CSO calls for independent advocacy to be made available in all residential care settings should be progressed.²⁷⁵

Recommendation

- Ensure that all care-experienced children have access to statutory independent advocacy, including those in residential care settings, and that sufficient resources are

²⁶⁹ Care Inspectorate Wales (2019) [National Overview Report in relation to care-experienced children and young-people](#)

²⁷⁰ Evidence from Barnardo's Cymru

²⁷¹ Evidence received from NYAS Cymru. See also W/Parliament(2018) CYPE Committee [Mind over Matter](#)

²⁷² NYAS (2019) [Looked after Minds](#)

²⁷³ Evidence received from Tom Jones (Children's Rights and Participation Officer, Swansea)

²⁷⁴ W/Government (2022) [National approach to statutory advocacy for children and young-people](#)

²⁷⁵ TGP Cymru (2019) [Out of sight, out of rights? The provision of independent professional advocacy in independent children's homes in Wales](#)

in place to meet demand which are subject to robust monitoring and evaluation processes.

Maintaining Healthy Relationships

Care-experienced children benefit from security and protection, and need strong, stable and consistent relationships with public bodies, past and present foster carers,²⁷⁶ family members and friends to nurture a better sense of identity and belonging. CSO research has highlighted poor outcomes for care-experienced children associated with instability and the impact of placement moves, changes to school and education, and the lack of a stable network of support.²⁷⁷ Children often find it unsettling and upsetting to be placed out of their local area, and are more vulnerable, isolated and at greater risk.²⁷⁸ Children should always be placed within their locality unless there are no suitable placements available which meets their needs, or it is their best interest to be placed away (with appropriate care and support).

No child should be estranged from their siblings, unless it's in their best interest, and contact arrangements with siblings should be afforded the same importance as with birth parents. Fostering services should have a duty to promote personal relations and direct contact between the child and persons that the child has an ongoing relationship with.²⁷⁹

There is currently no data collected about the numbers of children taken into care or living with other family members as a result of parental imprisonment. Where siblings have different parents, they can be split up if the other parent isn't in a position to care for the children.²⁸⁰ As there are no female prisons in Wales, this has particular implications for Welsh children should their mother receive a custodial sentence.²⁸¹

Recommendations

- Enable all care-experienced children to maintain healthy relationships with those that most matter to them, supporting them to develop positive support networks as they approach care leaver age.
- Work with the UK Ministry of Justice to develop arrangements to ensure the maintenance of family relationships if either the child or parent/carer is imprisoned outside Wales

²⁷⁶ Evidence received from the Fostering Network Wales

²⁷⁷ Barnardo's (2022) [From Pillar to Post: How to achieve greater stability in the care system](#)

²⁷⁸ Social Care Wales (2022) [Out of area placements](#)

²⁷⁹ See for example The Fostering Network [Keep Connected campaign](#) calling on governments to support fostered children to maintain their most important relationships.

²⁸⁰ Evidence received from Cardiff University's Children's Social Care Research and Development Centre (CASCADE). See also - [Children Heard and Seen](#)

²⁸¹ See Youth Justice section

Kinship Care

Children living in kinship-care arrangements²⁸² have commonly experienced early childhood adversity and similar pre-placement experiences to children in foster placements.²⁸³ Many have complex needs, long term health problems and disabilities.²⁸⁴ There are approximately 10,000 children living with a relative in kinship-care arrangements in Wales,²⁸⁵ 95% of whom are there informally resulting in less support as many are not known to local authorities.²⁸⁶ Unlike foster carers, family members and friends who care for children don't receive a financial allowance to help cover the cost of raising a child unless the child is placed in these arrangements by a local authority, which plunges many children into poverty.²⁸⁷ There is also a lack of consistency in the level of financial support available to kinship-carers compared to foster carers, varying by postcode and legal order, despite their financial needs being similar or greater²⁸⁸ with calls for payments to be made the same.²⁸⁹

Research describes support offered to kinship-carers as lacking and insufficient to meet their needs²⁹⁰ with children experiencing multiple deprivations being 3 times more likely to be in kinship households compared to children not multiply deprived.²⁹¹

Recommendation

- Take steps to support children in kinship care, ensuring there is parity to the financial support that is offered to children in other care arrangements

Transition from Care

Care-experienced children are exposed to processes of transition to adult life that are compressed, accelerated and challenging²⁹² when compared to their peers.²⁹³ They are disproportionately likely to experience homelessness, with 33% becoming homeless in the first two-years after leaving care.²⁹⁴ Transitions from care should always be seamless, rights-based and focus on housing stability.²⁹⁵ Care-experienced children should be adequately prepared with clear pathways into safe, stable and appropriate accommodation aligned to choice and needs; given appropriate and consistent advice and support, recognising that they

²⁸² Kinship care is when a child lives full-time or most of the time with a relative or friend who isn't their parent, usually because their parents aren't able to care for them. That relative or friend is called a 'kinship carer', and it's estimated that around half of kinship carers are grandparents, but many other relatives including older siblings, aunts, uncles, as well as family friends and neighbours can also be kinship carers see - <https://kinship.org.uk/for-kinship-carers/what-is-kinship-care/>

²⁸³ Selwyn, J and Nandy, S., (2014) '[Kinship Care in the UK: Using Census Data to Estimate the Extent of Formal and Informal Care by Relatives](#)' Child and Family Social Work 19 44-54

²⁸⁴ Wiedasja, D. et al (2017) [Children Growing up in the Care of Relatives in the UK](#), Bristol: Hadley Centre for Adoption and Foster Care Studies.

²⁸⁵ *ibid*

²⁸⁶ Nandy, S. Selwyn, J. Farmer, E. and Vaisey, P. (2011) [Spotlight on Kinship Care: Using Census Microdata to Examine the Extent and Nature of Kinship Care in the UK at the Turn of the Twentieth Century](#), Bristol: The Hadley Centre and University of Bristol.

²⁸⁷ Wales Online (2022) [Driven into poverty by saving a relative's child](#)

²⁸⁸ Kinship (2021) [Kinship Care Financial Allowances Survey](#)

²⁸⁹ Wales Online (2022) [Children in care looked after by grandparents 'on the cheap'](#)

²⁹⁰ Wellard, S., Meakings, S., Farmer, E., & Hunt, J. (2017). [Growing Up in Kinship Care: Experiences as Adolescents and Outcomes in Young Adulthood](#). Grandparents Plus

²⁹¹ Nandy, S. Selwyn, J. Farmer, E. and Vaisey, P. (2011) [Spotlight on Kinship Care: Using Census Microdata to Examine the Extent and Nature of Kinship Care in the UK at the Turn of the Twentieth Century](#), Bristol: The Hadley Centre and University of Bristol.

²⁹² See for example Children's Commissioner for Wales (2017) [Hidden Ambitions](#)

²⁹³ 24 is the average age at which young-people move out of their family home in the UK, so to be living independently at the age of 16 is going to be a challenge for any young person. National Youth Advocacy Service (2022) '[Support for care leavers in England and Wales](#)'

²⁹⁴ Stirling T., (2018) [Youth Homelessness and Care Leavers: mapping interventions in Wales](#),

²⁹⁵ Schwan K. et al. (2018) [Preventing Youth Homelessness: An International Evidence Review](#)

may still need support once they have left.²⁹⁶ Sustainable funding should be secured for homeless prevention projects which have been robustly evaluated. W/Government's When I Am Ready scheme²⁹⁷ which enables care-experienced children to stay with their foster families for longer has great potential, but take up is low²⁹⁸ and does not apply to children in residential settings.

A 3-year Basic Income Pilot scheme for care leavers has commenced, providing monthly payments for all care-experienced children at age 18 over 2 years. The scheme has been widely welcomed as potentially providing some financial security for children leaving care and helping ease some of the uncertainty that many face.

However, there are many risks, such as exploitation from young-people being in receipt of high sums of money, and whether young-people in supported accommodation may find themselves inadvertently pushed towards private-rented accommodation because of the high rent associated with supported accommodation, and the lower welfare benefit payments participants will receive. There are concerns around the budgeting support and financial management young-people will need in advance. All of this calls for the importance of effective and regular monitoring so that potential issues can be identified and responded to, and leads to lasting change²⁹⁹.

Although the W/Government's support for 16/17 year old children is welcomed, concerns remain around the prevalence of vulnerable children 16+ placed in unregulated and unregistered semi-independent accommodation with limited support, despite their vulnerability.³⁰⁰ Progress to eliminate the use of B&Bs has slowed with increased pressure on local authority placements, particularly during post-lockdown.³⁰¹

Recommendations

- Monitor and evaluate the basic income pilot on an ongoing basis, to ensure the best outcomes for young-people, and ensure that care-experienced children are financially prepared.
- Promote the When I Am Ready scheme and enhance supported housing options for all children leaving care, including residential care arrangements
- Eliminate the use of B&Bs and unregulated accommodation for children leaving care

Young Carers

Young carers play a significant role in caring for family members, which puts added pressure on their education, health and social life. There are approximately 30,000 carers under the

²⁹⁶ Evidence received from Llamau. See also End Youth Homelessness Cymru (2020) [Don't Let Me Fall through the Cracks](#)

²⁹⁷ [When I Am Ready](#) - this allows care-experienced children to remain with their foster family until the age of 21

²⁹⁸ Evidence received from Fostering Network - found that only 16 per cent (36 foster carers) of respondents to a survey had taken on a When I am Ready placement

²⁹⁹ Voices from Care Cymru have commended Welsh Government for taking action to try to address the high rates of poverty amongst the care leaving community, but it remains to be seen if this intervention will be sufficient or long lasting enough to make a long term difference.

³⁰⁰ BBC Wales (2019) <https://www.bbc.co.uk/news/uk-wales-50748323>

³⁰¹ Evidence received from NSPCC Cymru

age of 25 in Wales,³⁰² though there continues to be a lack of reliable data or tracking mechanisms. Many young carers remain hidden and their needs are therefore not assessed³⁰³ to then become eligible to receive respite support.

The W/Government Carers Strategy³⁰⁴ and Delivery Plan³⁰⁵ commits to raising awareness of young carers across public services in recognition of the need for greater detection and support. Restrictions from COVID-19 lockdown exacerbated isolation and increased caring responsibilities, with many separated from extended family and support networks, and access to respite services were temporarily cut. Many experienced family bereavement, trauma, isolation and faced competing demands during this period.³⁰⁶

Education provision in schools varies widely.³⁰⁷ Early identification through an identified named teacher present in every school, can enable appropriate pastoral support to be put in place.

Young carers often report that they feel penalised for their young carer status. Many say that they miss out on Educational Maintenance Payments (EMA) – often the only financial support that they receive to support their education, because of being late or missing classes due to their caring responsibilities. There is patchy provision in terms of support offered by schools and further education providers which exacerbates this issue.³⁰⁸

We welcome progress to roll out a national ID card scheme³⁰⁹ to improve recognition and help young carers have better access to essential goods, services and support, and would wish to see an enhanced public awareness campaign to publicise the scheme. However, it remains that different arrangements are in place across Wales, with some young carers receiving concessions and more opportunities solely determined by where they live.³¹⁰

Recommendations

- Promote the role of young carers, ensuring there is a named teacher in every school and that every child receives an annual health assessment
- Work with Further Education providers to ensure that young carers do not miss out on EMA payments because of their caring responsibilities.
- Monitor and fund the implementation of the National ID card, and enhance awareness to ensure that every young carer is aware of their right to this entitlement

³⁰² W/Government (2021) [Impact assessment](#); Delivery Plan

³⁰³ Under the [Social Services & Well-Being Act](#) (2016) LA and LHBs must work in partnership to assess the needs of YCs and agree a support plan for them

³⁰⁴ W/Government (2021) [Strategy for unpaid carers](#)

³⁰⁵ W/Government (2021) [Delivery Plan 2021](#)

³⁰⁶ See for example Carers Trust Wales survey with young carers found that 37% said their mental health was worse than it was before the pandemic began, and 20% were struggling to access any emotional support. Cited in - [here](#)

³⁰⁷ Estyn (2019) [Provision for young carers in secondary schools, further education colleges and pupil referral units across Wales](#)

³⁰⁸ Evidence from Barnardo's Cymru. See also Wales Online (2022) [Sleepless nights, stress and financial worries...young carers to stay in school](#)

³⁰⁹ W/Government/Carers Trust Wales – [the Young Carers ID Card](#) (accessed October 2022)

³¹⁰ Evidence from Children in Wales

DISABILITY, BASIC HEALTH & WELFARE

Disabled Children

Disabled children are too often viewed through the lens of their impairment rather than as children with individual rights to access services, enjoy the same pleasures and experiences as their peers, and to have a voice in decisions.³¹¹ Many have faced particular challenges and had disproportionately negative experiences when compared to their non-disabled peers as a consequence of disruption to their support caused by COVID-19,³¹² leading to feelings of isolation, stress, difficulties with emotional wellbeing and educational development, as well as the impact of delayed diagnosis.

Disabled children have long been overrepresented amongst low-income families,³¹³ with the current Cost-of-Living emergency pushing more families with a disabled person into financial hardship, particularly those incurring additional costs to manage their condition and reliant on energy for heating and to power vital equipment.³¹⁴ Many families face transport barriers and higher travel costs due to the need for children to attend medical appointments or specialised education provision.³¹⁵

Whilst disabled children may be able to attend mainstream education, they are not always fully integrated into the whole school environment, with many barriers to inclusive education prevalent, including transport, inaccessible physical spaces,³¹⁶ and restrictions precluding participation in some lessons and opportunities. There is a lack of disability awareness and capacity building opportunities amongst school staff and pupils,³¹⁷ although the duty to promote knowledge of the UNCRPD alongside the CRC as part of the new school curriculum is particularly welcome.³¹⁸

Disabled children should be better supported to get their voices heard; have access to appropriately tailored advice and information, and be involved in all matters which affect them, including during periods of transition.³¹⁹ Too often, they are not included in the planning of their medical care, their treatment or social care support. For children with complex disabilities and severe communication needs, there should be routine access to person-centred support services including specialist advocacy arrangements, to help them express choices and explore options.

³¹¹ Evidence received from Disability Wales

³¹² Children's Commissioner for Wales (2020) [Coronavirus and Me: Understanding how disabled children and young-people have experienced the pandemic in Wales](#)

³¹³ Joseph Rowntree Foundation (2020) [Poverty in Wales 2020](#)

³¹⁴ Leonard Cheshire (2022) [Rising costs are a catastrophe for disabled people](#)

³¹⁵ Barnardo's Cymru (2022) [Written evidence to the W/Parliament Economy, Trade and Rural Affairs Committee inquiry into the Cost-of-Living](#)

³¹⁶ Children's Commissioner for Wales (2018) [Full Lives: Equal Access](#)

³¹⁷ Whilst the forthcoming new curriculum emphasises the need to ensure children understand their rights and the rights of others, calls for disability awareness to form a compulsory part of RSE have been rejected - Evidence received following the workshop on Disabled Children led by National Deaf Children's Society Cymru. See also evidence received from Adele Rose emphasising the need for specialist training for teachers and the need for inclusive education.

³¹⁸ W/Government (2021) [Curriculum and Assessment \(Wales\) Act 2021: Explanatory Memorandum](#)

³¹⁹ Children's Commissioner for Wales (2018) [Don't hold back](#)

For children with visual impairments, there is a severe shortage of specialist habilitation support services³²⁰ despite legislation recognising their importance in enabling children to live as independently as possible.³²¹ Many disabled children continue to face barriers when accessing transport, play and leisure opportunities,³²² accessing appropriate changing facilities and navigating ‘street-furniture’ post-COVID-19.³²³

Access to information for parents/carers on health³²⁴ and education matters to help them support disabled children should be improved. Improvements to address delays in accessing services and physical equipment to enable disabled children to build independence, confidence and to fulfil their potential are required.

Recommendations

- Ensure that the social model of disability is incorporated into all policy programmes, and applied at the local level through the provision of universal and targeted services
- Support disabled children who have faced particular challenges due to COVID-19, including examining how risks around future impact of delayed diagnosis and reduced support can be mitigated.
- Ensure that education is fully inclusive; that teachers’ skills and competencies to support disabled children are enhanced
- Ensure that gaps and delays in accessing health & social care support services, including specialist provision, are addressed
- Ensure that the views of disabled children are sought on all matters that affect them, and access to specialist advocacy arrangements are routinely available when required.

Health Inequalities

The health of children is shaped by the conditions and circumstances in which they live. Despite a lack of disaggregated data to help identify particular groups of children who face poorer health outcomes than their peers, research shows a strong correlation between health inequalities and socio-economic disadvantage across a range of indicators, and the gap is widening.³²⁵ The unprecedented disruption from COVID-19 and its socio-economic impact has served to widen existing health inequalities, disproportionately affecting children who already had multiple vulnerabilities.³²⁶ The current Cost-of-Living emergency is likely to

³²⁰ Evidence received from Guide Dogs Cymru who are calling for Habilitation services for children with Vision Impairment to be available in every local authority area in Wales

³²¹ Part 2 (General Functions) of the [Social Services & Well-Being Act](#) (2016)

³²² For example, see BBC Wales (2022) [Disabled girl unable to play in parks with friends, 03.11.22](#)

³²³ Evidence from Disability Wales. Outdoor dining areas can leave streets inaccessible for disabled and visually impaired people

³²⁴ For example, information on nutrition and breastfeeding for parents of disabled children

³²⁵ RCPCH (2022) [Child Health Inequalities driven by Child Poverty in the UK – position statement](#), and RCPCH Wales (2020) [State of Child Health](#)

³²⁶ Public Health Wales (2021) [Placing health equity at the heart of the COVID-19 19 sustainable response and recovery: Building prosperous lives for all in Wales](#)

exacerbate inequalities over the coming months and years as more families struggle to afford basic necessities.³²⁷

Despite a fall in the number of child deaths, infant mortality rates for children under 1 years have risen,³²⁸ with higher rates recorded in the most deprived areas.³²⁹ Child mortality rates are 70% higher amongst most than least deprived groups³³⁰ and the gap in life expectancy between least and most deprived population is widening.³³¹

Although there continues to be gaps in data, the latest figures published by the Childhood Measurement Programme presents a rise in childhood obesity over the previous six years with Welsh children more likely to be overweight or obese at ages 4-5 than children in Scotland (10.2%) or England (9.7%). 12.6% of this age group were considered obese, with many higher local level rates recorded (20.7%).³³² Socio-economic deprivation is a predictor of childhood obesity, with the prevalence gap between most and least deprived areas increasing from 5.9% to 6.9%³³³ with 15.2% of children in the most deprived quintile classified as obese.³³⁴ 26.9% of young children aged 4-5 in Wales are overweight or obese compared to 22.6% in England.³³⁵

In response, we welcome the focus on children, early years and action to reduce inequalities in the new W/Government Healthy Weight: Healthy Wales delivery plan, and recent proposals to tackle the structural drivers of obesity through placing restrictions on price and promotion of HFSS in retail settings; mandatory food labelling and limiting 'energy' drinks in out-of-home settings to children under 16.³³⁶

There is a strong correlation between socio-economic deprivation and

- higher dental decay,³³⁷ with more than a third of children having dental decay by the age of 5³³⁸
- smoking rates³³⁹
- lower fruit, vegetable and breakfast consumption³⁴⁰
- sport participation in schools³⁴¹

³²⁷ Wales NHS Confederation & Royal College of Physicians (2022) [Mind the Gap: what's stopping change?: the cost-of-living crisis and the rise in inequalities in Wales](#)

³²⁸ ONS – in 2020, Infant mortality rates were 4.1 deaths per 1,000 live births in Wales.

³²⁹ Ibid

³³⁰ RCPCH Wales – [State of Child Health](#) Children aged 1-9 years

³³¹ Public Health Wales Observatory (2022) [Health expectancies in Wales with inequality gap](#)

³³² Public Health Wales (2021) [Child Measurement Programme 2018/19](#). Obesity prevalence in one local authority area is 20.7% - over 1 in 5 children age 4-5

³³³ Ibid

³³⁴ Ibid

³³⁵ Ibid

³³⁶ W/Government (2022) [Written Statement: Healthy Food Environments Consultations](#). HFSS + Food or drink products which are high in fat, salt or sugar

³³⁷ W/Government (2017) [Taking Oral Health Improvement and Dental Services Forward in Wales](#)

³³⁸ W/Parliament Research (2022) [Dentistry Part 2 – Wales' oral health gap](#)

³³⁹ Ash Cymru/Wales (accessed 2020) <https://ash.wales/wales-smoking-statistics/>

³⁴⁰ Page N., Hewitt G., Young H., Moore G., Murphy S. (2021) [Student Health and Wellbeing in Wales: Report of the 2019/20 School Health Research Network Student Health and Wellbeing Survey](#). Cardiff University, Cardiff, UK

³⁴¹ Sport Wales (2022) [School Sport Survey: State of the Nation](#). A 15-percentage point difference exists between the least deprived (FSM1) and most deprived (FSM4) when considering participation in organised sport outside of the curriculum three or more times a week. This disparity has increased since 2018 where a 13-percentage-point difference was observed between the least and most deprived.

- increased exposure to air pollution.³⁴²

Encouragingly, teenage conceptions have decreased sharply,³⁴³ relationship education has been reformed³⁴⁴ and universal free school meals for children 4-11 has been introduced.³⁴⁵ Innovative laws have extended smoking bans in cars, hospitals, school grounds and playgrounds,³⁴⁶ and further commitments to deliver smoke-free environments for children, and expectant mothers have been published.³⁴⁷ Further steps should be taken to understand the prevalence and risks of e-cigarettes for young-people, and to prevent further uptake.³⁴⁸

Early intervention, promoting healthy lifestyles and prevention of poor health amongst all children, including within the first 1,000 days, require adequate levels of investment to meet growing need. Individuals require better information and support to enhance understanding and help prevent and manage health conditions.³⁴⁹ COVID-19 and the current Cost-of-Living emergency has brought this into sharp focus, exacerbating prevailing barriers to accessing primary care and specialist healthcare services, including palliative care³⁵⁰ and bereavement services.

Recommendations

- Address the inequalities gap and improve access to primary care and specialist healthcare services for children
- Take steps to improve data collection by expanding the Childhood Measurement Programme to all age groups, and fully implement, resource and monitor the Plan to address childhood obesity.

Health Advocacy

There is insufficient provision of independent advocacy support for children accessing health services in most parts of Wales. Repeated calls have been made for all children who need it to receive a universal ‘active offer’, and for support to be available, accessible, and fully resourced. Detailed statutory guidance should be produced, alongside robust monitoring and evaluation arrangements.³⁵¹

³⁴² W/Government (2020) [Clean Air Plan for Wales](#)

³⁴³ ONS (2022) [Conceptions in England and Wales: 2020](#)

³⁴⁴ See Section on Education

³⁴⁵ See section on child poverty

³⁴⁶ W/Government (2020) [Written Statement](#) - Existing Smoke free restrictions will be extended to hospital grounds, public playgrounds, outdoor children’s care settings and school grounds from 1st March 2021 under existing legislation.

³⁴⁷ W/Government W/Government (2022) [A Smoke-Free Wales: Our long-term tobacco control strategy](#)

³⁴⁸ RCPCH (2022) [Smoking in Young-people](#)

³⁴⁹ See for example, W/Government (2019) [A Healthier Wales](#)

³⁵⁰ W/Government should implement recommendations from the [Cross Party Group on Hospices and Palliative Care 2018 Inquiry ‘Inequalities in access to hospice and palliative care’](#), which relate to paediatric palliative care services. Recommendations include: access to out-of-hours services and increased resourcing of community nursing. See also more detailed evidence received from Lynette Thacker (Clinical Nurse Specialist Paediatric Palliative Care)

³⁵¹ The Children’s Commissioner for Wales – successive annual reports 20/21 and [21/22](#). CSOs through the Children in Wales CYP Advocacy Providers Group have been supporting these calls and written to the Minister for Health calling for a universal offer to be made.

Recommendation

- Introduce statutory guidance and ensure that all children who could benefit receive an 'active offer' of an independent advocate when accessing health services in all parts of Wales.

Health research

Funding for child health research has been decreasing each year since 2011, with fewer mechanisms allowing children's views to be heard in the production of research for conditions that they are affected by.³⁵² There is a lack of consultant academic paediatricians amongst the workforce and a paucity of such posts in Wales, due to retirements or posts not replaced when vacated. This has an impact on trainee doctors in Wales, who need to look outside for PhD supervisor support, often resulting in permanent loss to Wales as they decide not to return to work here.

Recommendation

- Provide sufficient funds to support the development of paediatric research, and build sufficiency of the paediatric academic workforce

Breastfeeding

Breastfeeding is important for the health and development of infants, and preventing health inequalities. Whilst over 64% of women intend to breastfeed, this figure falls to 28% reporting breastfeeding at 6-weeks, with considerable variation in rates across Wales and lowest amongst White mothers.³⁵³ Despite a 5-year plan³⁵⁴ recommending that systems are established to routinely collect, analyse and disseminate infant feeding data, data collection remains incomplete.³⁵⁵ There is no data available on socio-economic deprivation despite the Plan recognising that breastfeeding rates are lower among women in areas of higher deprivation, exacerbating health inequalities.³⁵⁶ There has been a significant decrease in commissioned/funded peer support services, resulting in less support for families.³⁵⁷ More must be done to address the stigma and hostility relating to breastfeeding in public.³⁵⁸

Some progress has been made to regulate the marketing of breast-milk substitutes,³⁵⁹ however no regulations to prevent marketing of follow-on formula, milks marketed for children over one, or bottles/teats have been enacted.³⁶⁰ In terms of Baby Friendly Accreditation in hospitals, maternity, neo-natal and health visiting services, 78% of babies are born in baby

³⁵² Evidence received from Noah's Ark Children's Hospital for Wales

³⁵³ W/Government (2022) [Breastfeeding Data: 2021](#)

³⁵⁴ W/Government (2019) [All Wales Breastfeeding Five Year Action Plan](#)

W/Government (2022) [Breastfeeding Data: 2021](#)³⁵⁶ Evidence from RCPCH

³⁵⁶ Evidence from RCPCH

³⁵⁷ Brown, R & Tennant-Eyles, A (2022) [An exploration of trends and experiences of delivery of breastfeeding support in England and Wales since 2015](#). The Breastfeeding Network and Cardiff University

³⁵⁸ Grant, A (2022) [New study reveals the public make it more difficult for women to breastfeed](#), Swansea University. See also BBC Wales News (2022) [Breastfeeding: mums put off by public disgust](#)

³⁵⁹ The UK has partially adopted the International Code of Marketing of Breast-Milk Substitutes and relevant resolutions of the World Health Organisation, to prevent marketing of infant formula and infant milks marketed as foods for special medical purposes.

³⁶⁰ Guide to UK formula marketing rules <http://www.babymilkaction.org/ukrules-pt1>

friendly accredited units in Wales.³⁶¹ However, no government mandate for all units to gain accreditation exists.³⁶²

Recommendation

- Take steps to deliver, resource, monitor and evaluate its national plan, embedding whole system approach to promoting and supporting breastfeeding

Mental Health

The pandemic has had a devastating impact and far reaching consequences for the mental health and wellbeing of many babies and children, exacerbating existing inequalities, disproportionately effecting those most vulnerable³⁶³ and those previously struggling with pre-existing issues such as anxiety, stress and self-harming behaviour.³⁶⁴ More than two thirds (68%) of children reported their mental health getting worse since the first national lockdown, and over half (51%) reporting that their mental health had got much worse.³⁶⁵ 37% of contacts to a national advice line were about mental and emotional health, with contacts about anxiety/stress the top concern.³⁶⁶ 36% of respondents to a CSO stated that they had noticed a deterioration in the mental health of young children since the pandemic, including separation anxiety and behaviour change.³⁶⁷

The Cost-of-Living emergency is also exacerbating children's mental health issues, causing additional stress and pressure in families, which compromises parent's ability to be emotionally available to their children within a secure nurturing environment, and their own resilience too.³⁶⁸ Services for children are witnessing the emotional distress and despair resulting from the COVID-19 and growing fiscal crisis, and the increasing need for psychosocial emotional support.

Three children in every classroom has a diagnosable mental health condition, and half of all mental health problems are established by the age of 14, with levels of stress, anxiety and self-harm rising.³⁶⁹ Suicide as a leading cause of death amongst children 15+ is also increasing.³⁷⁰ Some disadvantaged groups of children face particular challenges,³⁷¹ with children who are abused or neglected being four times more likely to develop a serious mental health need and twice as likely to develop some form of mental illness.³⁷² Exposure to

³⁶¹ [Baby Friendly Accreditation Wales](#) (accessed 2020)

³⁶² [World Breastfeeding Trends Initiative UK Report](#) (2016)

³⁶³ Barnardo's (2020) [In our own words](#)

³⁶⁴ Young Minds (2021) [The impact of COVID-19 on young-people with mental health needs. Fourth Survey, February 2021](#)

³⁶⁵ Mind Cymru (2021) [The consequence of coronavirus for mental health in Wales, July 2021](#). Further, over one in seven (14%) young-people experienced mental distress for the first time during the pandemic

³⁶⁶ Childline National Helpline (2020/21) – evidence from NSPCC Cymru

³⁶⁷ Evidence from PACEY

³⁶⁸ Evidence from Platform

³⁶⁹ W/Parliament (2018) CYPE Committee [Mind over Matter](#)

³⁷⁰ Public Health Wales (2019) [Child Death Review programme](#) and ONS (2022) [Suicides in England and Wales: 2021 registrations](#)

³⁷¹ Evidence received from Place2Be

³⁷² Chandan, J. S., Thomas, T., Gokhale, K. M., and Bandyopadhyaya, S (2019) [The burden of mental ill health associated with childhood maltreatment in the UK, using The Health Improvement Network database: a population-based retrospective cohort study](#). *The Lancet*, 6(11), 926-934

interpersonal traumas, are associated with higher rates of PTSD,³⁷³ the consequences of which can last a lifetime. Babies and young children who have experienced abuse, trauma or parent-infant relationship difficulties are at particular risk of experiencing a range of mental health problems throughout their lives, requiring timely and effective early support, and access to specialist therapeutic services to help them recover from early adversity, and which are lacking³⁷⁴ Investment in services which support babies' mental health will help to set children on a positive developmental trajectory, bringing savings to the public purse through reduced costs for public services and increased participation in the economy.³⁷⁵

The landmark 'Mind-Over-Matter' report³⁷⁶ called for a step change in emotional and mental health support and services for children, recognising that many struggle to access support at an early stage to prevent problems emerging, and specialist services to prevent needs escalating. Whilst progress has been made by the W/Government to deliver a whole school approach³⁷⁷ by promoting emotionally resilient children, good mental health and providing timely and appropriate support at the point of need,³⁷⁸ more must be done to achieve consistency and the pace of change is too slow.³⁷⁹ There should be more emphasis on early intervention and prevention, especially in regards to children living in poverty, and parent-infant relationships in order to reduce adverse childhood experiences.³⁸⁰

Early identification and appropriate integrated interventions are pivotal in the prevention and escalation of long-term mental health conditions.³⁸¹ Yet there are concerns that there is no clear treatment or diagnostic pathway for developmental trauma, which means children who experience early adversity, injustice or loss are often misdiagnosed and misunderstood by professionals, friends and family who have their best interests at heart but who don't yet fully understand and the impact of early trauma.^{382, 383} Better recognition and understanding of the impact of range of social, commercial, and political determinants for mental health and their impact on children must be at the centre of a rights-based approach to policy decisions moving forward.

As mental health difficulties severely impede development and engagement, it is essential that expert advice and support exists to enable children to process and get support with

³⁷³ Duffy, M., Walsh, C., Mulholland, C., Davidson, G., Best, P., Bunting, L., Herron, S., Quinn, P., Gillanders, C., Sheehan, C., and Devaney, J (2021) [Screening Children with a History of Maltreatment for PTSD in Frontline Social Care Organizations: an Exploratory Study](#). *Child Abuse Review* 30(6) pp. 594–611

³⁷⁴ Specialised parent-infant relationship teams provide therapeutic support where babies' development is most at risk due to severe, complex and/or enduring difficulties or trauma in their early relationships. These teams work to strengthen early relationships, which are protective, and they help babies to recover from early adversity. There are only two specialised parent-infant relationship teams in Wales. See Hogg, S (2019) [Rare Jewels. Specialised parent-infant relationship teams in the UK](#). Parent Infant Partnership UK, AND NSPCC (2021) [Infant and Family Teams](#)

³⁷⁵ First 1001 Days Movement [Investing in Babies The economic case for action](#). Evidence Brief 6

³⁷⁶ W/Parliament(2018) CYPE Committee [Mind over Matter](#)

³⁷⁷ W/Government (2020) [Embedding a whole-school approach to mental health and well-being](#)

³⁷⁸ W/Government (2012) Together for Mental Health: 10 Year strategy

³⁷⁹ W/Parliament(2020) CYPE Committee [Mind over Matter two years on](#)

³⁸⁰ These were just some of the key points raised during consultations exercises to inform delivery of the Together for Mental Health Delivery Plan 2019-22. See W/Government (2019) [Integrated Impact Assessment Summary](#)

³⁸¹ For example, Evidence received from Place2Be

³⁸² Evidence from Platform

³⁸³ Psychologists for Social Change Cymru (2022) [A PSC Cymru Statement on the use of the diagnosis of 'Personality Disorder' with Children and Young-people: A response to 'Should Child and Adolescent Mental Health Professionals be Diagnosing Personality Disorder in Adolescence?'](#), August 2022

difficulties at the earliest opportunity.³⁸⁴ Where trauma has occurred, all children have the right to receive both universal and specialist mental health therapeutic support to aid recovery and help avoid crisis intervention for as long as it's needed. Universal provision is essential as this helps reduce fear and stigma,³⁸⁵ making it part of everyday conversations³⁸⁶ which help build resilience. More should be done to engage children directly about how they feel about their lives, and to take steps to improve their overall wellbeing through policy and practice reform. Age-appropriate measurement techniques need to be routinely adopted which accesses all children, including those educated outside school settings.³⁸⁷

Too many children experience fragmented pathways,³⁸⁸ inadequate responses and delays, and often have to reach crisis point before they can access support.³⁸⁹ Access to child-centred, holistic counselling and mental health support across a child's time throughout education is needed.³⁹⁰ Schools should be positioned as community hubs with integrated non-medicalised multi-agency collaborative practices to help prevent and manage mental distress amongst children and their parents/carers,³⁹¹ including through drop-in services.³⁹²

Routine cross-sector training should be prioritised and resourced, to improve awareness, communication and aid signposting,³⁹³ including for school staff to enable them to deliver on new legislative duties to have regard to the mental health and emotional well-being of children.³⁹⁴

For children with more acute needs, priority should be given to building CAMHS capacity,³⁹⁵ improving access, waiting times, referral criteria and periods between assessment and treatment,³⁹⁶ as well as resolving significant concerns regarding transitions to adult services, including a lack of information and access to advocacy, and poor transitional planning, all undermining the best interest of the child principle.³⁹⁷ This should coincide with increasing child-led therapeutic approaches for those children - the 'Missing Middle' - who do not meet CAMHS eligibility thresholds yet require therapeutic support.³⁹⁸ There is a lack of 'intermediate' service options, as children fall between different levels of support as need

³⁸⁴ The Together for Children and Young-people (T4CYP2) network has developed a planning tool for Regional Partnership Boards (strategic commissioning bodies) which aims to ensure a 'whole system' approach for developing mental health, well-being and support services for babies, children, young-people, parents, carers and their wider families across Wales. See the [NEST Framework](#)

³⁸⁵ Time to Change Wales (2018) [Myths and Facts](#)

³⁸⁶ Welsh Youth Parliament (2020) [Let's Talk about Mental Health](#)

³⁸⁷ Evidence received from The Children's Society

³⁸⁸ Evidence received from ProMo Cymru

³⁸⁹ Barnardo's (2020) [In our own words](#)

³⁹⁰ Statutory school base independent counselling services have been a significant benefit to children, but are often overwhelmed and should be made available to younger school aged children (see evidence submitted to the W/Parliament (2018) CYPE Committee [Mind over Matter](#))

³⁹¹ Integrated approached should involve, for example children's social services, family support, children's voluntary sector, helplines, youth work sector as equal partners to support schools and health practitioners in delivering the whole systems approach.

³⁹² Children's Commissioner for Wales (2018) position paper: [Children's Mental Health Services in Wales](#)

³⁹³ This should include initial teacher education see Estyn (2019) [Healthy and happy – school impact on pupil's health and wellbeing](#)

³⁹⁴ Section 63 of the [Curriculum & Assessment \(Wales\) Act](#) required a duty to pay regard to mental health

³⁹⁵ Including out-of-hours crisis care and support. See also points raised in evidence received from Hafal

³⁹⁶ 80% of patients should wait no longer than 28 days from referral to assessment, yet this does not take into account the length of time a child has to wait for treatment or the quality of outcome. The target has not been met in any of the five years to 2021. See Mind Cymru (2022) [The Mental Health Measure: Ten years on](#)

³⁹⁷ Mind Cymru (2022) [Sort the Switch: the experiences of young-people moving from Specialist Child and Adolescent Mental Health Services to Adult Health Services in Wales](#). Many young-people are automatically transitioned at 18 when they are particularly vulnerable. W/Government have issued [draft transition guidance](#) for all health services

³⁹⁸ Latest figures show that 68% of referrals to CAMHS were accepted, yet almost 1/3 were not

deepens, with calls for a single point of access to be urgently established to enhance care pathways.³⁹⁹

The two inpatient units in Wales have limited capacity, leading to some children being admitted to hospitals far from home.

Recommendations

- Invest in timely, appropriate and universally accessible early intervention support for all children, alongside integrated multi-agency community-based support services for the ‘missing middle’
- Revisit the delivery of recommendations from the Mind over Matter report to assess progress, and areas for improvement in the provision of mental health services for children
- Publish a new mental health strategy, which fully encompasses the specific needs of all children, including those with protected characteristics and experiencing poverty, and making infant mental health an explicit priority, alongside ensuring that reporting and accountability mechanisms continue to feature strongly.
- Invest in parent-infant relationship services, to ensure there is a team in each area of Wales that can support babies and young children who have experienced trauma and abuse
- Publish statutory guidance to enable school staff to deliver the mental health duty as part of the new curriculum.
- Provide a well-resourced specialist CAMHS, accessible at the point of need, with greater accountability through improved performance data collection, and implement consistent rights-based transitional planning arrangements to adult services
- Ensure that robust research mechanisms are in place to routinely engage all children on matters concerning their emotional, mental health and well-being, including those with lived experiences of mental health provision.
- Ensure that there are enough spaces in specialist hospitals, close to the child’s home, and to develop suitable community alternatives

Standard of Living

Child Poverty

All children have a right to an adequate standard of living, yet rights are being breached⁴⁰⁰ and denied to almost 1 in 3 children trapped in poverty in Wales, as many more children see their situations worsen following COVID-19 and now exacerbated by the Cost-of-Living emergency.⁴⁰¹ Child poverty rates have remained persistently high and are increasing, with 31% of children living in poverty,⁴⁰² an increase from 28% the previous year and highest of

³⁹⁹ W/Parliament(2020) CYPE Committee [Mind over Matter two years on](#)

⁴⁰⁰ Children’s Legal Centre Wales (2022) [Poverty and Children’s Rights](#)

⁴⁰¹ Evidence received from [Faith In Families](#) (2022) provides examples of children living in unacceptable conditions which fails to provide for their physical and social needs, and support for their development

⁴⁰² W/Government Statistics (2022) [Measures of Poverty: April 2020 to March 2021](#)

the UK nations, with rates considerable higher in many local areas.⁴⁰³ Children are more likely to be in relative income poverty compared to most other groups, disproportionately affecting those living in lone parent and larger families; some ethnic-minority families, and in households with a disabled adult or child.⁴⁰⁴

Children in low-income families are on average living further below the poverty line than they were five years ago, experiencing greater hardship and poorer outcomes across a range of indicators.⁴⁰⁵ Material deprivation is affecting a greater proportion of children, with at least 14% experiencing combined low-income and material deprivation which is highest of all 4 UK nations.⁴⁰⁶ Poverty harms children and their families, with strong evidence linked to child abuse and neglect. Poverty creates additional stressors in the home which can lead to 'overload' and can weaken a family's ability to care for their children.⁴⁰⁷ More children are contacting helplines where poverty/financial issues are revealed.⁴⁰⁸

Many situations have significantly worsened as a result of the financial impact of COVID-19, and rising food and energy costs, with some families now in 'absolute crisis'.⁴⁰⁹ Families previously struggling and experiencing financial hardship are witnessing further declines in their incomes, reductions in working hours, and increased living costs. Children are going hungry, cold and experiencing stress and greater risks to their health and overall well-being, as more families cutback on essentials such as food, heating, baby items and activities for children. Spiralling energy costs are placing enormous pressures on family budgets, with the most disadvantaged families, including those with disabled children⁴¹⁰ facing some of the steepest rises which will worsen in 2023.⁴¹¹ Population groups who are more likely to live in poorly heated housing are children, families and young-people.

Employment should reduce the risk of poverty, yet 2/3 of children living in poverty live in households where at least one person is working, with low pay, wage deflation,⁴¹² insecurity and high housing rental costs amongst the factors pushing more working families into poverty.⁴¹³ Families often face additional barriers to earning a decent income, including difficulties accessing or affording childcare arrangements.⁴¹⁴ Parents in part-time work earn less by virtue of working fewer hours, but, importantly, part-time employees also earn less per-hour than those in full-time roles.⁴¹⁵

⁴⁰³ End Child Poverty UK (2022) [Local child poverty indicators 2020/21](#)

⁴⁰⁴ Joseph Rowntree Foundation (2020) [Poverty in Wales 2020](#)

⁴⁰⁵ Child Poverty Action Group (2020) [Dragged Deeper: how families are falling further and further below the poverty line](#)

⁴⁰⁶ W/Government Statistics (2021) [Material deprivation and low-income](#)

⁴⁰⁷ Bywaters, P. & Skinner, G. (2022) [The Relationship between Poverty and Child Abuse and Neglect: New Evidence](#), University of Huddersfield/Nuffield Foundation

⁴⁰⁸ In 2021/22 Childline saw a 37% increase across the UK where poverty/financial issues were mentioned by children contacting their helpline.

⁴⁰⁹ Children in Wales (2022) [Annual Child and Family Poverty in Wales 2022](#) & Bevan Foundation (2022) [A Snapshot of Poverty in Summer 2022](#)

⁴¹⁰ Evidence received from Disability Wales, See also Wales Online (2022) [Families with disabled children 'struggling to survive' in cost-of-living crisis](#), October 2022

⁴¹¹ National Energy Action (2022) [8.4m UK households will be in fuel poverty from April](#), December 2022. By April 2023, energy bills will have more than doubled in 18 months. In October 2021, the average annual energy bill was £1,277, by April 2023 it will be £3,000.

Please note this is average. If you live in a larger than average household, have an energy inefficient home or have high usage, perhaps because of medical equipment, then you will pay more.

⁴¹² Guardian (2022) [Average UK wages fall at fastest rate for more than two decades](#)

⁴¹³ Stats Wales (2020) [Children in relative income poverty by economic status of household](#)

⁴¹⁴ Chwarae Teg & Bevan Foundation (2019), [Trapped: Poverty amongst women in Wales today](#)

⁴¹⁵ *ibid*

The W/Government's statutory Child Poverty Strategy is dated and in urgent need of revision.⁴¹⁶ This should be actioned without further delay, supported by a delivery plan with ambitious milestones and targets.⁴¹⁷ As well as outlining actions to mitigate the impact of poverty reflecting the scale of the current challenge,⁴¹⁸ a focus on poverty prevention through maximising household income, and interventions based on the principle of universality alongside targeted support to protect the most vulnerable is needed.⁴¹⁹

Recommendation

- Publish a revised Child Poverty Strategy with Delivery Plan, with ambitions milestones, targets and monitoring arrangements

Social Security

The UK social security system fails to provide families with an adequate safety net, having been systematically dismantled through policies pursued which violate human rights.⁴²⁰ Cuts to the value of social security has meant that families have experienced the biggest deterioration in living standards over the past 10 years.⁴²¹ Fundamental problems persist, notably delayed payments, sanctions, the benefit cap and the two-child limit⁴²² which serves to increase financial hardship by restricting the amount of benefits low-income families receive, irrespective of growing need.⁴²³ Whilst measures announced in the Autumn statement⁴²⁴ have been welcomed, what is demanded is long-term sustainable funding solutions for welfare assistance,⁴²⁵ and a reversal of deep cuts causing hardship.

Whilst the administration of welfare is determined by the UK/Government, there are some important shortcomings with the approach taken in Wales to financially support low-income families. Despite a plethora of targeted schemes, there are significant variations in eligibility criteria; different application processes requiring multiple submissions, and insufficient levels of assistance to make a real difference.⁴²⁶ A Welsh Benefit System as a single point of access should be established, with a consistent and expanded eligibility criterion based around entitlement and need.⁴²⁷

⁴¹⁶ End Child Poverty Network Cymru (2021) [A Manifesto for W/Parliament Election](#)

⁴¹⁷ Children's Commissioner for Wales (2022) [Annual Report 2021/22](#)

⁴¹⁸ Audit Wales (2022) ['Time for Change' – Poverty in Wales: Report from the Auditor General for Wales](#), November 2022

⁴¹⁹ For further commentary, including the need for robust monitoring arrangements, see for example Wales Centre for Public Policy (2022) [Poverty and Social Exclusion: A Way Forward](#), September 2022.

⁴²⁰ Human Rights Council (2019) [Report of the Special Rapporteur on Extreme Poverty and Human Rights](#).

⁴²¹ Child Poverty Action Group (2022) [The Cost of a Child in 2022](#), November 2022

⁴²² The 2 child limit restricts support through tax credits and universal credit to the first two children in a family. 911, 000 children live in affected households and almost 3 in 5 households have adults working (UK data). See Child Poverty Action Group (2020) [The Two-Child Limit Now Affects almost 1 million children](#)

⁴²³ The [Children's Commissioner for Wales](#) (2022) has been a long-term critic of the UK/Government's 2-child-limit on Universal Credit, which believing it to be one of the biggest breaches of children's rights by any UK/Government during her tenure

⁴²⁴ This includes an increase to the minimum wage and an uprate to welfare benefits by September's inflation figure.

⁴²⁵ Child Poverty Action Group (2022) [Post-Autumn Statement Briefing form MPs](#), November 2022

⁴²⁶ Evidence received from Bevan Foundation

⁴²⁷ Bevan Foundation (2020) [Lifting children out of poverty, the role of the Welsh Benefit System](#) and W/Parliament (2019) ELGC Committee [Benefits in Wales: Options for Better Delivery](#)

Recommendations

- Take action to maximise income in Wales by establishing a Welsh benefits system, as a single point of access for assistance, and ensure that no family is missing out on the support that they are entitled to
- Call upon the UK/Government to abolish the two-child limit and benefit cap, and reverse cuts to social security payments since 2010

Food Insecurity

Every child has a right to food, yet children are increasingly going hungry and parents are going without⁴²⁸ exacerbated by food price inflation.⁴²⁹ Research highlights that 1 in 4 families experienced food insecurity in the past month, which has more the doubled over the past 9 months.⁴³⁰ The need for emergency food is evident in the dramatic increase in families accessing foodbanks, with 28,000 parcels for children in Wales provided over 6-months (April-September 2022), representing a 38% increase compared to the same period last year and 98% increase since 2017/18.⁴³¹

The Free-School Meals (FSM) allowance scheme remains a highly valued component in the drive to tackle hunger and help children access a nutritious meal. Nevertheless, the income threshold criteria⁴³² restricts eligibility and take up, with over 50% of children living in poverty not entitled to receive FSMs because they are not seen as sufficiently poor.⁴³³ The allowance is also insufficient to cover the full cost of a healthy meal, leading to some children going hungry or choosing food of low nutritional value.⁴³⁴

Whilst we applaud the important step taken by the W/Government to begin roll out of universal FSMs for school children under 11,⁴³⁵ it is disappointing that full application will not be achieved until 2024. Additionally, it is positive that the W/Government has developed arrangements for FSMs for eligible children during school holidays,⁴³⁶ yet this commitment is temporary, with no long-term guarantee for its continuation. Steps taken to review the existing eligibility threshold for FSMs to children over 11 are progressing far too slowly.

The W/Government has financed the School Holiday Enrichment Programme,⁴³⁷ yet the numbers of children reached are relatively small and significant investment is urgently needed to increase capacity. The Free Breakfast Scheme, whilst enabling some children to access a healthy start to the school day, is neither accessed by, nor available to all children in low-income households.⁴³⁸

⁴²⁸ Children in Wales (2020) [COVID-19 and the impact on low-income and disadvantaged families](#)

⁴²⁹ Food Foundation (2022) [New data show 4 million children in households affected by food insecurity](#), Oct 2022

⁴³⁰ YouGov Plc (2022) [Food Insecurity Tracking](#), September 2022

⁴³¹ Trussel Trust (2022) [Emergency food parcel distribution in Wales: April – September 2022](#)

⁴³² Since 2018, households receiving Universal Credit are only be eligible for free school meals if their family income is below £7,400 (before benefits are taken into account)

⁴³³ Child Poverty Action Group (2020) [Expanding Eligibility for Free Schools Meals in Wales](#)

⁴³⁴ Food Foundation (2019) [Report of the Children's Future Food Inquiry](#)

⁴³⁵ W/Government (2022) [Minister for Education's Statement on Free School Meals](#).

⁴³⁶ W/Government (2020) [Marcus Rashford MBE backs W/Government decision to ensure free school meal provisions for every school holiday until Easter 2021](#)

⁴³⁷ The scheme is aimed at providing support for children from disadvantaged areas, offering a healthy breakfast and lunch, physical activity, enrichment sessions and information on food and nutrition. See - [here](#)

⁴³⁸ W/Government (2020) [Free School Breakfast statistics](#)

Recommendations

- Increase eligibility entitlement to FSMs to at least all children whose parents are in receipt of Universal Credit; adopt auto enrolment across all local authorities and work towards universal entitlement for all ages
- Explore options to accelerate implementation of universal FSM for under 11s in advance of the current 2024 target
- Expand eligibility and availability of the school holiday enrichment programme geographically and across all holidays, promoting and encouraging take up

Climate Change & Healthy Environment

The climate and nature emergency is the single, most consequential threat to the lives of children and the fulfilment of their right to live, learn and thrive in a healthy environment. The W/Government must prioritise the climate and nature emergency and place children's rights at the forefront of their response, promoting pro-environmental behaviours through outdoor learning experiences, and address the degree of worry and anxiety being felt.⁴³⁹

Children views should be routinely sought when developing solutions to address the climate emergency. 75% of children think governments need to take more action to tackle climate change and inequality, and 70% are worried about the world they will inherit.⁴⁴⁰ Children want more opportunities to connect with green spaces⁴⁴¹ and outdoor learning environments which were denied to many children during COVID-19.⁴⁴²

Since making a climate emergency declaration,⁴⁴³ positive steps have been taken to reduce the speed limit on residential roads;⁴⁴⁴ to introduce legislation to improve air quality, ban single-use plastics and lower pollution levels. However, further progress is needed to promote and support active travel arrangements, and address the prohibitive cost and poor availability of public transport, disproportionately impacting on children in low-income families and in rural communities.

Recommendations

- Ensure that children are actively involved in solutions to address the climate emergency
- Address the accessibility and cost barriers to public transport, and introduce free travel for all children

⁴³⁹ Evidence received from Natural Resources Wales. See also [Child Rights approach](#)

⁴⁴⁰ Save the Children (2022) [Environment and Inequality](#)

⁴⁴¹ Save the Children (2021) [The Future of Childhood](#)

⁴⁴² Evidence from Natural Resources Wales - The long term effects from COVID-19-19, where more than 28,500 young-people in the UK failed to benefit from outdoor learning experiences, had, and is continuing to have, a detrimental effect on learning, physical activity and mental well-being

⁴⁴³ W/Government (2019) [Press Release: Climate Emergency Declaration](#). A target to reach net zero carbon by 2050 has also been set

⁴⁴⁴ The new 20mph default speed limit being introduced from September 2023 is estimated to save more than 100 lives over a decade and 14,000 casualties in total could be avoided. See Guardian, 7th November 2022 [here](#).

EDUCATION, LEISURE & CULTURAL ACTIVITIES

Access to Quality Education

The impact of COVID-19 has been profound with children missing a significant portion of the school year, with children in disadvantaged situations disproportionately impacted.⁴⁴⁵ Whilst many were able to undertake some school work through home-school learning opportunities during periods of school closures, many faced multiple challenges,⁴⁴⁶ including a lack of essential resources to complete school work, digital barriers,⁴⁴⁷ inadequate environment and lack of support, all in spite of the W/Governments response being described as commendable.⁴⁴⁸ The full effect on children, particularly those at critical stages in their education, may not be known for some time, and more data will need to be gathered.⁴⁴⁹

COVID-19 had a detrimental impact on the personal health, wellbeing and mental health needs of many children, and is now having a negative impact on attendance rates in schools⁴⁵⁰ which have decreased compared to pre-pandemic figures, most notably amongst older pupils and those in low-income households.⁴⁵¹ Reasons for absence are complex, yet many children who experienced prolonged periods of disengagement from school with very little learning, have struggled to reintegrate and re-establish habits, structures and routines, whilst others continue to experience a range of emotional, health and psychological challenges directly linked to COVID-19 and the restrictions imposed.⁴⁵²

There is a clear correlation between increased absence and deprivation, with one in five pupils from poorer backgrounds persistently absent from school last year,⁴⁵³ with the Cost-of-Living emergency acting as a further barrier to attendance.⁴⁵⁴ Recent steps taken by the W/Government to expand access to its Pupil Development Grant to all school years will help families with additional costs⁴⁵⁵ and through the continuation of the Education Maintenance Grant to enable pupils to remain in school post 16. Concerns have been raised in respect of children facing transport barriers in accessing schools.⁴⁵⁶

Human Rights Education

The W/Government are implementing a distinct curriculum framework for 3-16 year olds,⁴⁵⁷ introducing new assessment and qualification arrangements, designed to raise standards,

⁴⁴⁵ Education Policy Institute (2020) [School attendance rates across the UK since full reopening](#)

⁴⁴⁶ EHRC (2020) [How coronavirus has affected equality and human rights](#)

⁴⁴⁷ Children's Commissioner for Wales (2021) [Getting online: barriers and successes for the provision of online learning during January 2021 Tier 4 lockdown](#)

⁴⁴⁸ Education Policy Institute (2020) [Education policy responses across the UK to the pandemic](#)

⁴⁴⁹ Evidence received from Clybiau Plant Cymru Kids' Clubs

⁴⁵⁰ The W/Government now publish weekly attendance rates amongst pupils in maintained schools. Latest releases can be accessed [here](#).

⁴⁵¹ W/Parliament Children, Young-people and Education Committee (2022) [Pupil Absence](#), November 2022. See also [written evidence](#) provided by Wales UNCRC Monitoring Group member organisations and other children's civil society organisations.

⁴⁵² Ibid

⁴⁵³ BBC News (2022) [COVID-19: Persistent school absence in Wales shows big jump](#)

⁴⁵⁴ Many reports have been produced highlighting the Cost of the School Day, and the additional costs of sending children to school negatively impacting on a child's right to education. For example, Child Poverty Action Group (2022) [Reducing the cost of the school day in Wales](#); Children's Commissioner for Wales (2019) [A Charter for Change](#); Children in Wales (2019) [Price of Pupil Poverty](#)

⁴⁵⁵ Bevan Foundation (2022) [More generous support with school uniform cost](#)

⁴⁵⁶ Evidence provided by the Children's Commissioner for Wales and Children in Wales quoted in W/Parliament Children, Young-people and Education Committee (2022) [Pupil Absence](#), PP 25

⁴⁵⁷ The new [national curriculum](#) will be based around 6 'Areas of learning and experience' (AoLE) rather than subjects

tackle the attainment gap,⁴⁵⁸ with greater emphasis on pupil wellbeing and pedagogy. Whilst the new curriculum places a new statutory duty on schools to promote knowledge and understanding of the CRC, calls to ensure that Human Rights Education is mandatory in all schools through a 'due regard' duty to the CRC placed on the face of legislation were not accepted.⁴⁵⁹

Recommendation

- As part of its current review of school attendance policy and guidance, take account of how the Cost-of-Living emergency is impacting on pupils' ability to attend school, and that all children have access to appropriate transport options to get them to school safely
- Increase the monetary value of the Education Maintenance Allowance to support children from low-income households to remain in education

Relationship and Sexuality Education (RSE)

RSE has been reformed and is now mandatory for all pupils aged 3-16, supported by a statutory Code setting out the mandatory themes that must be encompassed.⁴⁶⁰ The RSE Code is set within three interlinked learning strands; relationships and identity; sexual health and well-being; and empowerment, safety and respect. Menstrual health and wellbeing education is also mandatory within the RSE Code and must be included in the new curriculum.⁴⁶¹ However, this needs to be supported by a funded programme of professional development on RSE, to ensure teachers are confident and able to deliver high quality inclusive RSE.⁴⁶²

Recommendations

- Establish clear monitoring arrangements for RSE, to ensure it delivers positive outcomes for all children in all schools.
- Invest in an ongoing programme of professional development on RSE, to ensure teachers are confident and able to deliver high quality inclusive RSE

Freedom of Expression

There has been no progress to repeal legal provisions for compulsory attendance at collective worship in schools as children continue to be denied the right to independently withdraw.⁴⁶³ Reform of Religious Education has however been broadly welcomed.

There is a need to enhance the advocacy offer for children in education settings to help ensure children can access independent support to prevent problems arising or escalating.⁴⁶⁴

⁴⁵⁸ [Curriculum and Assessment \(Wales\) Act 2021](#)

⁴⁵⁹ See for example written evidence from Children in Wales (2020) [W/Parliament CYPE Committee Curriculum and Assessment \(Wales\) Bill](#)

⁴⁶⁰ W/Government (2021) [The Curriculum for Wales – Relationships and Sexuality Education Code](#)

⁴⁶¹ Ibid

⁴⁶² Evidence from NSPCC Cymru

⁴⁶³ Evidence received from Wales Humanists

⁴⁶⁵ W/Government (2018) [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)

Recommendations

- Repeal legal provisions for compulsory attendance at collective worship
- Enhance the advocacy offer for children in education settings

Inclusive Education: Children with Additional Learning Needs (ALN)

The Additional Learning Needs (Wales) Act 2018⁴⁶⁵ and Code 2021⁴⁶⁶ have commenced, aiming to bring together all existing ALN systems, be more person centred and provide learners with the same rights and entitlements. Whilst this new system and the involvement of CSOs in monitoring and implementation arrangements has been welcomed, it is too early to measure success in effectively improving the rights of and outcomes for children with ALNs or ensuring equality for all ALN learners across Wales since implementation will be phased over a 3-year period, with different cohorts transitioning at set stages.⁴⁶⁷

The first year of implementation has seen delays, with assessments of potential ALN being postponed whilst awaiting transition to the new system, with limited information made available for children and families. Reports of lengthy waiting lists for support and inconsistent practices resulting in negative impacts on children's education have been reported.⁴⁶⁸ The CCfW stated that no child should be disadvantaged by this staged transition period and recommend that initial findings should be gathered in the first year and used to inform ongoing implementation support.⁴⁶⁹

Under the Act, all learners who require additional learning provision, will be entitled to an Independent Development Plan (IDP), setting out their learning and support needs, informed by the views and wishes of children.⁴⁷⁰ Incorporated in the IDP process is the inclusion of a one-page profile aimed at reflecting the individual's character, talents and what is important to them. The statutory status of an IDP is the same for all children with ALN, regardless of their needs, and provides a right of appeal to the Education Tribunal for Wales.

Whilst all learners with ALN are entitled to an IDP, not all learners are receiving them. Some learners receive a one-page profile, which may or may not include plans for the individual's learning needs, but which have no statutory status and therefore remove the right to appeal. This practice is of some concern to CSOs in Wales.⁴⁷¹

Further, given the expanded cohort of learners, it was anticipated that data over the first year would show an increase in those registered with ALN, yet this has not been the case, with

⁴⁶⁵ W/Government (2018) [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#)

⁴⁶⁶ W/Government (2021) [The Additional Learning Needs Code for Wales 2021](#)

⁴⁶⁷ W/Parliament Research (2022) [The new Additional Learning Needs system: the tough task of implementation](#)

⁴⁶⁸ Evidence received from Homestart Cymru

⁴⁶⁹ Children's Commissioner for Wales (2022) [Annual Report 2021/22](#)

⁴⁷⁰ SNAP Cymru (2022) [The Special Educational Needs System is Changing](#)

⁴⁷¹ National Deaf Children's Society Cymru (2022) [Education Reforms: Additional Learning Needs – paper to note for the W/Parliament Children, Young-people and Education Committee](#), September 2022

W/Government citing a number of potential reasons for the decrease in pupils registered with ALN which they will monitor.⁴⁷²

There is also inequitable access to further education and training for post-16s with children with ALNs⁴⁷³ compared to their peers.

W/Government has issued a Code of Practice⁴⁷⁴ and delivery plan⁴⁷⁵ for **Autism services**, setting out new duties on public bodies, agreed standards and timetable for assessments to be completed. The waiting-time standard for diagnostic assessment is 26 weeks, although best practice guidance states 13 weeks.⁴⁷⁶ Despite this, there are currently extensive waiting times for assessments,⁴⁷⁷ with 63% of children waiting longer than 6 months and longer, with in some local authority areas.⁴⁷⁸ The W/Government accept that neurodevelopmental services are under pressure and have established a ministerial advisory group to drive improvement, address limited capacity and to ensure that services provide support based on need rather than led by diagnosis.⁴⁷⁹

Recommendations

- Seek interim findings and act speedily on those that are emerging as detrimental or inequitable to children with ALNs
- Monitor and ensure that all children post-16 with ALN have equal access to the same further education and training opportunities as their peers
- Collect data on the numbers of children who have IDPs and separately who have one-page profiles only
- Ensure that autistic children receive assessments within the timeframes laid out in statute

Bullying in schools

The consequences of bullying can be far reaching, with children with particular characteristics and backgrounds at greater risk.⁴⁸⁰ We welcome W/Government's intention to update its

⁴⁷² Minister for Education and Welsh Language, W/Government (2022) [Response](#) to the [letter](#) from the Chair of the W/Parliament Children, Young-people and Education Committee

⁴⁷³ Evidence received from TSANA. For example, those attending a special ALN school are likely to remain in education until they are 19, rather than 16, as in mainstream schools. The Code specifies that further education and training should be funded, however, in some areas, it is deemed that the 2-3 years of extended education for these young-people is equivalent to further education and training and are therefore denying funding for further education and training

⁴⁷⁴ W/Government (2021) [Code of Practice on the Delivery of Autism Services](#)

⁴⁷⁵ W/Government (2021) [Delivery Plan](#)

⁴⁷⁶ National Institute for Health and Care Excellence (2017) [Clinical Guidance: Autism spectrum disorder in under 19s: recognition, referral and diagnosis](#).

⁴⁷⁷ As of May 2022, 9,676 children and young-people were waiting for an autism or ADHD diagnostic assessment in Wales. Of those, 3,691 had been waiting more than a year

⁴⁷⁸ Evidence provided by the National Autistic Society (2022) [Children's Neurodevelopmental Services Waiting Times Target – May 2021 - 2022](#)

⁴⁷⁹ Some of the many recommendations in the independent review undertaken by Holtom, D. & Lloyd-Jones, S. (2022) [Review or the demand, capacity and design of neurodevelopmental services: full report, October 2022](#). See also W/Government (2022) [Written Statement: Improvement in Neurodevelopmental conditions services](#)

⁴⁸⁰ For example, 54% of LGBT children and 73% of trans children faced bullying in schools - Stonewall Cymru (2017) [School Report Cymru](#). See also Children's Commissioner for Wales (2017) [Sam's Story: Listening to Children and Young-people's experiences of bullying in Wales](#) / Estyn (2021) ["We don't tell our teachers" Experiences of peer-on-peer sexual harassment among secondary school](#)

guidance which considers various types of bullying including homophobic, sexual and racist bullying, with detailed support for schools, parents and children, and an emphasis on preventative models for schools to adopt. However, stronger action to prevent bullying, including online-bullying⁴⁸¹ is needed, alongside monitoring the statutory duty placed on all schools to record incidents.⁴⁸²

Recommendation

- Ensure that anti-bullying policies in schools are effectively implemented; that instances are routinely reported and teachers receive mandatory training on tackling all forms of bullying

Education Attainment

The impact of poverty and socio-economic background continues to have a profound impact on attainment levels,⁴⁸³ with children in low-income households underperforming when compared with children from more affluent families.⁴⁸⁴ By the age of 5, around a third of children in poverty have fallen behind across a range of cognitive outcomes compared to a fifth of those from better off families. According to recent published analysis based on pre-COVID-19 data, pupils from disadvantaged backgrounds are on average 22-23 months behind their peers by the time they sit their exams at age 16, which increases to 29 months for children from 'long-term' poor families.⁴⁸⁵ The gap in Wales is also larger compared with England despite successive W/Government identifying the need to close the attainment gap as a ministerial priority.⁴⁸⁶

Pre-COVID-19 data prior to exam cancellations shows that whilst the gap over time has narrowed between poorer children and their peers' at most key stages, the gap amongst 14-15 year olds has widened.⁴⁸⁷ Boys, children with ALNs, care-experienced children and some children with protected characteristics generally achieve lower attainment levels than their peers.⁴⁸⁸ COVID-19 will have significantly worsened overall outcomes as well as widening inequalities, with children from poorer backgrounds falling further behind due to the disruption.

[pupils in Wales](#) / Children in Wales (2022) [Poverty related Bullying: Children and Young-people's insight into the impact of poverty related bullying](#)

⁴⁸¹ See ONS (2020) [statistics](#) which show that almost 1 in 5 children experienced some form of online bullying in 2019 amid warnings that the problem has worsened during COVID-19 lockdown

⁴⁸² W/Government (2019) [Rights, Respect, Equality: Statutory Guidance for governing bodies of maintained schools](#)

⁴⁸³ Statistics (2019) [Achievement and entitlement to free school meals: 2019](#)

⁴⁸⁴ Evidence received from Save the Children shows

⁴⁸⁵ Education Policy Institute (2022) [Inequalities in GCSE results across England and Wales](#)

⁴⁸⁶ Ibid

⁴⁸⁷ Statistics (2020) [Examination results: September 2019 to August 2020 \(provisional\)](#)

⁴⁸⁸ Statistics (2019) [Academic achievement by pupil characteristics: 2018](#) and Statistics (2020) [Wales Children Receiving Care and Support Census: as at 31 March 2019](#)

Recommendations

- Address the attainment gaps in relation to socio-economic disadvantage and protected characteristics, in line with responsibilities prescribed by the Public Sector Equality Duty

School Exclusions

School exclusion is a significant inequality issue as figures remain unacceptably high, disproportionately affecting certain groups of children, including children from poorer backgrounds (at least 3 times higher); children with ALNs, exposed to trauma and amongst some ethnic-minority backgrounds.^{489,490} The rate of permanent exclusions more than doubled between 2014/15 and 2018/19 with 41 fixed-term exclusions for every 1,000 pupils in the academic year before COVID-19.⁴⁹¹ Of particular concern were 768 fixed-term exclusions issued to children aged 8 and under across 19 Welsh local authorities.⁴⁹²

Although permanent and fixed-term exclusion rates have recently fallen, caution should be taken with the data as schools were closed or only partly open for prolonged periods during COVID-19.⁴⁹³ These figures also do not account for many 'informal' and more frequent forms of exclusion, with around a third of children in secondary schools having been asked to leave a classroom in the past year.⁴⁹⁴ The use of reduced timetables has been exposed by CSOs supporting vulnerable children, with one service witnessing 30% of its children no longer having a right to full education.⁴⁹⁵ Children who are excluded from school are at increased risk of mental ill-health, isolation and homelessness.⁴⁹⁶

Recommendations

- Take steps to reduce the high exclusion rates, including for those children with protected characteristics
- Review and revise statutory guidance, and assess school exclusion policies and practice, including 'informal' exclusions and reduced timetables.

⁴⁸⁹ W/Government (2022) [Permanent and fixed-term exclusions from schools: September 2020 to August 2021 | GOV.WALES](#)

⁴⁹⁰ Samaritans Cymru (2020) [Exclusion from School in Wales: The Hidden Cost](#)

⁴⁹¹ *ibid*

⁴⁹² Children's Commissioner for Wales (2020) [Building Blocks: Inclusion in the Foundation Phase](#)

⁴⁹³ W/Government (2022) [Permanent and fixed-term exclusions from schools: September 2020 to August 2021 | GOV.WALES](#)

⁴⁹⁴ Power, S. & Taylor, C. (2020) [Classroom exclusions: Patterns, Practices and Pupil Perceptions](#), *International Journal of Inclusive Education*. See also [Excluded Lives research project 2014-2023](#) Cardiff University et al.

⁴⁹⁵ Faith in Families (2022) [Tackling Pupil Absence Means Funding Early Intervention Projects and Challenging Reduced Timetables](#), June 2022

⁴⁹⁶ Public Health Wales (2019) [Voices of those with lived experiences of homelessness and adversity in Wales](#)

Play and Leisure

Wales became the first country in the world to legislate for play in 2010. Since 2014, local authorities are required to assess and secure sufficient play opportunities for children in their area.⁴⁹⁷

Annual analysis of Play Sufficiency Assessments (PSAs) to deliver the duty has shown good progress in securing sufficiency of play⁴⁹⁸ in line with statutory guidance.⁴⁹⁹ Yet, despite recognition of the value of play and the immediate and deferred benefits that playing brings, services for children remain vulnerable to budget cuts, with CSOs reporting that access to funding had reduced significantly prior to COVID-19. Financial austerity has hit local playwork provision hard, with a reduction of local staffed play development capacity as a result.⁵⁰⁰

COVID-19 has served to heighten pre-existing barriers for children's play. At a time of enormous stress, uncertainty and trauma⁵⁰¹ when playing is of particular therapeutic value, opportunities to play and socialise had been diminished as movement and contact was controlled.⁵⁰² Access to outdoor spaces was restricted, and many schools reduced play spaces during free-time.⁵⁰³ The inequalities of play for ethnic-minority children and children living in deprived areas, were also exposed during lockdown.⁵⁰⁴ The provision of a Play Opportunity Grant⁵⁰⁵ in 2019-20 to improve outdoor playing opportunities and a Playworks Project⁵⁰⁶ focused on the well-being aspect of play for children in vulnerable communities was welcomed. Most of the statutory Play Sufficiency Assessments (PSAs) note the positive impact this Project is having on the ability to work more strategically and sustainably, and to strengthening provision.⁵⁰⁷ Further funding, through a Winter of Well-being⁵⁰⁸ and various Summer of Fun⁵⁰⁹ programmes was also made available to support opportunities to play as part of COVID-19 recovery.

Prior to COVID-19, research reported that although children were overall satisfied with their play opportunities, many barriers existed, including parents' well-meaning worries for their children's safety.⁵¹⁰ Positive steps are being taken to promote active travel and implement

⁴⁹⁷ Section 11 of the [Children and Families \(Wales\) Measure 2010](#) places a duty on local authorities to assess (since 2012) and secure (since 2014) sufficient play opportunities for children in their area.

⁴⁹⁸ Russell, W., Barclay, M., Derry, C. and Tawil, B. (2019) [Children's Right to Play in Wales: Six years of stories and change since the commencement of the Welsh Play Sufficiency Duty](#). Play Wales. See also evidence from a local authority parks service

⁴⁹⁹ W/Government A Play Friendly Country <https://gov.wales/wales-play-friendly-country>

⁵⁰⁰ Evidence from workshop session on Play

⁵⁰¹ Evidence received from Play Wales

⁵⁰² See for example, evidence received from Natural Resources Wales in respect of opportunities to play and learn outside in nature.

⁵⁰³ For example, through the length of playtime being reduced, and reduced space to play.

⁵⁰⁴ Children's Commissioner for Wales (2020) [Coronavirus and Me: Experiences of children from Black, Asian and minority ethnic groups in Wales and HAPPEN \(2020\) HAPPEN at Home survey](#)

⁵⁰⁵ The All Wales Play Opportunity Grant (AWPOG) includes capital funding for local authorities to improve outdoor playing opportunities for children and revenue funding for a *Playworks Project based on the successful Holiday Hunger Playworks Project* which was piloted during school holiday in 2019-2020.

⁵⁰⁶ In the 2021-22 final budget, £1m was approved for the Playworks Project to support access to increased play opportunities for children and young-people during the school holidays

⁵⁰⁷ Play Wales (in publication) State of play 2022. Cardiff: Play Wales

⁵⁰⁸ W/Government (2022) Winter of Wellbeing, Press Release <https://gov.wales/winter-wellbeing-sporting-activities-get-young-people-active-winter>

⁵⁰⁹ W/Government (2022) [£7m Summer of Fun officially underway](#)

⁵¹⁰ Dallimore, D. (2019) ['I learn new things and climb trees' – What children say about play in Wales.](#)

traffic management systems in residential areas⁵¹¹ which will support children's freedom to play outside in a safer, cleaner environment, and this ambition should be accelerated.

The main recommendation from children as we emerge further from COVID-19 is that they would like more space and time to play, and protected time to play in school. In a recent study children suggest these recommendations:

- Protect spaces to play, including investment in maintenance, upkeep, and safety.
- Ensure spaces are designed for pedestrians and not heavy traffic flow.
- Facilitate opportunities to socialise with friends and family where possible.⁵¹²

CSOs have reported both children and parental concerns about the shortening of school days, resulting in reduced playtime, and its withdrawal as part of behaviour management policy,⁵¹³ in spite of statutory guidance⁵¹⁴ and the education inspectorate stressing the importance of play to develop healthy and confident children⁵¹⁵ An Expert Group recommended that providing sufficient school-breaks for play would contribute to overall physical activity for children.⁵¹⁶ A W/Parliament Committee inquiry expressed disappointment that reductions in lunch breaks/break times were common in schools, urging the W/Government to review how widespread this practice was across Wales.⁵¹⁷

School grounds often represent the largest single outdoor asset in many communities, yet are under-used for the purpose of play despite the positive effects on children's health and happiness, and the potential for enhancing community engagement.⁵¹⁸ Attention should be given to developing extended use of school grounds outside teaching hours, as supported by national guidance⁵¹⁹ and reclaiming community spaces.⁵²⁰

Whilst W/Government programmes, such as community-focused schools⁵²¹ and enriching experiences through the extension of the school day⁵²² are welcomed, these must be complemented by a focus on providing opportunities for self-directed and self-determined

⁵¹¹ For example, the W/Parliament (2020) [decision](#) to back plans to make 20mph speed limits the default in residential areas in Wales

⁵¹² James M, Rasheed M, Bandyopadhyay A, Mannello M, Marchant E, Brophy S. (2022) [The Effect COVID-19 Has Had on the Wants and Needs of Children in Terms of Play: Text Mining the Qualitative Response of the Happen Primary School Survey with 20,000 children in Wales, UK between 2016 and 2021](#). *International Journal of Environmental Research and Public Health*. 2022; 19(19):12687.

⁵¹³ For example, in a survey undertaken by Play Wales⁵¹³, 61% of children report that they have missed playtime, with the most frequent reason being to catch up with work, followed by a teacher feeling they misbehaved.

⁵¹⁴ W/Government (2021) [Framework on embedding a whole school approach to emotional and mental well-being](#)

⁵¹⁵ Estyn (2019) [Healthy and happy – school impact on pupils' health and wellbeing](#) See also Play Wales (2019) [A play friendly school – Guidance for a whole school approach which provides policy and practice related information to help communities take a whole school approach to children's right to play](#).

⁵¹⁶ Richards, A.B., Mackintosh, K.A., Swindell, N., Ward, M., Marchant, E., James, M., Edwards, L.C., Tyler, R., Blain, D., Wainwright, N., Nicholls, S., Mannello, M., Morgan, K., Evans, T., Stratton, G. (2021) [WALES 2021 Active Healthy Kids \(AHK\) Report Card: The Fourth Pandemic of Childhood Inactivity](#). *Int. J. Environ. Res. Public Health* 2022, 19, 8138.

⁵¹⁷ National Assembly for Wales Health, Social Care and Sport Committee (2019) [Physical Activity of Children and Young-people](#). Cardiff: National Assembly for Wales Commission.

⁵¹⁸ Mannello, M., Connolly, M., Dumitrescu, S., Ellis, C., Haughton, C., Sarwar, S. and Tyrie, J. (2019) Opening the School Gates: facilitating after-school play in school grounds in (Ed) Reed, M. and Fleet, A. [Rethinking Play as Pedagogy](#). London: Routledge. A key finding of an action research project that used school grounds for after-school play was that all staff interviewed realised that many of their fears were unfounded. As a result, they were happy to share control of the space, thus fostering community links and a more trusting and democratic use of the space

⁵¹⁹ W/Government (2022) [Community Focused Schools](#). See also Play Wales (2015) [Use of school grounds for playing out of teaching hours toolkit](#)

⁵²⁰ Evidence received from Clybiau Plant Cymru Kids' Clubs

⁵²¹ Ibid

⁵²² W/Government (2021) [Changes to the school day to be trialled in Wales](#)

playing to support children to be active participants in building their own resilience and resourcefulness.

The W/Government Ministerial Play Review, offers an opportunity to evaluate progress and ensure sufficiency of play opportunities for all children including adolescents. The involvement of children in this review is particularly welcome, given the importance they place on play and free-time outdoors.⁵²³

Recommendations

- Take steps to improve well-being in schools by ensuring that the right to play is embedded in the new curriculum; that adequate breaks for play are mandatory and subject to inspection.
- Ensure that the use of school outdoor spaces from child-led play features in emerging after-school programmes and initiatives

⁵²³ Children's Commissioner for Wales (2018) [Spotlight Report Article 31](#)

SPECIAL PROTECTION MEASURES

Asylum Seekers, Refugees and Migrant Children

Children seeking asylum, especially those unaccompanied and separated (UASC), are extremely vulnerable, often at risk of exploitation, abuse, gender-based violence and trafficking. Many have experienced trauma and will require additional support on arrival in Wales. The majority of UASC arrive in Wales spontaneously, and precise figures are difficult to obtain.

The UK/Government is responsible for asylum policy and immigration⁵²⁴ and the W/Government has been a vocal critic of their decision to close the 'Dubs Scheme' and sections of the Nationality and Borders Act 2022, including new age assessment arrangements.⁵²⁵ During scrutiny,⁵²⁶ CSOs raised concerns that the proposals would undermine compliance with the CRC and General Comment 6 by introducing a two-tier immigration system, detention and appeals arrangements. Invasive measures for age verification through the introduction of problematic 'scientific methods' for assessing the age of vulnerable children, could result in the rights of children, including child victims of trafficking and criminal exploitation, being undermined and the best interest principle compromised.⁵²⁷

In contrast to the divisive narrative and approach being pursued by the UK/Government towards migration⁵²⁸ we welcome steps being taken for Wales to become a Nation of Sanctuary⁵²⁹ and the emphasis placed upon compassion and tackling inequalities, valuing the assets migrants bring and valuable contributions made to diversifying communities. The W/Government should ensure that sufficient resource is provided for the provision of health, education and culturally appropriate support services for vulnerable children dispersed or resettled to Wales within the parameters of existing powers.

Repeated calls to establish a Guardianship Service to provide wraparound legal advice and support for unaccompanied and separated children⁵³⁰ which is present in the other devolved nations, to complement existing advocacy arrangements⁵³¹ and provisions to support potential victims of modern slavery⁵³² have still not been met. This despite a commitment to pilot a scheme in 2019 which has yet to materialise.⁵³³

⁵²⁴ This includes asylum application decisions, benefit support, legal aid, operation of resettlement schemes and provision & standard of accommodation and housing support.

⁵²⁵ The W/Government laid a [Legislative Consent Memorandum](#) to the Nationality and Borders Bill in December 2021 for the Welsh Parliament to consider

⁵²⁶ Welsh Parliament (2021) [Legislative Consent: The Nationality and Borders Bill](#)

⁵²⁷ Wales UNCRC Monitoring Group (2021) [Written response to the W/Parliament Health and Social Care Committee](#)

⁵²⁸ For example, see commentary at Welsh Refugee Council (2022) [Blog post: Manston Migrant Centre](#)

⁵²⁹ W/Government (2019) [Nation of Sanctuary Refugee and Asylum Seeker Plan](#). This plan was endorsed by the United Nations High Commissioner for Refugees

⁵³⁰ W/Parliament (2017) ELGC Committee report [I used to be someone](#) & evidence received from TGP Cymru

⁵³¹ NYAS Cymru (2020) [Place of Safety? New ways to protect, support, empower and safeguard UASC in Wales](#)

⁵³² Section 48 of the Modern Slavery Act brought forth the introduction of Independent Child Trafficking Guardians (ICTGs) assigned to children identified as potential victims of modern slavery. The service operates in Wales and works with children and young-people identified as potential victims of modern slavery

⁵³³ Evidence received from The Children's Society

Calls have been made to address delays in age-assessment decisions, increase the number of suitable placements and housing options to provide stability and choice.

Recommendations

- Ensure that children seeking asylum are treated as 'children first', are not discriminated against and have equal access to support services and provision.
- Ensure that children are not subject to intrusive and unreliable age assessment processes
- Establish a system of legal guardianship to support all children through the asylum process; expand and adequately resource specialist advocacy support for UASC

Youth Justice (YJ)

The **age of criminal responsibility** is a reserved matter for the UK/Government, who continue to resist calls to raise it.⁵³⁴ At 10 years of age,⁵³⁵ Wales has been criticised⁵³⁶ for having one of the lowest age rate in Western Europe.⁵³⁷ Despite restrictions on Wales' ability to autonomously pass legislation in this regard, the Commission on Justice in Wales recommended that the age of criminal responsibility be raised.⁵³⁸ Should powers for YJ be devolved to Wales as is being proposed,⁵³⁹ there may be potential for the W/Government to increase the minimum age on its own terms and in line with UN recommendations⁵⁴⁰ Given the promulgation of the Wales YJ Blueprint⁵⁴¹ which is underpinned by the CRC, there is an argument that the devolution of youth justice powers is now timely and appropriate.

The provision of mental health and therapeutic support for **children in custody** are devolved matters. Whilst overall the recent HMPIS inspection of HMYOI Parc was very favourable, concerns were raised about the prolonged absence of Forensic Adolescent Consultation and Treatment Service (FACTS) staff which had only recently been addressed; the need for a dedicated social worker; and that there should be an appropriate range of support to meet the risks and needs of the increasing numbers of children serving indeterminate or long sentences.⁵⁴² Addressing this requires greater joined up working between health, social services and justice, particularly for children experiencing trauma-related difficulties.

Preventing children from entering the YJ system is the cornerstone of a rights-based approach, with the YJ Blueprint for Wales emphasising a 'child-centred' approach to prevention and diversion.⁵⁴³ The number of children in custody has decreased⁵⁴⁴ in part due

⁵³⁴ The UK's Response to the UN Committee's List of Issues on the Rights of the Child (point 295)

⁵³⁵ 10 years of age is four years beneath the recommended age outlined in UN [General Comment No.24 on 'Children's Rights in the Child Justice System'](#), which calls on States parties to: "increase their minimum age accordingly, to at least 14 years of age

⁵³⁶ [Council of Europe](#) (2020). The UN General Comment No 24 calls upon state parties to 'increase their minimum age accordingly, to at least 14 years of age'

⁵³⁷ [Independent](#) (2019) - along with England and Northern Ireland

⁵³⁸ The Commission on Justice in Wales (2019). [Justice in Wales for the People of Wales](#).

⁵³⁹ W/Government (2022) [Delivering Justice for Wales](#)

⁵⁴⁰ Evidence received from UNICEF UK

⁵⁴¹ W/Government/YJB (2019.) [Youth Justice Blueprint for Wales](#).

⁵⁴² HM Chief Inspector of Prisons (2022) [HMYOI Parc](#)

⁵⁴³ [Youth Justice Blueprint for Wales](#)

⁵⁴⁴ Youth Custody Service (2022) [Monthly Youth Custody Report, September 2022](#)

to the focus in Wales on prevention and trauma-informed practice,⁵⁴⁵ and maximising opportunities for pre-court diversion. However, as highlighted in the Evaluability Assessment,⁵⁴⁶ there remain significant gaps in the evidence base especially in relation to the numbers diverted from the YJ system.

Detention should always be used as a measure of last resort and for the shortest possible period of time for any child.⁵⁴⁷ Distinct child-centred therapeutic environments for the minority of children who do need to be detained should be provided, in recognition of the importance of addressing adverse childhood experiences as alluded to within the YJ Blueprint.

There is an over representation of **care-experienced children** in the YJ system⁵⁴⁸ In recognition of this, the All-Wales Protocol was launched in March 2022.⁵⁴⁹ Written in conjunction with the Ministry of Justice and Home Office, the framework sets out the expectations for practice across agencies and is informed by an approach that actively promotes children’s human rights. It aims to avoid prosecution wherever possible and appropriate, by encouraging a response to incidents which reduces the likelihood of criminalisation, offending or reoffending through promoting trauma informed and child-centred practice, and recognises that foster and residential placement carers have a key part of play in understanding the individual needs of children.

Concerns also exist regarding the numbers of children who, having received **custodial sentences**, serve these outside Wales, something that has particular challenges concerning continuity of family engagement and the use of the Welsh language. Whilst the majority of children from Wales who serve custodial sentences are held in Wales, there are no facilities for girls who are held in secure training centres in England. These arrangements place barriers in terms of children having regular visits and maintaining family and support networks, upon which they might depend after release.⁵⁵⁰

There is a need to evaluate the quality of Welsh language support available for children in custody and the provision of mental health and therapeutic support. Step should also be taken to improve the availability of disaggregate Welsh data to elucidate trends and patterns.⁵⁵¹

Police custody is not an appropriate place for children to be detained, with some children being held overnight where local authority accommodation should be made available.⁵⁵² Although fewer children are entering police custody in England and Wales due to reduction in child arrests⁵⁵³ there is a lack of Wales-only data available including on child overnight police detention.

⁵⁴⁵ Policy is focused on minimising the impact of adverse childhood experiences – those with four or more ACEs are 15 times more likely to commit violence and 20 times more likely to be imprisoned (ibid)

⁵⁴⁶ Evaluability assessment for the Wales Women’s Justice and Youth Justice Blueprints - [Statistical Mapping Report](#)

⁵⁴⁷ Standing Committee for Youth Justice (2020) [Ensuring custody is the last resort for children in England and Wales](#)

⁵⁴⁸ Evidence received from YJB and NYAS Cymru

⁵⁴⁹ All Wales Protocol reducing the criminalisation of care-experienced children and young adults - [All Wales Protocol](#)

⁵⁵⁰ House of Commons Select Committees, Welsh Affairs (2015) [Fourth Report: Prisons in Wales and the treatment of Welsh offenders](#)

⁵⁵¹ House of Commons Welsh Affairs Committee (2019) [Prison Provision in Wales](#)

⁵⁵² See for example BBC Wales (2019) <https://www.bbc.co.uk/news/uk-wales-48776513>. Section 38(6) of the Police and Criminal Evidence Act, provides for the transfer of children from police custody to local authority accommodation post charge.

⁵⁵³ Ministry of Justice and Youth Justice Board (2022) [Youth Justice Statistics: England and Wales 2020-2021](#)

Recommendations

- Call upon the UK/Government to significantly increase the age of criminal responsibility
- Call upon the UK/Government to respond positively to the Commission on Justice in Wales and consider devolving YJ powers to the W/Government
- Provide children with therapeutic and psycho-social support in line with need
- Ensure there is sufficient local authority accommodation so that no child spends the night in police custody

Children deprived of their liberty outside of the statutory framework

Recent high-level data trends⁵⁵⁴ are highlighting the implications of local authorities being unable to locate appropriate secure accommodation and the use of Deprivation of Liberty court applications. Family Courts (England/Wales) have the power to deprive children of their liberty under what is called 'inherent jurisdiction' outside of the statutory framework.⁵⁵⁵ Unlike children held in other settings, children deprived of their liberty who are likely to have experienced childhood trauma, don't appear in published administrative data or records.⁵⁵⁶

Recommendations

- Accelerate actions to place children closer to home in small, therapeutic secure settings
- All children deprived of their liberty, at the very least, must have the same safeguards that exist in legislation for other secure orders
- Court orders must contain a review for the shortest amount of time.
- Children should be given representation to ensure their voice can be heard in every meeting about their deprivation of liberty and placement

Children in Armed Conflict

The proportion of children recruited to the armed forces has increased, with 2,800 16-17yr olds recruited in 2021-22. 30% of new recruits to the British Army were under 18 during the past year.⁵⁵⁷ The UK is the only country in Europe which routinely recruits children. Military recruitment visits to Welsh schools continue.⁵⁵⁸

⁵⁵⁴ Nuffield Foundation (2022) [National deprivation of liberty court](#), November 2022

⁵⁵⁵ In 2021 the Supreme Court heard the case of [T \(A child\)](#), regarding the placement of a 15 year old child (in the care of Caerphilly Borough Council for whom there were no secure beds available so the local authority used their 'inherent jurisdiction'.

⁵⁵⁶ This is a major cause for concern as there is no public record of where they are placed, what restrictions are placed on their liberty, or their outcomes. See Nuffield Foundation (2022) [Number of applications to deprive children of their liberty in unregulated placements rises by 462% in three years](#) – Data from England and Wales

⁵⁵⁷ UK Ministry of Defence (2022) [UK armed forces biannual diversity statistics, April 2022](#)

⁵⁵⁸ Cymdeithas Y Cymod, ForcesWatch et al. (2021) [Recruitment of children to the military in Welsh schools](#)

Recommendation

- No child should be recruited to the armed forces