



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Plant a Phobl Ifanc
The Committee on Children and Young People**

**Dydd Iau, 31 Ionawr 2008
Thursday, 31 January 2008**

Cynnwys
Contents

- 3 Ymddiheuriadau a Dirprwyon
Apologies and Substitutions
- 4 Ymchwiliad i Wasanaethau Eiriolaeth Plant yng Nghymru
Inquiry into Advocacy Services for Children in Wales
- 27 Cynnig Trefniadol
Procedural Motion

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Lorraine Barrett	Llafur (yn dirprwyo ar ran Lynne Neagle) Labour (substitute for Lynne Neagle)
Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Christine Chapman	Llafur Labour
Helen Mary Jones	Plaid Cymru (Cadeirydd) The Party of Wales (Chair)

Eraill yn bresennol
Others in attendance

Maria Battle	Comisiynydd Plant Cymru Dros Dro Acting Children's Commissioner for Wales
Beverlea Frowen	Cyfarwyddwr, Iechyd a Gwasanaethau Cymdeithasol, Cymdeithas Llywodraeth Leol Cymru Director, Health and Social Services, Welsh Local Government Association
Albert Heaney	Pennaeth Gwasanaethau Plant, Cyngor Bwrdeistref Sirol Caerffili Head of Children's Services, Caerphilly County Borough Council
Gareth Jones	Swyddfa Comisiynydd Plant Cymru Office of the Children's Commissioner for Wales
Daisy Seabourne	Swyddog Polisi Cymdeithas Llywodraeth Leol Cymru Policy Officer, Welsh Local Government Association

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Claire Griffiths	Dirprwy Glerc Deputy Clerk
Tom Jackson	Clerc Clerk
Kathryn Potter	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

Dechreuodd y cyfarfod am 10.04 a.m.
The meeting began at 10.04 a.m.

Ymddiheuriadau a Dirprwyon
Apologies and Substitutions

[1] **Helen Mary Jones:** Yr ydym yn cychwyn ychydig o funudau yn hwyr. Hoffwn groesawu pawb i'r cyfarfod. Mae croeso i bawb siarad yn Gymraeg neu yn Saesneg. Mae clustffonau ar gael i'r bobl yn yr oriel sydd am wrando ar y cyfieithiad neu **Helen Mary Jones:** We are running a few minutes late. I would like to welcome everyone to the meeting. Everyone is welcome to speak in Welsh or English. Headphones are available to people in the gallery so that they can listen to the

glywed y trafodion yn well. Gofynnaf i bawb yn yr oriel ac yn yr ystafell i ddiffodd unrhyw ffonau symudol, BlackBerrys neu unrhyw ddyfais electronig arall sydd ganddynt. Nid yw'n ddigonol diffodd y sain oherwydd maent yn amharu ar yr offer cyfieithu a'r offer sain.

[2] Nid ydym yn disgwyl ymarfer tân, felly os yw'r larwm yn seinio, byddaf fi neu'r clerc yn eich hysbysu os oes rhaid i ni adael, a dylech ddilyn y tywyswyr o'r ystafell.

[3] A oes angen i unrhyw Aelod ddatgan buddiant? Gwelaf nad oes. Yr wyf wedi cael dau ymddiheuriad. Ni fydd Angela Burns yn gallu dod i un neu ddau o gyfarfodydd, hyd y deallaf, gan ei bod wedi gorfod cael llawdriniaeth, yn anffodus. Yr wyf yn siŵr ein bod, fel pwyllgor, yn dymuno'r gorau iddi. Ni all Lynne Neagle fod gyda ni oherwydd problemau teuluol sydd wedi codi ar y funud olaf. Anfonwn ddymuniadau da i Lynne a Huw, wrth gwrs; yr ydym yn meddwl amdanynt a'r teulu. Croeso cynnes i Lorraine Barrett, sydd wedi mynd i drafferth mawr i glirio ei dyddiadur i fod gyda ni y bore yma. Yr ydym yn ddiolchgar iawn i chi, Lorraine. Diolch yn fawr iawn.

10.05 a.m.

Ymchwiliad i Wasanaethau Eiriolaeth Plant yng Nghymru Inquiry into Advocacy Services for Children in Wales

[4] **Helen Mary Jones:** Byddwn yn gwranddo ar dystiolaeth gan Swyddfa Comisiynydd Plant Cymru yn ystod y sesiwn hon. Croesawaf Maria Battle, y comisiynydd plant gweithredol dros dro, a Gareth Jones. Croeso cynnes i'r ddau ohonoch. Diolch am y nodyn ysgrifenedig a ddarparwyd. Yr ydym wedi clywed dystiolaeth gennych eisoes, felly yr ydym yn bwriadu mynd yn syth at y cwestiynau, wedi i chi gyflwyno eich hunain.

translation or amplify the proceedings. I ask everyone in the gallery and the room to switch off any mobile phones, BlackBerrys or any other electronic devices that they may have. Switching them to 'silent' is not adequate as they interfere with the translation and sound equipment.

We do not expect a fire drill, so, if the alarm goes off, the clerk or I will inform you if we must leave, and then you should follow the ushers out of the room.

Do any Members wish to declare an interest? I see that you do not. I have received two apologies. Angela Burns will not be able to attend one or two of our meetings, as I understand it, as she has, unfortunately, had to undergo surgery. I am sure that we, as a committee, wish her all the best. Lynne Neagle cannot be with us because of a family problem that arose at the last minute. We send our best wishes to Lynne and Huw, of course; we are thinking of them and their family. I warmly welcome Lorraine Barrett, who has gone to considerable lengths to clear her diary to be with us this morning. We are very grateful to you, Lorraine. Thank you very much.

Helen Mary Jones: We will be hearing evidence during this session from the Office of the Children's Commissioner for Wales. I welcome Maria Battle, the acting children's commissioner, and Gareth Jones. A warm welcome to the both of you. Thank you for the written note that you have provided. We have already heard evidence from you, so we intend to move to the questions straight away, once you have introduced yourselves.

[5] **Ms Battle:** My name is Maria Battle. I have been working at the Office of the Children's Commissioner for Wales for six years. Previous to that, I was an independent advocate for one local authority. I provided other services to three local authorities who worked together. I also worked with the Children's Society when it withdrew its advocacy services from Wales. So, I have had experience of working according to a service level agreement and for an independent body. I wish to thank the committee for choosing advocacy as its first topic for scrutiny. I believe that you have opened up the debate and heard some very valuable evidence, and I hope that you will influence the end model.

[6] **Mr Jones:** I am Gareth Jones, and I am one of the policy and service evaluation officers at the Office of the Children's Commissioner for Wales.

[7] **Helen Mary Jones:** A very warm welcome to you both, and thank you for what you said about the committee choosing to do this piece of work, Maria. I know that advocacy has been a major concern for the commissioner's office for quite some time, and that influenced our choice in making this decision.

[8] I will ask the first question. You say in your written evidence that it is disappointing that the Assembly Government has presented only one model for consideration in the consultation exercise, given the number of reports and discussions that have taken place. You also say that you made representations on the proposals prior to the consultation, clearly stating your views. What is your view of the development of the model and of how the consultation process worked?

[9] **Ms Battle:** On your first point, we had Andy Pithouse's research, which is excellent, but it did not naturally lead to the one model that was presented. I feel that your scrutiny has opened up more of the debate about alternative models. If the consultation process had put forward other models, such as those that we are discussing now, which include creating an independent model or setting up an Assembly-Government sponsored body, it would have been a more detailed and valuable evidence-gathering exercise. I have drawn a number of lessons from the consultation responses, having scrutinised them. I note that health and education are really not buying into the regional commissioning model, which makes me question how it can work as I would expect it to. Given the experience of the commissioner's office, I would expect it to be necessary for social services, health and education to be the main services to provide advocacy.

[10] I also note that many of the respondents referred to independence. I think that the committee has received a freedom-of-information disclosure that goes into detail about that. I think that 26 agencies, including children and young people's partnerships, responded. One of the most telling responses to the consultation exercise was about regional partnership. There were 27 responses to question 15, 14 of which—including those of most of the children's partnerships—said that this particular model raised the problem of developing, with a limited capacity, a complicated process to deliver a service that costs more resources to maintain than will be put into running the service. The responses have been very telling. Unfortunately, it has been a limited exercise, because only one model was presented.

10.10 a.m.

[11] **Helen Mary Jones:** You said that it was limited because of the one model. Can you expand on that a little? Do you think that responses to the regional model might have been more positive or negative if there had been more options? Is it possible to judge that?

[12] **Ms Battle:** It would have been a better exercise if we could have seen people's responses, rather than having to speculate. One thing that should have been included is consideration, by all parties and all interested bodies and partners in Wales, of a national model, a central commissioning model, in whatever form that takes. We have not had the debate on whether that should be in the Assembly, with advocacy units having a commissioning role, or whether it should be funded by the Assembly but carried out outside the Assembly. That was not there. We relied on people sitting back and considering it themselves, rather than presenting people with different options in more detail for their comments.

[13] **Helen Mary Jones:** Thank you. That is helpful. Chris, I think that you have the next

question.

[14] **Christine Chapman:** I would like to follow up on one of the points that you made, Maria. You said that you are worried that health and education are not buying into the regional model. Can you say a bit more about that?

[15] **Ms Battle:** It is the summary of the consultation—I think that it is question 5—that breaks it down into the different bodies. Health and education both expressed reservations about regional commissioning. It is a summary; I have not seen the full responses. However, the summary seems to indicate that they prefer a local authority model, which is what we have at the moment. If we go forward with the grand model of regional commissioning with all partners involved, education and health will be fundamental. Most of the advocacy that we have provided to thousands of children over the last six years has related to the field of education, with social services a close second. You are looking at a regional commissioning model that expects—in a complicated new process—health, education and social services to work together either as one children and young people’s partnership, or electing one on behalf of a number of services to provide this integrated service.

[16] Most of these services are at different stages. Social services departments are far more developed when it comes to advocacy, because they had to be. They are used to it. It has been around for a long time. SNAP Cymru is one of the only other organisations that provides advocacy in the way in which we do in education. It comes to us when it has problems and we pick up the cases. This is about moving into a new field. Independence is crucial. We are talking about the problem of independence now, but there will still be education providers commissioning people to advocate in education, and it is a very new field for them.

[17] **Helen Mary Jones:** Before I bring in Chris to ask her formal question, I have a question. The Government has made a commitment to make all of the responses available to us, not just the summary. Have we had those?

[18] **Mr Jackson:** No, we have not. The summary is available online. That is what we have just passed out to Members. We have not received the 71 responses yet.

[19] **Helen Mary Jones:** In light of Maria’s comments, could we follow that up? Chris was right to pick up on that, as the responses are very telling. If the organisations that are being asked to participate in this regional model are telling us that they do not think that it will work, we need to see those responses. I am sure that they have just not got around to providing them, but the Minister gave us a clear commitment that we would have those. Can we ask not only for the summary, but the responses? The Members’ research service can look at that in the light of what Maria has said, and see what those organisations are saying. That would be useful, would it not? Do you have a supplementary question, Eleanor?

[20] **Eleanor Burnham:** You are saying that the consultation was extremely restricted and that, with only one option, it did not really give a breadth of possibilities or enable people to comment in a wider and more informed way.

[21] **Ms Battle:** I think that it would have been preferable if there were different models in there to enable people to consider them.

[22] **Eleanor Burnham:** In the field of education, which you just mentioned, I have one particular case that is always at the front of my mind, of which the Chair is aware. It exemplifies the exact point that you make: there was no feeling of warmth towards any kind of advocacy that this family could have used.

[23] **Ms Battle:** To draw on the education issue, year on year, education is the service in

which our advice and support service assists most children. That support includes mediation, negotiation and advocacy and draws together multiple agencies. It covers a wide range of issues such as bullying by children, allegations against teachers or teachers' unions, the complaints system itself and so on. Through the advocacy or support service that we provide, there is resolution. It is a new field and we do it by working with the providers of education to get results for children. However, the system of independent advocates representing a child is not as developed in education as it is in social services. We also do it in health, but not as much as in education—most children are obviously in education, so I suppose that that is logical.

[24] **Helen Mary Jones:** We will probably come back to this issue later.

[25] **Christine Chapman:** In terms of the children and young people with whom you have a lot of contact, can you spell out what you think that they want from advocacy services?

[26] **Ms Battle:** I totally agree with Andy Pithouse's response to the committee. I was there when he presented that, when he talked about the drawing with big eyes, big ears and big shoes. It is a different type of relationship: they want someone to be there for them. You are not part of the system, in a way: you are outside the system with the child. It is about trust, compassion, friendship and being there for the long journey—for the duration. An advocate is somebody who listens to the child and can say what the child wants to say in what is quite a frightening environment for a child. It is also frightening for the advocates, because it is not an easy environment to be in when you are with a lot of professional colleagues and you are outside of that with the child. I agree with everything that Andy said in his evidence, because that is exactly what we found and as our research found it to be.

[27] 'Telling Concerns', which Gareth has just handed to me, includes a list of things that children said to us about what they want from an advocate. They want to see an issue get sorted out as quickly as possible and not be left hanging around for weeks. That is why, in our service, we pick up a phone and do not write a lot of letters and get involved in bureaucracy. They also like to see you, so we try to meet the children where they want to meet and listen to them. They want you to tell someone about something that is unfair and, basically, to get results and to protect them. The majority of children to whom we spoke in 'Telling Concerns' understood that advocacy means speaking up for someone and understanding. An advocate is a champion, really. Andy brought out the point in his evidence that advocacy is much more of an intimate relationship and includes friendship. Some children feel, especially when they are there for a long time, that the advocate is the really important person in their life, because they are there to help them, to steer through some of their most difficult times. I will just give a quick example of that. It all depends on the child. We stepped in recently in a case involving a child who was not in school and he said to us that he felt like a murderer. That was his view. He was 14 years of age and out of school—I will not go into the details, because they are confidential—but we got him into a school. He was able to trust us and we were then able to speak to people and navigate all the different agendas, bureaucracies and services, and find what was available. It is about having someone who has the time, and is not in the system, to do that for the child.

10.20 a.m.

[28] **Mr Jones:** It has been said to us on a number of occasions that children want advocates to be there for them and for them only. They do not want to feel that there is a relationship between the advocate and anybody else. That person is there to serve their needs and to express them to the adults who are making the decisions about them. We have to remember that we are talking about realising the UN convention on the rights of the child and allowing children to have their right to have their voices heard on matters that affect them. The children who need advocacy in any part of their lives really want to have their voices

heard. Sometimes it is impossible for a young child to make themselves heard and they need an adult who can be trusted to speak on their behalf to make representations to the very important people who make the very important decisions about their lives. That is what children want.

[29] **Christine Chapman:** I think that we discussed this some meetings ago, namely that other people who may think that they are advocates actually have to bring in other considerations, such as if they felt that the child would be unprotected if they had what they wanted. Is there a tension there?

[30] **Ms Battle:** I think that everyone has their own role and it is important that the advocate is there for the child as well. We are different, in that we have a rights and a welfare role, so we are not a pure advocacy body. Advocates are there. One word that Andy raised, which is a word that children also say to me, is 'options'; they love the word 'options'. I listened to a recording the other day of one of our advocates who had left a message for a child and she played it to me. She went through the options. It is about listening, giving the child the options and then explaining the consequences; but if that is what the child wants, you tell everybody that that is what the child wants, if you are a pure rights-based advocate. Other people who are there to safeguard the welfare of the child will listen to what the child wants and may not do it, but at least that child's voice has been heard in that arena and the child knows that their voice has been heard. There is a difference between speaking and doing exactly what a child wants, because other agencies have a protection role. We also have such a role, so we are unique in a way, because we deal with rights and protection and we have to balance them. Although children might come to us, we might do something that the child may not want, because we feel, on the balance of probabilities, that their welfare overrides what they are saying.

[31] **Helen Mary Jones:** Is the real difference that an advocate is there for the child, whether the child is right or wrong, and the rest of the system is there to protect the child and must sometimes do things that the child does not want? Is that one of the issues around independence, namely that the child must have faith that the advocate is not part of the system that they may feel themselves to be struggling against?

[32] **Ms Battle:** Yes, it is. That is a very important point. As well as the other people being there to protect the child, day in and day out, I think that all advocacy providers will agree—and it is our experience—that children get lost in the system. So, it is not just an issue of protection; it is about navigating and advocating for that child within the system to get that service, which they have a right to, but which, in reality, they are not getting. That is another major role of advocacy.

[33] **Helen Mary Jones:** Again, that comes down to being on the child's side, even if that is then a nuisance to the organisation, whatever it may be, whether it is a school, a health body or a social services department. That is a useful distinction for me.

[34] **Ms Battle:** I will just add that we have advocacy providers and practitioners who come to us, from across Wales, sometimes without their own organisation knowing, when they feel that they cannot go any further, because there is an inherent tension between their role and the role of the service that they are trying to advocate for the child, which is also paying for the service level agreement. We hear that from our advocacy practitioners and complaints officers, who feel that we are a safe organisation to approach: they give us information and we can pick it up without disclosing their identity. We can step in and then advocate and represent the child as an independent body that is not dependent on a service level agreement, and so on. However, it is not our role to do that all of the time. We are there as a safety net, really. It is about having a body whose role it is to do that without there being that inherent tension, which will always be there when you challenge those who are paying

for your services.

[35] **Helen Mary Jones:** That is an interesting distinction.

[36] **Eleanor Burnham:** In 10 years' time, we will wonder what all the fuss was about, because it makes such sense. Unions look after grown-ups and are the shield in terms of employment issues. It is very sad that it has taken so long to tackle this issue. When you consider the Waterhouse scenario, it is mind-boggling.

[37] **Ms Battle:** I completely agree. We actually had this debate in Wales about the guardian ad litem services, which I was part of at the time. There were different provisions and ways of commissioning, and I was managing the service in west Wales that brought three local authorities together. We had a national debate and a UK debate and we ended up with the Children and Family Court Advisory and Support Service, and then CAF/CASS Cymru, which is much better because it works in the context of Wales. The fundamental part of that debate was the fact that you had guardians ad litem who were being funded by the local authorities when they were scrutinising the work of those authorities for children within the court arena. We have had that debate and there was a consensus of opinion that the service should be independent and that has happened. We are now having that debate in terms of advocacy services, and it is the same principle.

[38] **Helen Mary Jones:** Eleanor, your question relates to this in a sense, does it not?

[39] **Eleanor Burnham:** Yes, it is about the commissioning of advocacy services. We have heard such conflicting and mixed evidence. The point that we keep coming back to is about ensuring the independence of the system. You set out very clearly concerns regarding the regional commissioning that is being proposed. I take it that you do not support the model of commissioning by children and young people's partnerships. Even if that model were strengthened, would you still think that it was fundamentally flawed?

[40] **Ms Battle:** This is the time when we should have a proper independent model.

[41] **Mr Jones:** We also have a vehicle that will change there. The Minister, Jane Hutt, in the statement that she made in December, very much emphasised the fact that duties are placed on local authorities under the Children Act 1989 to provide advocacy services. However, we have a vehicle currently going through the Assembly, namely the proposed LCO on vulnerable children, in which there is reference to securing children's rights. There is a possibility that we could look to the Government to use that as a way of getting the national commissioning model through the Measures that may be made once the LCO has completed its journey through the Assembly and Westminster.

[42] **Eleanor Burnham:** That is the political process, and it could be messed up once it gets to Westminster.

[43] **Helen Mary Jones:** You may very well be right, Eleanor, but we might want to suggest that that could be tried. With all of these LCOs, you must get agreement. I also think that if we decided to recommend that, we may be able to have some discussions with our colleagues in Westminster through the Westminster parliamentary group that Children in Wales runs, and people such as Julie Morgan, who has done a lot of work on children's rights over the years. If we were to explain to them why the Government was asking for that particular thing, if we go down that route, I am sure that we could get support. Something that is right on a Wales level, because it is a small country, perhaps would not be right in England, because it is so much bigger. We can explore that further. We will hear evidence from the WLGA and others later on that may influence what we want to do. Lorraine, this brings us to your question about what the alternatives might be if the office of the children's

commissioner is clearly unhappy with regional commissioning, as I think we have it on record as saying.

[44] **Lorraine Barrett:** You have set out your vision for an advocacy service, and you say that it should be a clearly independent, centrally funded national service on a local basis and a one-stop shop for all children, which would obviously have to be quality assured and centrally monitored. Could you expand a bit on that model and why you think that it is the only way to ensure independence? How might services be commissioned with this centrally funded model?

10.30 a.m.

[45] **Ms Battle:** There are a number of ways of doing it, but I think that those principles are the ones that should be aspired to. The unit that the Minister announced is a great step forward. To remind me, I wrote down the way in which she said that it would function: it would develop the national service, establish an independent scrutiny board, provide strategic framework and leadership for implementing advocacy nationally and locally, commission, manage and monitor any national advocacy, and monitor the implementation of a specialist integrated service. I would add, on top of that, that it should actually commission the service. Whether that advocacy unit is based in the Assembly or is some sort of body outside the Assembly, funded by the Assembly, that is the debate that should be had about the practicalities. I wish that that had been included in the consultation document so that the issues could have been aired nationally.

[46] We have always said that we want this unit to promote the development of excellence, to raise standards within the profession, to ensure compliance and governance in line with the minimum standards, and to look at the way in which advocacy contracts are dealt with. If we have a national unit, which we would welcome, we would like it to go further and commission services. There has been a debate on this. Since we responded to the original document, there have been announcements on the independent scrutiny board. The paper that I submitted said that all these roles were confusing in terms of who was going to do what. Similar to what was included in Children in Wales's evidence, what could happen is that there could be, as a part of the advocacy unit, a non-executive scrutiny board that included all the stakeholders, including the service providers and the children. That could advise the unit, as you would have in good governance.

[47] You then have the inspection question. What I said in my paper is that the Care and Social Services Inspectorate for Wales, in my view, is too narrow, because it only covers social services. We are looking at an integrated advocacy service for children and, as I have said before, it would mainly cover health, education, and social services and, therefore, you need experts from health, education and social services working together to inspect it. That is not rocket science. We have regulatory bodies that have done joint inspections, and can still do so. We have the Wales Audit Office. The issue is what they are going to inspect, because it is a different type of service and there needs to be a debate about it: you do not want a tick-box inspection; you want an inspection that includes the views of children and young people on the service that they require. You then have the Office of the Children's Commissioner for Wales. At the moment, our role is a reviewing role. We submitted evidence on the LCO that that role should not be taken away, because there was no mention of advocacy in that. I see our role as being the body that would review the advocacy unit, the service providers, the advocacy providers, and the inspectorate. That is where we are at the moment. We have the power to review the inspectorate bodies and we take to them whatever issues we are picking up, both at policy level and at an individual level, such as concerns about service provision and so on. We feed that into the inspection unit—for example, we scrutinise Part 8 reviews. We feed in where we think that they are not thorough enough, or where the action plan is not thorough enough, and then we scrutinise what the inspection unit does. You then have all

those layers, with the overarching safeguard that there is an independent children's commissioner who can review them all.

[48] **Helen Mary Jones:** That was interesting. I will call Lorraine and then Eleanor, because I know that Eleanor had a question that was to be asked later about inspection, so I will bring her in now.

[49] **Eleanor Burnham:** Okay, that is very kind of you.

[50] **Lorraine Barrett:** As I am new to this today, I am trying to envisage a centrally run body that is doing commissioning from the one unit. You have the 22 local authorities—this is the easiest way for me to picture this—and one body commissioning for those 22 local authorities. There seems to be a lack of consensus among children and young people's organisations and the advocacy providers about whether this single unit is the best way forward. Do you think that the national model would run the risk of appearing to be remote, both in terms of the knowledge that local professionals have of the service and the ability to resolve problems at an early stage? Will it be difficult for this one unit to reach out to the whole of Wales?

[51] **Ms Battle:** It depends how it is provided. CAF/CASS Cymru, for example, has offices all over Wales. There are currently offices across Wales for the non-governmental organisation advocacy providers. I would see them continuing to be used, as well as the local advocates. You are right, Lorraine, it is important that they know the issues in the area, are there for the children in that area, have the same accent as the children, and are from the same valley, and that they went to the same type of school—that is a part of gaining their trust. Having said that, we fly in from Swansea or Colwyn Bay and I have a Liverpool accent, although it is much more posh now. However, we generally go in on the more complex issues—although not always—or where there is no advocacy provision because of constraints in service level agreements, for example, with children who are placed out of county, or, where, because of capacity issues, there are no advocates available, such as in August. Then, we would go in and advocate for the child and do someone else's job. That is not our job, but the child comes first and we will do it.

[52] So, it is about imaginatively using the resources that are already there, keeping it local, and having a place for the child to go. It is important that the child does not have to navigate the health or education process, but that there is one place where the advocates can access adults. Similarly, you have received a lot of interesting evidence on the different levels of advocacy. You do not have to have purely professional advocates in all cases. You need to have that in some areas, but you can have more volunteer types in other areas. There needs to be more vision with regard to the complexity of the service. I do not think that the regional commissioning model should be used. We are asking too much and we will not get what we need.

[53] One thing that could help, and it is a great idea, is the national phone and text line. I saw a presentation on that. Peter Clarke went to Birmingham to see that, and I went after him. It was because we raised this with the Assembly that the organisation came to make that presentation. That is wonderful, because a lot of the issues can be dealt with through that, signposting as we do, without having to have that face-to-face service.

[54] **Helen Mary Jones:** Before I bring in Eleanor on the subject of inspection, I would like to ask a question. You mentioned the different types of advocacy in your response to Lorraine. Some of the evidence that we have received has expressed concern that the Government's model does not look at lay advocacy or peer advocacy, in particular, with children speaking up for each other. Do you have any comments on that in terms of the idea that you seem to be putting forward of nationally funded but locally delivered services? Do

you think that we should build in a role for peer advocacy and lay advocacy?

[55] **Ms Battle:** Absolutely. It is there; it exists. I think that it was probably an omission in the consultation paper, although I am not sure. It must continue. As you know from the schools in your areas, it has been built up and should continue. So, it is about recognising those things and unpicking what their relationship would be with the national unit.

[56] **Helen Mary Jones:** Thank you. That is helpful.

[57] **Eleanor Burnham:** To clarify, I suspect that you would see it as a pyramid. First, there is the committee, to which you would be answerable, and you would be the umbrella for the service provision and the advocates. So, in a nutshell, you want the national unit, but you want the local touch for the delivery of the service.

[58] **Ms Battle:** Yes.

[59] **Eleanor Burnham:** I like to visualise things.

[60] **Ms Battle:** It can also be done in a number of ways. That has not been explored. It can be done by commissioning from the independent units, by employing or by taking over. There are many different ways of doing it. I prefer the commissioning model and using the expertise that we have there.

10.40 a.m.

[61] **Eleanor Burnham:** So, now that we have been established as a committee, we would have a role, because it is the Assembly committee to which you are answerable, and you would provide the umbrella for ensuring that the service provision was tiptop and that the advocates had someone to come to, as you say, to ensure that the best practice and everything else was happening.

[62] **Ms Battle:** I would see the inspection bodies having that role.

[63] **Eleanor Burnham:** But they would be answerable to you.

[64] **Ms Battle:** We have the power to review now, so it is not changing that at all. We definitely would not want to lose that power.

[65] **Eleanor Burnham:** One of the questions that I will be asking of the Association of Directors of Social Services will be on its concern about having national specialists for specific vulnerable groups. It has a concern about this mixed economy approach with regional and local commissioning for a universal type and it is worried about the specific vulnerable groups. What you have just described would totally embrace all that is going on, and you would have a true voice, and you also have the experience of what you have been doing latterly. Do you see this as being a problem? If we pursued your model, the Association of Directors of Social Services should not worry, should it?

[66] **Ms Battle:** I will pick up on the specialist advocacy, which is where the worry seems to be. Some groups of children need very specialist advocates. The children's panel, as you know, is based in London and is supposed to provide advocacy for children seeking asylum and immigration. I met the panel several years ago and asked why it was not providing that service in Wales when it received funding from the Home Office that was supposed to encompass the needs of children in Wales. The panel told me that it was almost impossible, operationally, to do that. I then met representatives of Save the Children and supported, with Peter, its bid, and that of other bodies, for a specialist advocacy service in Wales for children

seeking asylum. I believe that some money has been given to Save the Children this year but it is not committed on a long-term basis. We have been filling that gap. I, personally, have been dealing with most of the asylum cases, which are increasing. Those children are probably the children with the fewest rights in the whole of the UK and they are the most vulnerable. There needs to be specialist provision for them. Other people have mentioned children with disability and communication needs; that specialist advocacy provision could be commissioned by the independent unit. That could decide who would provide that service, but it should be for the nation, because it is so sparse across the nation. It would not make sense to have it based there. You can go to the child wherever he or she is across Wales, but that specialist provision has to be there because these are complex areas of law and they are non-devolved.

[67] **Eleanor Burnham:** There is the case of the chap who has been sent back to the Philippines—whatever his merits; I am just using him as an example, really. It seemed, on the surface, that something was happening to a person without recourse to advocacy on his behalf.

[68] **Ms Battle:** We have similar cases with regard to children and medical treatment. We had two children released after six weeks in a detention centre back to Swansea on 14 December. For six weeks, we were ringing and knocking on doors, and this little girl with a Swansea accent, who was terrified, was ringing every day. That specialist provision is not there. We are providing it at present. It is not our role, technically—well, it is, but there should be that provision in Wales. That could be done from that unit.

[69] **Helen Mary Jones:** So, whatever we decide to recommend eventually to the Government, you would want us to be really clear about the fact that the advocacy service would need to be available to advocate for children in non-devolved issues, such as immigration, asylum, young people in criminal justice and so on, and we just have to acknowledge that the Assembly does not control those services but the child is a child in Wales who needs this. So, whatever model is there, it should also be a model that can interface with youth justice and advocacy at a specialist level. I do not think that anyone else has made that point, but it is important.

[70] **Ms Battle:** All the other services that a child receives, whether they are seeking asylum or are locked up, are devolved. So, it does not make sense. We are lucky in one sense in that the Children's Commissioner for Wales Act 2001 gave us the legal power to make representations to the Assembly on any matter that affects any child. We have been doing that and going directly to the Home Office and the Secretary of State for Wales, and we will continue to do so. However, those advocates need to be able to advocate for children within those systems.

[71] **Eleanor Burnham:** The final bit of my question is about the concern that you expressed about the number of bodies that would have a role in overseeing the advocacy arrangements. The model that you have told us about would involve you having the overarching view of everything. You believe that that would ensure that we do not have the problems that you have envisaged in terms of what is currently proposed.

[72] **Ms Battle:** I have considered what the Minister has said and the development since the model was proposed. The devil is always in the detail, is it not? Given that roles and responsibilities have not been defined clearly, I am putting to you how I think it could work, with those roles and responsibilities, in a way that I hope will assist.

[73] **Helen Mary Jones:** That is helpful. Chris, you had a question about this mixed economy approach.

[74] **Christine Chapman:** We have covered quite a bit of this. We received evidence that suggests that generic advocacy could be commissioned at a local level, and you talked about specialist advocacy being commissioned at a national level. I know that you are quite taken with this idea and it is interesting. Do we need to explore this further? You have touched on this a little, but is there further work that we need to do on this? How do you see it working?

[75] **Ms Battle:** I agree with the evidence that you have received on the fact that advocacy must be there for the most vulnerable children. We have always wanted a universal service, but we know that is a long-term issue. So, it is about having the services available and about children being able to access them locally and knowing that they exist. We still receive calls from children in residential care who have been told that they have an advocate but do not know what that means, and we then have to tell them. It is very difficult for us to find out at any one time who provides the advocacy in any one area. If there were an independent unit that would provide or commission the service nationally, we would at least know where the advocacy provision is for children and young people. It is about the principle—we want local services with independent central control.

[76] **Christine Chapman:** Do you think that it also needs to be more high profile?

[77] **Ms Battle:** Absolutely. Again, this goes back to the usual high-profile issues of children's rights, the Funky Dragon report, and the need to ensure that children know that the children's commissioner and advocacy services exist. This is all part of the rights agenda, and we are lobbying in the background that this should be part and parcel of the curriculum and embedded in it so that every child knows about it, as is the case in some places already. There are excellent examples of pilot schemes in Wales on the United Nations International Children's Emergency Fund Rights Respecting School programme, and we have been meeting with the Minister for children in relation that. Children need to know what we do.

[78] **Eleanor Burnham:** Do you know whether the fact that there is a children's commissioner is discussed as part of personal and social education? Do you know whether it is part of the curriculum?

[79] **Mr Jones:** From September 2008, the United Nations Convention on the Rights of the Child will be taught in schools, and we are part of the behind-the-scenes work at the Department for Children, Education, Lifelong Learning and Skills on the development of materials to help teachers to teach children about their rights and the convention. More importantly, it is not just about knowing that the convention is there; it is about knowing how it relates to a child's life. That is the important point. The Children's Commissioner for Wales will be part of the teaching of that, and this comes through our ambassador scheme, which is being rolled out across primary schools in Wales. So, there is a small pilot scheme that is working on developing this, and those schools will have an awareness of this. Helen Mary Jones will have attended yesterday's event at which there was a large number of children and young people who have had the message about the Children's Commissioner for Wales and have been told what we do and how we can assist them. We do not have the definitive statistical evidence about how many lessons might be taught, but we know that the Welsh Assembly Government has taken steps to include the UNCRC in the school curriculum from the foundation phase upwards. We hope to see, over a period of time, an increasing awareness of the UNCRC, given that the Funky Dragon reports that only 8 per cent of children know that the UNCRC is there, which is a very low percentage.

10.50 a.m.

[80] **Ms Battle:** One of the main recommendations of the 'Clywch' report was that information about the children's commissioner, ChildLine and social services should be provided in schools, but the response was that this would be a decision for governors. Far too

few children know where they can go for assistance or are aware of the range of places that are available to them. We will send, hopefully in March or April, a DVD and a teacher's pack to every secondary school on the service that we provide for children and young people, with a covering letter from the new commissioner. That will hopefully raise awareness of him and the service. However, we cannot guarantee that that DVD will be shown or that the teaching pack will be used. I think that that is a major issue and it cannot be solved by one office, by the independent unit, if they have one, the regional partners or us. There needs to be a fundamental change in how children become aware of where they can go.

[81] **Mr Jones:** The other thing included in the PSE framework is the teaching of children on how to get personal support and advice. Clearly, advocacy would be part of that, but, as Maria has said, it depends on how each school delivers it, how the message is given and how consistently and frequently that message about how they can seek out support and advice is given to children and young people. Advocacy would be one part of the support and advice that they would be seeking.

[82] **Helen Mary Jones:** That is helpful. That might be something that we, as a committee, might want to come back to in 18 months' time or so, to see how well that is being delivered through the new PSE framework. I am sure that we would all be pleased to know that the Government has taken the step to include it, because even though many schools will be teaching pupils about you now, there may be some that are not. So, it is clear that that should be included. Are there any further questions, comments or points to raise with Maria and Gareth before we move on to the next session? I see that there are none. I therefore thank you both very much. Is there anything that you want to say before you leave?

[83] **Ms Battle:** I just want to thank you and say again that it is wonderful that you have chosen this topic, and I really hope that we can take that big brave step and look at an independent central unit for children, delivered locally.

[84] **Helen Mary Jones:** Thank you very much, and thank you, again, for your written evidence. We are very grateful for that. Once our report is out, we will be looking forward to your comments on it. Diolch yn fawr. Thank you.

*Gohiriwyd y cyfarfod rhwng 10.53 a.m. a 10.56 a.m.
The meeting adjourned between 10.53 a.m. and 10.56 a.m.*

[85] **Helen Mary Jones:** Ailgychwynnwn y cyfarfod ar ôl yr egwyl fach answyddogol. Croesawaf Beverlea Frowen a Daisy Seabourne o Gymdeithas Llywodraeth Leol Cymru, ac Albert Heaney, pennaeth gwasanaethau plant cyngor Caerffili, sydd yma ar ran Cymdeithas Cyfarwyddwyr Gwasanaethau Cymdeithasol. Croeso cynnes i bawb. Diolch yn fawr am eich tystiolaeth ysgrifenedig. Ni ofynnaf ichi gyflwyno'r dystiolaeth honno, ond symudwn yn syth at y cwestiynau.

Helen Mary Jones: Let us recommence the meeting following that short unofficial break. I welcome Beverlea Frowen and Daisy Seabourne from the Welsh Local Government Association, and Albert Heaney, head of children's services at Caerphilly council, who is here on behalf of the Association of Directors of Social Services Cymru. A warm welcome to you all. Thank you very much for your written evidence. I will not ask you to present that evidence now, but we will move directly to the questions.

[86] A wnewch chi gyflwyno'ch hunain ar gyfer y cofnodi? Yna, gofynnir y cwestiwn cyntaf gan Christine Chapman. Diolch yn fawr iawn am roi o'ch amser i ddod i'n gweld ni. Edrychwn ymlaen at glywed mwy gennych.

Could you please introduce yourselves for the record? The first question will then be asked by Christine Chapman. Thank you very much for taking the time to come to see us. We look forward to hearing more from you.

[87] **Mr Heaney:** Good morning. My name is Albert Heaney. I represent the Association of Directors of Social Services Cymru this morning. I am also the assistant director of social services in Caerphilly and vice-chair of the children and young people's partnership in Caerphilly.

[88] **Ms Frowen:** I am Beverlea Frowen. I am a director in the Welsh Local Government Association. I have the policy brief for social services and health improvement.

[89] **Ms Seabourne:** Good morning, I am Daisy Seabourne, policy officer for education in the Welsh Local Government Association.

[90] **Helen Mary Jones:** Welcome to you all. Chris, you have the first question.

[91] **Christine Chapman:** It is good to see you. I have a brief question for both organisations. Were you involved in the development of the Assembly Government's model for the delivery of advocacy services? Have you any comments on the consultation process?

[92] **Mr Heaney:** Several key professionals were involved in the consultation process, and ADSS Cymru certainly participated in that. The first thing to say about the consultation is that there was a wide range of views around the advocacy world, and so we need to develop that across the nation. We were pleased with the consultation process. We have no criticisms of it; it was absolutely fine. We support the principle of creating an integrated advocacy service model across Wales. That is not to say that we have no views on the local and regional aspects and on how the model is determined.

11.00 a.m.

[93] **Mr Frowen:** I support what Albert has said. However, as ever with consultations, we live in a fast-moving world, and never more so than in the past six months. So, we have to put that in context: at the time, we were engaged and we gave our views freely. However, if you were consulting now—and I hope that that is what we will get into as we go through the evidence—we would be in a different world and we might wish to revisit some of what was included in that document.

[94] **Christine Chapman:** Are there any particular areas that, with hindsight, you might have included?

[95] **Ms Frowen:** We will elaborate on that later on. However, they include the progress that has been made with the Children Act 2004, as mechanisms are starting to emerge. There are also different priorities and a different sense of optimism now that we have a new mechanism in Wales to improve children's outcomes. There is also a sense of renewed urgency and confidence that was possibly not around when you were starting to look at how you would fix the problem, which has been around for a long time and the situation certainly needs to be improved. We went into that consultation with positive ideas, not criticisms, and we come here today in that mood. We want to offer constructive, positive suggestions that may take us beyond the original words that were in there.

[96] **Mr Heaney:** I will add a few comments to that. I support what Bev has said, which is absolutely right. I will give an illustration of where the world is developing around partnerships. Locally, you will be aware that we have the single children's plan, and partner agencies are now working together and developing their priorities based on local need to develop into commissioning priorities. So, the children and young people's partnerships world is beginning to develop, and that has been strongly influenced by the Welsh Assembly Government with the single children's plan.

[97] **Helen Mary Jones:** Thank you. That is helpful. You mentioned the children and young people's partnership, which brings me neatly to my question. In your evidence—and I am referring to both organisations—you say that you agree that children and young people's partnerships are best placed for commissioning advocacy services. However, we have received extensive evidence questioning the partnerships' capacity to undertake that role. Do you envisage any problems with the model of regional commissioning by the partnerships as currently set out, and are you content that the regional model would provide independence? I think that we all agree that it is vital that advocacy services should be independent of service providers.

[98] **Ms Frowen:** I will start off, because I want to give the local government elected member's view of partnerships before moving on to the professional view.

[99] We strongly suggest that we are in a new world of political engagement on taking children's issues seriously, possibly more so than in the past. That is through several policies that the Assembly has vigorously pushed through, such as elected members who take a strong political lead for children. That is in statute. It says that they have to be there, and it is similar for the other agencies. We have partnerships, which are not local authority led. Having read the transcripts of much of the evidence that has come to this committee, I see that there is still a lot of misunderstanding about the partnerships' role, and local authorities' input.

[100] The Assembly has already invested in support for those partnerships in the form of capacity building. Yes, they are still evolving, but they have made a lot of progress, spurred on by the requirement to produce a single integrated plan, which is a flagship policy. It is a brilliant idea for Wales. No-one could deny that, and we want to make that work.

[101] So, underpinning that, the partnerships now have renewed vigour, and they have excellent examples of good practice. Some are at different stages, but you have invested money through the Association of Directors of Education in Wales, the Association of Directors of Social Services, the Welsh Local Government Association, and the Partnership Support Unit. We now have a range of support systems in place that are starting to increase the partnerships.

[102] The other thing that we have now that we did not have in the past is a renewed emphasis on performance management, quality assurance and standards. That, and not the structures around commissioning, is at the heart of this. Those are some of the constructive ideas that we would want to bring. It is not necessarily about improving the commissioning process, because there are adequate mechanisms in place for that, if it evolves. What we want urgently is more focus on quality assurance, to ensure that those standards that have taken a long time to come through actually bite.

[103] The evidence that you have had shows that there is some confusion around these partnerships coalescing into some regional body. They are not. They have the flexibility to work across a region and there are benefits to that, particularly for specialist advocacy, where the numbers and the specialisms do not require that, and we could not produce it on the 22 area model anyway. That does not mean that the partnerships will not want strongly to assess local need and to find local solutions, but they will have the intelligence, knowledge and ability to pool budgets, to commission across a region if they see fit, or even to come together in the spirit of where regional commissioning may go—

[104] **Helen Mary Jones:** I will just stop you there, if I may, because that is not my reading of what the Government proposes. My reading—and the reading that everybody else has put forward here, so it might not be entirely appropriate to suggest that we are all wrong—is that the Government is saying that it expects the service to be commissioned regionally, but led by

one children and young people's partnership with the others contributing financially. I do not think that there are details, although you would not expect there to be at this stage, about the input that the children and young people's partnerships that are not the lead partnership would have to the commissioning process. However, I think that I am right in saying—or rather I know that I am right in saying that the Government is advocating a regional not a local model.

[105] **Ms Frowen:** That is not my reading—

[106] **Helen Mary Jones:** If I am wrong, point me to the page that shows me that I am wrong.

[107] **Mr Heaney:** I would say that that is a helpful debate. We are here today to provide our knowledge and views and, hopefully, to enable this committee to make good, informed decisions that can be presented. Let us take a step back for a moment and think about what advocacy is. From my perspective, it is about complaints, but we must hold on to the fact that it is much broader than that; it is about participation and involvement, and changing how we do business with children and young people. That leads us to take the perspective that we do not wish to lose some local input to advocacy and the commissioning of advocacy through children and young people's partnerships. We are trying to change culture and to win the hearts and minds of all professionals working together from different sectors—the voluntary sector, the statutory sector, and health, education and social services. We have to listen and respond to children and young people. So, we are advocating today that we consider and hold on to some local priorities for children and young people's partnerships. Equally, we are totally supportive of the idea that we must have a mixed economy. That is right and proper. In the modernisation of local government and local partnership working, we have to develop increased regional collaboration and more partnership working. In some of the specialist fields of advocacy, it is vital that we collaborate. Given the specialist skills that we need for dealing with children with disabilities, unaccompanied minors and so on, it is crucial that we respond to those challenges using expertise and knowledge across the widest region possible.

[108] **Helen Mary Jones:** It is perfectly possible, looking at the evidence coming forward, that we might want to say to the Government that the regional model that you suggest is not the best one. It is fairly clear that, in terms of service delivery, there must be a strong local element and that that must be informed by local need. The children's commissioner was very clear about that.

11.10 a.m.

[109] I will bring in Eleanor in a moment, but first I wish to pursue the nature of children and young people's partnerships. It is right to say that they are not local-authority led, but would you accept that they are, on the whole, made up of service providers, such as health, social services, education and the youth service? We have asked the Members' research service to provide a paper on this. There is a bottom line about who must be involved, but there are variations regarding who is involved at what level. It has been said very clearly, and it is valid, that the partnerships are not local-authority led, but do you accept that they are predominantly made up of service providers? I am open to being given a different answer, but if you read the list of those who sit on them, that is what it looks like, from an outsider's perspective.

[110] **Mr Heaney:** The good news is that I have some experience of sitting on a children and young people's partnership, which will hopefully help. The partnerships are multi-agency partnerships. Yes, you are absolutely right in saying that health, education, social services and the voluntary sector are a part of those groups. The spirit, certainly in my local area, is that of partnership across all those players. You mentioned the capacity of partnerships earlier. We should be seeking to strengthen the capacity of partnerships to deliver the outcomes that we

want for children and young people. That links back to the single plan.

[111] I have a strong view on this. It is about partnership working. Of course, the partnerships are still relatively new if you consider their life cycle. In the early days, local authorities were responsible for setting up the partnerships and providing the lead, but as their maturity develops, so do the partnerships themselves. I chair the children's partnership in my local area, which is heavily informed by all the partners. The participation of children and young people in the local area is a standing item on the agenda. So, we are regularly reviewing that fit and what is happening. We have moved from being a partnership of providers to a partnership that scrutinises what is happening in the local area, the quality of services and the response to the issues that children and young people are concerned about. That fits into championing children's rights and advocacy services for children and young people.

[112] **Helen Mary Jones:** That is helpful. For the sake of clarity, can you confirm that the majority of those in the partnerships are service providers?

[113] **Mr Heaney:** There is a range of organisations, some of which will provide services.

[114] **Helen Mary Jones:** Okay. We have the evidence on paper, so I will not push you any harder on that. Did you want to come in on this, Chris? Is your point on this, Eleanor?

[115] **Eleanor Burnham:** I desperately want to ask my third question.

[116] **Helen Mary Jones:** Okay. I will bring Chris in briefly on this first.

[117] **Christine Chapman:** I want to test this idea that there is true independence within the children and young people's partnerships. As Albert said, they are relatively new, so I acknowledge that there is still progress to be made. Because they are different, is it a question of creating some sort of standard for all of them? When you get a number of people around a table, they bring with them a vested interest in some ways, which could be seen as going against the idea of true independence. I think that Beverlea mentioned local authorities. Are you aware, for example, of who chairs the children and young people's partnerships? Sometimes, the person who chairs a partnership can set the agenda, which could be different to someone else's agenda. People need to see these as being truly independent partnerships that would truly put the needs of young people first, before any other interests that may come to the table.

[118] **Ms Frowen:** I am well aware that there is a strong feeling that local authorities could dominate the agenda. That has come through, writ large, in some of the evidence that you have had. Even if that were the case—and I dispute it—in the new world, that would be doing them a disservice. What I have also not seen coming through strongly in the evidence are all the good-quality success factors: it is not all bad, and I would want to put that on the table. However, the Children Act 2004 is quite specific in that somebody must have the responsibility of co-ordinating the partnership and bringing it to the table. That does not mean, in any way, that they take the lead. In the new world, all partners have a statutory joint responsibility, unlike the situation in the past, when I accept that we all know what could have gone on. The other thing that I referred to earlier is the rigour of the lead members and the challenge that has very much been put in the system, based on much better needs assessments and much better information about quality than was there in the past.

[119] This is my final point, because I know that Albert will want to come in on many. Whichever model you choose to provide that service, you must have people sitting around assessing a need and purchasing a response. I think that there has been an over-reliance, so far, on assuming that the new mechanisms—because they are still relatively untested—cannot

put that level of independence into the system, based on historic situations. I would like to genuinely re-emphasise that we feel that we are in a new world for children. There has been a significant policy and legislative change and a great deal of effort is going in to make those partnerships real, as opposed to a talking shop of agencies coming together, thinking that they can put services in place. It is significantly different now.

[120] **Ms Seabourne:** Let me just jump in before Albert, because I know that he will have lots to say.

[121] **Helen Mary Jones:** Albert is chomping at the bit.

[122] **Ms Seabourne:** Bev has already mentioned the role of the lead member; it is worth noting that part of the role of the lead member is to involve children and young people, and their families and carers, in policy development, making sure that they are fully aware of what goes on in the partnerships and that they are consulted on the planning process. That is on top of the responsibility that the agencies already have of ensuring the wellbeing of children and young people. That is certainly not something that local authorities or the lead members will take lightly; they will take that responsibility very seriously.

[123] **Helen Mary Jones:** Albert, you are finally going to get your chance.

[124] **Mr Heaney:** It is enthusiasm, because this issue is crucial to us all, and getting this right is crucial. I was going to start by saying that we wear many hats. I want to challenge the committee's thinking in terms of the integrity of the children and young people's partnerships. If they do not have integrity to manage commissioning contracting arrangements and to ensure the integrity of independence, how can they do the rest of the business that they are charged with and given responsibility for? It is a little bit of a challenge for me and I must say, 'Let us think through the implications of what we are actually saying here'.

[125] I believe quite strongly that we wear different hats—all of us attend in different roles with different responsibilities—but children and young people's partnerships are developing an agenda around involvement, inclusion and participation. I have experience of being a key senior member of staff for one of our voluntary sector providers: I worked for the National Society for the Prevention of Cruelty to Children for six-and-a-half years and was the area chairman and services manager covering south and west Wales. Indeed, I was commissioned directly by a number of local authorities to provide advocacy services. I never once found that my independence was called into question; I never once felt that I could not speak out as an advocacy service provider; and, I never once felt, as a representative of the voluntary sector on the children and young people's partnerships, that I could not raise issues through those fora. I believe that the integrity of local authority commissioning and procurement has improved greatly. We have moved forward and are advancing all the time. I accept that the independence argument is alive—it is on the table—but I challenge the argument that children and young people's partnerships could not commission an independent, strong, effective advocacy service. What joins us together is that we want an effective, independent, advocacy service.

11.20 a.m.

[126] **Helen Mary Jones:** Before I bring in Eleanor, I would like to make it clear for the record that I do not think that anyone is questioning the integrity of the children and young people's partnerships, or that of the process. I would certainly support this joined-up approach to providing services. The question for this committee comes down to people paying pipers and calling tunes. I am glad, Albert, that, during your term at the NSPCC, you felt that there were no difficulties in your relationship with local government; in my term working with Barnardo's, I often did. We have received evidence not only from service providers, but from

the children's commissioner and from children and young people that they have felt that there is an element of compromise. However, to be absolutely clear, this is not a criticism of the children and young people's partnerships. The questions that we are asking are not to criticise the processes of those partnerships. The partnerships have been challenging, and they are certainly a different animal—Chris has had lots of experience of this—to what existed some years ago.

[127] I think that it is important that we differentiate here between the Assembly Government and the Assembly as a body. References have been made to things that we have done, but this committee has only been in existence since November, so we have not yet done anything. Governments have done things in the past with broad support across all parties. I would not want the message to go out, either publicly or to you, that this is a criticism of the children and young people's partnership process, or that anyone is questioning integrity. However, we have received evidence that suggests that independence has been compromised in the past. We will have to make a judgment about how confident we are that it would not be compromised in the future. It is in that context that we will move on to Eleanor's question about the mixed-economy approach.

[128] **Eleanor Burnham:** I was very pleased to hear you talk about quality. I worked in social services some time ago, and, if you were doing your job properly, you would not dream of suggesting that anyone needed an advocate. However, times have moved on. I managed staff and delivered a service in a very tightly controlled Tory borough in Manchester, where it was hot stuff. I am heartened by the partnerships. I am a regional Member; I understand the partnerships that exist in north Wales. It is a delight to see how they function and how everyone pulls together.

[129] I was also very taken by the evidence from the children's commissioner's office and others who believe, fervently, that the way forward is to have a national body that can not only be independent but can be seen to be independent, notwithstanding all the comments and the wonderfully positive vibes and the strength of feeling that the world is changing and that things will hopefully improve for children. We have had very strong evidence of that this morning, which you may or may not have heard. Did you hear it?

[130] **Ms Frowen:** We caught the last quarter of an hour.

[131] **Eleanor Burnham:** The view of the acting children's commissioner was that that office—which is responsible to us as a committee, so to speak—should oversee the inspection, the provision and the advocacy, but with a very strong regional and local input. Do you have any problems with that? The children's commissioner's representatives went on to tell us that the office is concerned, as are you, about specific vulnerable groups, and referred in particular to the asylum-seeking children. Do you share that strength of feeling, or do you fully support the other approach, where perhaps the emphasis is more on regional delivery?

[132] **Helen Mary Jones:** In your written evidence, you talked about a mixed economy, which we have picked up today. You seem to be saying that, for some types of advocacy service, you might prefer to move away from what the Government is suggesting and have the children and young people's partnerships commission them locally. There might then be other things, such as work with disabled children, that might be better done at a regional level. There may be other areas, such as asylum-seeking children, where there are high complex needs, that might be done best at a Welsh national level. Can you tell us a bit more about how you think that might work? Eleanor, I will bring you back in.

[133] **Eleanor Burnham:** I am trying to clear the decks. I am trying to have a clear view of how we should move forward. I have a picture in my mind, because I am not into huge

amounts of text, of us as a committee, the children's commissioner underneath, with inspection that is independent, then service providers, and the advocates. That is what I have pictured from the evidence that we have received so far. What is your comment on that? I cannot see that the partnerships could not be part of this somewhere. I do not see an 'us' and 'them' approach; I just see that that is what the office of the children's commissioner wants. After all, it is an important body in this context, otherwise why have we established it? Do you have comments—positive or otherwise—or do you still favour this mixed-economy approach, because I cannot see that it is not looking at that as well? I am just trying to clarify this picture that I have in my mind.

[134] **Ms Seabourne:** I may have misheard you, but who would be the commissioner in that?

[135] **Helen Mary Jones:** The commissioner would be the national advocacy unit—well, it could be. One of the problems that the office of children's commissioner had was that we have not explored the possible models nationally. However, it could be purchased directly by the Assembly Government through the national advocacy unit. You could set up an arm's-length body to do it, but, essentially, in the model that the commissioner is putting to us, you would have services that would be purchased nationally but be provided locally. As I understand it, what you are suggesting is that you would have services that were commissioned locally and provided locally, services that were commissioned regionally and provided regionally, and services that were commissioned nationally and provided nationally. The question of debate does not seem to be about provision, because we all want a door that a young person can walk through in their own town, but about who is paying for it.

[136] **Eleanor Burnham:** It is also about the organisation and the independence. I hear your wonderful message about quality, because in any—

[137] **Helen Mary Jones:** I will ask for a response, and I can then bring you back, if necessary, Eleanor.

[138] **Eleanor Burnham:** I only have the one question, and I thought that I was doing okay.

[139] **Helen Mary Jones:** You are doing fine, Eleanor.

[140] **Ms Seabourne:** I just wanted to ask for clarification. It may be that I am just not getting my head around this. You are not suggesting that commissioning, inspection and monitoring are in the same place, are you?

[141] **Eleanor Burnham:** No. It is under the umbrella, where the children's commissioner has a crucial role—

[142] **Ms Seabourne:** In commissioning, inspection and monitoring?

[143] **Helen Mary Jones:** Not in commissioning—in being able to intervene in inspection and monitoring if it felt that there were issues around that, but not being the main inspector. It is rather complicated in all of our heads, I think.

[144] **Ms Seabourne:** I just wanted to be clear about that, because otherwise it is difficult to comment on something.

[145] **Eleanor Burnham:** Indeed. You have moved on—you said that when you first started—so you have moved on considerably from the written comments that you made last year, which is important.

[146] **Ms Frowen:** I want to go back to this. I am not a lover of words either—I like to keep it simple, so that you can see how things are going to work in a messy world. Where I come from, sometimes we do not allow the mechanisms that are in place to fulfil what we aspire them to be. It is easy to jump to the response, ‘We need something else’, and that can cut across mechanisms that you are trying to put in place. Therefore, some of my boxes would be: a totally different style of partnership of statutory agencies with Government to achieve ends, and a new inspection and regulatory machine, which is quite different from the other. I would also want clearer separation between who commissions and who enforces quality and performance management, so that they can be seen to be independent, but achieve what we all want to achieve. Let us put the issue of money on the table, because you would not expect me to come here and not talk about the world in which we live. All that is in the context of our trying to get more out of what is available, and is likely to be available in the future.

[147] **Eleanor Burnham:** And working smarter.

[148] **Ms Frowen:** We have to. I do not like to talk about getting more for the pound, and working smarter, and so on. Essentially, we all know the problems that we face; I do not have to rehearse them. However, some of the mechanisms that we are putting in place have great potential to drive up quality and make inspection bite, and to use money more productively to make better outcomes, rather than our setting up new systems. The world has moved on, and the model that is proposed, or, indeed, the office of the children’s commissioner, is still untested in terms of outcomes, costs and benefits, and the implications of that set against the structures that we are trying to embed.

[149] Finally, any conflict of interest between the Assembly wishing to purchase something and regulate it, and being involved in the provision, is not to be taken lightly. We need to work through what all that means, because inspection and regulation is a very different function to the quality assurance and performance management role that we are talking about in terms of the partnerships and the rigour that currently exists. I do not see that picture as clear in any model at present. I do not see a clear picture from the consultation model or from the alternative, national model.

11.30 a.m.

[150] **Ms Seabourne:** Bearing in mind what you said earlier, Chair, about the difference between the National Assembly for Wales and the Welsh Assembly Government, it would be good to put it into context at this point and say that this document, the planning guidance for the single children and young people’s plans—I am sure that you have read it—already mentions the commissioning of advocacy services. The CYPPs have already started along the road of looking at how to commission services and commissioning services under the requirements in core aim 5. I am sure that Albert can give more detail about what that means on the ground. They have done their needs assessments and they are in the process of developing their plans, and that includes advocacy in the context of wider children’s participation, which has already been mentioned. That needs to be put into context with some of what Bev has said. We need to ensure that we let the partnerships do what they have to do and support the providing of advocacy for children and young people in their local area, based on local needs.

[151] **Helen Mary Jones:** Albert, would you like to comment fairly briefly? I will then bring Chris in. I will come to you first for the next one, so they will not have stolen your thunder.

[152] **Mr Heaney:** It is important to be very clear about the potential conflict between inspection and commissioning. We have to be absolutely watertight on that one. We are

advocating a mixed economy; that is clear today. That probably sits in a model that is slightly different from that of the Office of the Children's Commissioner for Wales at this stage. However, we are also looking at performance management information from the advocacy services and from the providers that provide these services independently of the commissioning body being used to inform scrutiny at a local level. We have already begun to look at having much more rigour and we are beginning to develop that. There is a journey to be made, but we have begun the journey of looking at how we ensure that scrutiny by elected members and other bodies is rigorous at a local level. We have to hold on to that, because it will inform change. If we are looking to get to the heart of change, we do not want an advocacy service that represents just around complaint; we want an advocacy model that represents change in society.

[153] **Helen Mary Jones:** That is helpful.

[154] **Christine Chapman:** I was very interested in what you said, Beverlea, about existing services. The evidence that we have had from some quarters is that it needs to be truly independent and that there are question marks over whether local authorities will have the ability to do this and be independent. I was interested in what you said about allowing the system to work as opposed to saying, 'We'll get rid of this and do something new', as that would be untested. I believe that that is what you are saying, and it is a very good point.

[155] **Ms Frowen:** I have worked in the public sector in Wales all my life but I have had many UK-wide roles. One of the things that fascinates me is that, whether in the NHS, the police or wherever I have worked, in Wales, we have superb policy making, but we often do not allow the mechanisms that we put in place sufficient support or time. We get frustrated and thrown off-beam and we put something else in place. I really do not want to see that happening with the children's agenda in Wales, because it has taken a long time to get to where we are. There are mechanisms in place. I want to say more about our potential ideas for ensuring quality and performance management, because, for me, the commissioning process will become more rigorous, no doubt through the mechanisms that we have. How can we ensure that where there are problems, they do not persist and that we drive up quality? That is what we would want to come onto for the remainder of our evidence session, because we have ideas on it.

[156] **Ms Seabourne:** You mentioned—and this is not a criticism—local authority independence; we are trying to push the fact that it is the partnerships, and not local authorities on their own, doing this through the children and young people's plans and the children and young people's partnerships; it is a variety of agencies doing this, not just local government.

[157] **Christine Chapman:** This is the point that people are concerned about, and it is for you to counter that and to say that these partnerships are not local-authority-led. These should be an equal partnership, and that is what you need to be telling us now.

[158] **Ms Seabourne:** To back up what Beverlea said, we need time to let the partnerships do their job, to see whether they can bed in and commission advocacy services in the way that has been described.

[159] **Helen Mary Jones:** The question for us is whether the commissioning of advocacy services is the partnerships' job. I will bring in Eleanor briefly. I think that some of the stuff that you want to raise about quality will come out in Lorraine's question, because she has some points that the witnesses might want to respond to there.

[160] **Eleanor Burnham:** I have a brief question. Do young people take part in these partnerships? I still do not think that we have clarified that.

[161] **Mr Healey:** The answer to that is 'yes'. The partnerships are not led by local authorities; they have wide representation. We have numerous activities within the partnerships that are about including the voices of children and young people and using their views to shape future service design.

[162] **Helen Mary Jones:** Would it be accurate to say that that is something that has changed? At the beginning, there was a lot of concern that that was not happening, but my perception is that that has changed a lot and that, although all the good partnerships were doing this from the beginning, that is now a requirement for all the partnerships.

[163] **Eleanor Burnham:** Could we go to see them at work? Could someone from north Wales invite us to visit a partnership?

[164] **Ms Frowen:** You are more than welcome to visit us.

[165] **Eleanor Burnham:** Could you organise that?

[166] **Ms Frowen:** Absolutely.

[167] **Helen Mary Jones:** I wish to bring Lorraine in now. As Members will recall, we are due to finish at 12 p.m. but we are also due to have a short private meeting to discuss some of the evidence that we have heard.

[168] **Lorraine Barrett:** This is a direct question for Albert, but I would be happy to hear any comments from Beverlea and Daisy. You say in your evidence that you agree with some recent thinking around the need for more robust monitoring and an improved service model. Can you say something about how that could be achieved?

[169] **Ms Frowen:** I will make a start.

[170] **Helen Mary Jones:** I thought that we said that Albert would start this time.

[171] **Mr Healey:** Beverlea is obviously keen to comment, and I am grateful for that. We believe very strongly that we must be much more rigorous about monitoring arrangements, because we are looking at determining effectiveness. The relationship must move now from the effectiveness of outputs, and how many times an advocate sees a child, to the effectiveness of outcomes. So, we are contending that we must move to look at real, meaningful change. Evidence of outcomes will reassure children and young people in society, as well as the adults. We need to move that along. To do that, we potentially have opportunities to begin to explore some of the developments that are currently taking place. We have the children's partnerships support unit now, and a core function of it could be to ensure that partnerships develop that robust thinking across the whole of Wales, because there are strong regional links. We would say, 'Let us think about the pathway for this', because we think that we have some opportunities to do that with the emerging structures that are currently being set up.

[172] **Ms Frowen:** I would say that the whole inspectorate regime is under review and is looking at moving from counting processes to looking at outcomes. Wales is a small country. We are joined up, and we should be able to make this happen. We can look at collective inputs for a single outcome, from an inspection process, and that is under way. We have standards that we did not have before, which will now be much more robustly applied and used as part of that quality assurance process.

[173] Some of the partnerships absolutely welcome your request, because some of them are

really getting into the meat of quality assurance and how we know that it is working. There are some fantastic examples of that.

[174] Also, we must not forget scrutiny at a local level across all of the agencies. I hope that we are moving from separate scrutiny in local authorities, the health sector and the voluntary sector. If we are serious about partnership working at a local level, we must have joined-up scrutiny. We have opportunities there. The users are heavily involved in the new process.

11.40 a.m.

[175] I said earlier that we wanted to make some positive suggestions. We have spoken to the partnership unit and we have looked at its emerging work programme for this year. The programme includes advocacy and includes improving performance management for partnerships. If you wish to make this a priority, we would welcome it if you included it; let us work on that immediately. We are already feeding into the inspection and regulatory reforms, and we would make sure that this was a priority. The mechanisms are there and—sorry to come back to money—the funds are there to start working on this. Some of these things can be done over the next year, with relatively little additional financial cost. Are we really not going to give that a go before embarking on an alternative? I have not seen any costs for any of the alternative models or proposals on who would bear them. Are we going to embark on something that we believe will deliver extra burdens when we do not have hard evidence to show that the mechanisms that we are putting in place will not deliver what you want?

[176] **Ms Seabourne:** In terms of inspection, as I have already mentioned, advocacy will be included in the children and young people's plans, which are in the process of being developed, and it will be inspected as part of the inspection process for those plans. Advocacy is also in the national service framework, and Bev might want to say a bit more about that. It is already in there and it will be inspected.

[177] **Helen Mary Jones:** I have one more point on inspection—I had a specific question, but you have touched on most of what I wanted to ask about. In the Minister's recent statement, she mentioned involving CSSIW in the inspection of advocacy services. It has been put to us that that might not be the right place for it to sit—at least, not exclusively—because that is the care and social services inspectorate and we are talking about a much broader advocacy service for children and young people, relating to whatever public services they are using, be they in health, the criminal justice system or wherever else. I am sorry to spring that on you; I will understand if you want to go away and provide a note on that because it is a new development.

[178] **Mr Heaney:** I would not rule out the potential or possibility of placing lead responsibility with an individual inspectorate. The crucial aspect in terms of inspectorates is how they now work together in Wales, cross-cutting a number of sectors. My first response to that question was that I would explore the potential for a lead inspectorate to take on that function.

[179] **Ms Frowen:** I think that that is being developed, as you quite rightly say. I think that an inspectorate's absolute role—whoever inspects it—is to look at the public assurance that mechanisms are in place and are fit for purpose. That is entirely an independent inspectorate's role. Again, this is emerging in Wales without investment in alternative mechanisms. I would also say that good inspection and regulation are skills that we need to improve anyway, in this new world of inspection. As a post-inspector regulator, the inspection that we envisage in the quality assurance regime for Wales across the public sector is remarkably different to anything that we have had in the public sector before. Are we going to deplete that specialist resource before we have given it time to grow and before we have seen whether it has teeth?

[180] **Helen Mary Jones:** Thank you all very much. Are there any questions, comments or points that Members feel that we have not covered with our witnesses today? I see that there are none. I am very grateful to you all. I did warn Beverlea that this was not necessarily going to be an easy ride, so she did have a bit of forewarning. I appreciate the clarity of both your written evidence and what you have put forward today. We are using the Government's original consultation as a starting point, but, as you have said, there has already been some moving on in terms of the thinking, and it has been useful to have an updated impression from you. Thank you all very much. We will be working on the report and it should be out fairly shortly.

Cynnig Trefniadol Procedural Motion

<p>[181] Helen Mary Jones: Cynigiau fod <i>y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 10.37(vi).</i></p>	<p>Helen Mary Jones: I propose that <i>the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).</i></p>
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[182] Gwelaf fod y pwyllgor yn gytûn.	I see that the committee is in agreement.
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*Daeth rhan gyhoeddus y cyfarfod i ben am 11.45 a.m.
The public part of the meeting ended at 11.45 a.m.*