

Date: 18 January 2001
Venue: Committee Room 3, National Assembly for Wales
Title: **Lost in Care - Progress in implementing the recommendations**

Purpose

1. To invite the committee to note progress made on implementing the recommendations of the Report of the North Wales Child Abuse Tribunal of Inquiry, "Lost in Care".

Summary

2. The attached Annex A is an overview of action taken by the Assembly and others over the past six months since the National Assembly published its response to the recommendations made in "Lost in Care". The chapter of that response which dealt with the individual recommendations is at Annex B. Annex A also indicates where work is ongoing or is being developed and/or monitored.

3. The Assembly's response to Lost in Care, published in June this year, stated that the Assembly would take forward the implementation work under three broad headings, listening to children, safeguarding children and better services for children. Annex A continues these themes.

Background

4. The report of the North Wales Child Abuse Tribunal of Inquiry was published on 15 February 2000. The Assembly held a plenary debate on 15 March and the Health and Social Services Minister undertook to report by the end of the year to the Health and Social Services Committee on how far the recommendations made in the report had been implemented.

Consideration

5. See Annex A.

Compliance

6. The Assembly does not have the necessary powers to deal with **all** the recommendations. The UK government would need to take certain action to implement some recommendations, for example, recommendations 71 and 72 state that the Law Commission be invited to consider certain legal issues which arose from the publication of a previous inquiry report and consider updating and reissuing guidance.

7. The Assembly has acted and will continue to act within its devolved powers to make the necessary legislative arrangements to allow the implementation of recommendations made in Lost in Care.

Cross Cutting Themes

8. Children First is a cross cutting programme to improve the management and delivery of services for children in need, including looked after children. Child protection work is similarly cross cutting and is progressed through the Departmental Child Protection Committee and the Area Child Protection Committees.

Action for Subject Committees

9. The committee is invited to note the paper

Jane Hutt
Minister for Health & Social Services

Contact Point

Chris Burdett, Children & Families Division, Ext 3936.

PROGRESS REPORT ON ACTION TAKEN IN RESPONSE TO THE “LOST IN CARE” REPORT OF THE NORTH WALES CHILD ABUSE TRIBUNAL OF INQUIRY

Introduction

Since the publication of the Report of the North Wales Child Abuse Tribunal of Inquiry “Lost in Care” on 15 February 2000, significant progress has been made by the National Assembly and local authorities in implementing the action proposed. The information contained in this report outlines what has been done over the past six months since the National Assembly’s response to Lost in Care was published in June and describes work in progress. This is in addition to a considerable programme of work being undertaken by local authorities, who share the National Assembly’s view that changes must be made wherever necessary to ensure that the highest standards are maintained now and in the future.

Although significant progress has been made, this has been done within a climate of staffing constraints for local authorities and the National Assembly. A report, commissioned from Central Council for Education and Training in Social Work (CCETSW) by the Assembly’s Children First External sub-group, indicates that staff shortages in children’s services, exacerbated by difficulties in recruiting suitably skilled and qualified staff and managers, continue to tax employers. This, coupled with anecdotal evidence that numbers of looked after children are increasing, means that work on some recommendations and on the Children First programme has not progressed as much as we would have wished. The shortage of people has also constrained progress in the National Assembly where there has been limited capacity to support development work with authorities. There is still a lot of work to be done to ensure the highest standards in children’s services.

The timing of some of the work undertaken by the National Assembly is also bound by the passage of primary legislation through Parliament. For example, at the time of writing this report, the Children (Leaving Care) Bill has not yet received Royal Assent.

The report

The National Assembly’s response to Lost in Care stated that the National Assembly is co-ordinating and monitoring the recommendations of Lost in Care under three broad headings:

- better services for children
- safeguarding children
- listening to children

Progress is reported under those headings.

SECTION 1 BETTER SERVICES FOR CHILDREN

Children and Young People – A Framework for Partnership

Services for children looked after, to which the recommendations of the Tribunal are directed, sit within the framework of services for children in need and more widely of children's services in general. The draft strategy "Children and Young People – A Framework for Partnership", to be published shortly, is based upon the Assembly's commitment to improving services for children and young people, encouraging models of good practice and fostering a climate in which service providers work together to develop and deliver high quality, innovative and responsive provision. It makes proposals about co-ordination of planning rationalising funding streams and involving children and young people. Links are made in the Framework to the report of the National Assembly's Policy Unit "Extending Entitlement: support for young people in Wales".

The Lost in Care report recommended that an Advisory Council for Wales should be established in order to strengthen the provision of children's services in Wales. This is one of the proposals included in the framework which is due to be issued for consultation in early December.

Children First

Within the Strategy framework, Children First is the National Assembly's programme to improve the management and delivery of services for children in need, including children who are looked after by local authorities, and thereby to improve outcomes for children and to safeguard them from harm. Children First was devised in response to the Review of Children's Safeguards and tackles many of the deficiencies highlighted in Lost in Care.

The objectives of Children First are:

- To ensure that children in need gain maximum life chance benefits from education opportunities, health care and social care;
- To ensure that children looked after gain maximum life chance benefits from education opportunities, health care and social care;
- To ensure that children are protected from emotional, physical and sexual abuse and neglect;
- To ensure that children are securely attached to carers capable of providing safe and effective care;
- To ensure that young people leaving care, as they enter adulthood, are not isolated and are able to participate socially and economically as citizens;
- To ensure that children with specific social needs arising out of disability or a health condition are living in families or other appropriate settings in the community where their assessed needs are adequately met and reviewed;
- To ensure that referral and assessment procedures discriminate between different types and levels of need and produce a timely and effective service response;
- To ensure that resources are planned and provided at levels which represent best value for money, allow for choice and different responses for different needs and circumstances.

The Children First programme sets baselines and targets at national and local level to measure outcomes in terms of the health, education and social inclusion (by way of measures relating to offending and employment) of children in need and children who are looked after.

Progress with Children First

All local authorities submitted Children First action plans in December 1999. The quality of the plans was variable and baseline information was often lacking. There are genuine difficulties in defining and collecting some information and the National Assembly has sought to help local authorities with this. The action plans are now almost a year old and local authorities have made progress in collecting baseline information and developing their plans. The development of performance indicators is aligned with the work on the Performance Management Framework for social services and with work on Best Value indicators. Benchmarking clubs of senior managers in social services meet regularly and National Assembly officials and District Audit support the work of the clubs.

National Assembly plans to deploy a support team to help local authorities with Children First and to develop the programme have been delayed because suitable people could not be found. In the meantime, National Assembly officials are visiting all local authorities to discuss progress on implementation of Children First with officers. The programme of visits would ideally have taken place by now, but has been delayed because of resource constraints.

The difficulties faced by the National Assembly in recruiting support staff parallel the difficulty local authorities have in recruiting and retaining qualified staff for children's social services. This is potentially a major hindrance to the success of the National Assembly's programmes and is dealt with below under the headings of "Staffing Issues" and "Training".

Guidance on the future years of the Children First programme will be issued towards the end of the year and will include a requirement for an update of action plans, particularly for care leavers. Local authorities will be required to submit progress reports on the last years' work.

Children First Funding

Originally a three-year programme, Children First is to be extended until 2003-04. The National Assembly's draft budget published on 19 October included provision over the next three financial years to support implementation of Children First, including the new support arrangements for care leavers required by the Children (Leaving Care) Bill. The WLGA are aware that the programme will be funded by direct grant. This funding will be held centrally and the bulk of it will be made available to local authorities against Children First Action Plans and progress reports.

During the current financial year, the Children and Families Division of the National Assembly for Wales is managing a £3.5 million budget called the Children's Services budget. The purpose of this budget is to fund initiatives that will benefit children in Wales or protect them from harm.

£3 million of the budget has been allocated proportionally to the 22 local authorities in Wales to fund projects related to the Children First programme. The balance of £500,000 has been retained centrally by the National Assembly and has been allocated to a variety of initiatives.

Breakdowns of the allocation of this budget and a description of the projects and initiatives are contained in annexes C and D.

Corporate Parenting

The Children First circular sets out the responsibilities of Directors of Social Services in relation to the programme and to children's services more generally and requires Children First reports to be endorsed corporately. The Assembly will continue to monitor compliance with this requirement,

The National Assembly and local authorities continue to work in partnership to maintain the profile of children's services and of the corporate parenting theme. Revised Children First guidance, to be issued at the end of the year, will again stress the role and responsibilities of elected members. The National Assembly is also organising, with the Welsh Local Government Association, a National Conference on Children First and Corporate Parenting in the Spring of 2001 for councillors and senior local authority managers. The aim will be to help elected members understand what is required of them and to explore ways of making corporate parenting a reality.

The Assembly Minister for Health and Social Services addressed a recent conference for chairs of Social Services about their role and responsibilities under the Children First programme.

Some local authorities have run information sessions or days for elected members to raise the profile of Children First. National Assembly officials have been invited to speak at some and are always willing to help.

Draft guidance on Part II of the Local Government Act 2000 is currently out for consultation. It underlines the need for clear accountability for social services within the new political management structures. The consultation period will end early next year.

It is not currently a requirement for at least one full member of a local authority's social services department management team to have childcare expertise and experience (as recommended by the Tribunal). However, in most cases at least one senior manager has childcare expertise. The National Assembly are considering with relevant interests how local authority restructuring is affecting arrangements for accountability in respect of their social services functions. The consultation document "A Quality Strategy for Social Care" was issued in the Autumn 2000.

Guidance on the Education of Looked After Children

Final guidance on the education of looked after children is being prepared by the National Assembly in light of responses to a consultation. Publication will be timed to enable feedback through the Corporate Parenting conference referred to above.

The new Assessment Framework for Children in Need and their Families

The effective planning and delivery of Children First rests on proper assessment of need at individual level and in aggregate. The new Assessment Framework for Children in Need and their Families, which will issue early in 2001, will provide local authorities with the tools to do the job and will be accompanied by training materials for local authorities' use. The National Assembly proposes to develop an

implementation programme similar to that put in place for the Looked After Children assessment materials.

The purpose of the assessment framework is to ensure that children have a full assessment of their circumstances and needs. Care plans and allocation of services for children in need, including children who are looked after, should be determined in the light of that assessment. The new framework will, in time, enable local authorities to plan better for all children in need.

The framework enables the assessment of children and their families across three dimensions, utilising the child development approach which underpins the LAC system, together with parenting capacity and family and environmental factors. The assessment framework will provide the necessary format for a detailed core assessment to take place before a child becomes looked after, thereby helping to ensure better planning and more informed decision making, leading to better outcomes for the child.

The consultation period for the framework document ended on 21 July. Examination of the responses received indicates universal support for the principles and process outlined in the framework. These and other comments will be taken on board as the National Assembly continues to fine tune the framework before publication early next year.

Care leavers

Local authorities were asked to strengthen their services for care leavers as part of their Children First programme and in anticipation of legislation. The Children (Leaving Care) Bill, which is expected to receive Royal Assent shortly, will extend local authorities' responsibilities to safeguard the welfare of children who leave care. The responsible local authority will be required to carry out an assessment of the needs of 16 and 17 year olds in care or on leaving care to determine what level of support, advice and assistance it would be appropriate to provide. The outcome of the assessment will determine a Pathway Plan for each young person.

The legislation will also extend local authorities responsibilities to support young people who have left care up to the age of 21 and in some cases up to age 24.

The local authority will be required to appoint a personal adviser for each young person in care or leaving care. Functions of the personal adviser will include providing advice and support, participating in the assessment and keeping in touch with the young person and informed of their progress and well being.

The National Assembly issued a consultation paper on draft regulations on 20 October. Draft guidance will issue before the end of the year and a conference for managers in social services and other agencies with a responsibility for care leavers has been arranged for 14 December 2000.

National minimum standards for the Care Standards Inspectorate, to be developed by the National Assembly next year, will address the issue of residential establishments and foster homes encouraging and providing facilities for the acquisition of skills necessary for independent living. The Care Standards Inspectorate will come into operation from 1 April 2002.

Placement choice

Ensuring adequate choice of placements to meet needs and increasing the stability of placements are key elements of the Children First programme. The National Assembly commissioned Cardiff University to undertake a study of the placement of children looked after by authorities in Wales. The findings were disseminated at an all Wales seminar where the implications for planning placement services were considered. The National Assembly will assist local authorities to develop strategic approaches to placement provision and promote consideration of the potential for collaboration between authorities. Work will include consideration of the need for residential provision, including secure care, foster care recruitment and retention and adoption.

Adoption Review

The Cabinet Office Performance and Innovation Unit's report on the Prime Minister's Review of Adoption was published for consultation in July. At that time the Government announced its decision to take early action on a number of recommendations, including the establishment of a National Adoption Register for England.

Local authorities, voluntary adoption agencies and other interests in Wales have been consulted on the Adoption Review. The closing date for comments was 31 October. Most respondents supported the idea of a joint National Adoption Register for England and Wales with a minority suggesting the development of a Register for Wales, with links to that in England.

It is proposed that there should be a joint register for England and Wales. An advertisement will issue shortly inviting applications from approved voluntary adoption agencies to run the register.

Social Services Planning Guidance

Social Services planning guidance is shortly to be issued which will require local authorities to devise long term strategies for meeting local needs. Plans will be monitored and progressed through annual business plans. Work done on Children First will contribute to these plans.

Management Information

A review of management information requirements for social services has taken place and a funding plan has also been introduced to help local authorities develop the management information systems necessary to measure performance.

A Performance Management Framework for social services in Wales has been developed. It is based on a core set of performance indicators, development training in performance monitoring, and improvement and support for benchmarking and other performance improvement processes. Funding is also being provided to enable authorities to update and upgrade their management information systems to provide more consistent and reliable data on service performance. The Welsh Local Government Association is sponsoring a new local government Data Unit which will provide a central resource for information in and on local authorities. These initiatives will enable the National Assembly and local government to develop improved intelligence on services across Wales.

The National Assembly has also funded the development of the Data Analysis Network for Children's Services to help authorities develop an improved approach to

the collection and uses of data as part of their implementation of the Looked After Children (LAC) system.

Staffing Issues

Reference has been made above to staffing difficulties in children's social services. A recent report by CCETSW "A summary analysis of available workforce and qualifications in Social Services staff working with children and young people in Wales", stated that in 1998, the vacancy rate within fieldwork in general was 2.8% in Wales. Work undertaken by CCETSW/TOPSS Cymru and ADSS last year suggests that the vacancy rate for social workers within children and families services approached 25% and that about 11% of these vacancies were filled by newly qualified workers.

Some authorities are reporting that their difficulties in recruiting and retaining staff are so severe that they are unable to allocate a social worker to all looked after children and children included on the child protection register and that they are struggling to fulfil their statutory responsibilities. In this context authorities must be able to demonstrate that they are managing the risks inherent in the situation effectively and ensure that baseline social services provisions are in place and are of an acceptable quality

While staffing issues are primarily the responsibility of employers of the social care work force, they are also of significant interest to the National Assembly and government, and need to be addressed at a UK as well as at local and national levels in Wales.

The National Assembly recognises that the workforce issues need to be addressed and is working with other interests, including local authorities, CCETSW/TOPSS Cymru and the Department of Health to promote the development of a competent and skilled workforce.

Social Services Inspectorate (Wales) (SSIW), with the Audit Commission and Department of Health, has recently published an overview report, People Need People, on the management of people delivering social services, summarising strengths and weaknesses that have been found in councils reviewed by the joint review team. The reviews have found that effective social services agencies manage their staff well and the report highlights key areas for securing improvement in people management in social services including:

- planning longer term to attract the right people
- using qualifications and training to retain good people.

SSIW is analysing responses to the recent consultation on "A Quality Strategy for Social Care". The proposed strategy emphasises:

- the need to ensure a skilled and competent workforce for the development of quality services
- that improved training, recruitment and retention of staff will have benefits for service users, local councils and social services staff.

The National Assembly is, as part of its implementation of the Care Standards Act 2000, establishing a Care Council for Wales that will come into being on 1 April 2002. The Council will be a statutory body responsible for regulation and development of

the social care workforce in Wales, its remit will include the roles and responsibilities currently carried out by CCETSW/TOPSS Cymru.

The Care Standards Act provides for registration of the social care workforce on the basis of training and to link continued registration to career development. This will contribute to the promotion of quality standards on social care and raising the status of social care workers, including residential child care staff and field social workers.

SSIW is also consulting local authorities and training providers and regulators about possible approaches to reducing the rate of decline in applications to Diploma in Social Work programmes.

Training

It is, first and foremost, the responsibility of each local authority to fund proper training for its staff. However, the National Assembly recognises the need to provide additional funding to maintain training in the social services at an acceptable level and does this through the Training Support Programme (TSP). Grant is provided on the assumption that local authorities will show a commitment to training their staff – and address the cost of training as an integral part of the cost of the service.

In 1999-2000 the National Assembly's Training Support Programme for social services included management training and development as one of three sub-programmes, alongside child care and community care. Authorities were required to show that they had made adequate provision for training those involved in managing services, and the grant was targeted on seven staff groups of social services staff, including senior and middle managers, social work team leaders and residential services managers. TSP funding in this area is directed towards training that will lead to externally validated management qualifications. In the four years since LGR over 600 local authority social services staff have secured such qualifications.

Across Wales 96 members of staff gained specified qualifications during the year ending 31 March 2000, a marked increase on the 47 of the previous year. Specified qualifications are National Vocational Qualifications (NVQ), Diploma in Social Work (DIPSW), Post Qualifying (PQSW) and Advanced Awards (AASW). Nineteen authorities secured some qualifications during this period.

In 1999-2000 a total of 57 NVQ awards were achieved, roughly twice as many as the previous three years combined. There have been clear increases in the numbers of awards and in the number of authorities with staff gaining such awards but some authorities give cause for concern. For example, five authorities reported not having attained any such awards during the period. In some cases - although not all - this will reflect the pattern of service provision, such as the absence of any residential child care in the local area.

The National Assembly is working with TOPSS Cymru, the National Training Organisation for the Social Services sector in Wales, to ensure that appropriate and timely induction training is provided for all newly recruited residential child care staff. This is being progressed through priorities set out in the National Assembly's Training Support Programme.

National Training Targets have been set in Wales for each grade of residential child care staff. Targets have also been set for qualifications for foster carers. The

National Assembly is continuing to monitor progress towards meeting expectations of the National Training Targets.

The National Assembly is to make regulations under the Care Standards Act to ensure that those appointed to senior residential child care posts are appropriately qualified. The Act contains powers for Ministers to reserve jobs for appropriately qualified people.

The National Assembly continues to promote and validate training in safe forms of restraint. The Assembly's Children First External sub-group is considering existing guidance on the safe restraint of children in social services, education and health settings with a view to identifying any deficiencies. The Wales Office of Research and Development will be funding a research project to identify existing training packages and guidance on safe forms of restraint of children as a precursor to a full scale review.

Targeted training for professionals

Funding is available under the GEST (Grants for Education Support and Training) programme to provide training, including interagency training for designated teachers in child protection. This can include training for all education staff to promote being alert to the signs of abuse and neglect and knowing to whom they should report concerns or suspicions, within the context of school based child protection

Promoting Health for Looked After Children

There is clear evidence from inspection and research that children and young people who are looked after away from their homes have greater health needs than their peers. During the Spring, a consultation exercise was held on guidance aimed at improving the health of looked after children. The draft guidance takes a strong health promotion approach which, as an integral component of good health care planning would contribute towards minimising these risks. In addition, it reinforces the main thrust of Children First namely the need for local authorities to take the role of good parents. As part of the consultation process two workshops for young people were held in May 2000. Two further workshops for adults working with looked after children and young people were also held. At these events young people presented the views voiced at their own workshops. The National Assembly is considering responses to the consultation exercise and it is anticipated that the final guidance will be issued in the New Year.

Child and Adolescent Mental Health Strategy (CAMHS) - Draft Document

The draft strategy CAMHS document was issued for consultation on 27 July following work undertaken by an independent Advisory Group chaired by Dr Jennifer Lloyd. The consultation period for submission of comments is still ongoing with the deadline for final receipt of Friday 17th November. In the light of the consultation, the National Assembly will decide how to proceed. It is expected that a final CAMHS strategy should issue in Spring 2001.

On 27 July, the Minister for Health and Social Services, Jane Hutt, announced extra resources of £1.4m for this financial year for children services which included provision for increased investment in child and adolescent mental health services (extra resources are shown to be recurrent up to at least 2003-04).

SECTION 2 - SAFEGUARDING CHILDREN

Care Standards Act 2000

The Care Standards Act 2000 received Royal Assent on 20 July 2000. The main purpose of the Act is to reform the regulatory system for care services in England and Wales. The Act provides for the following new arrangements in respect of children who are looked after by local authorities.

Regulation of Small, Private Children's Homes

Small, private children's homes with fewer than four places are not currently subject to regulation. When the Care Standards Act comes fully into effect, currently planned for 1 April 2002, the Care Standards Inspectorate for Wales will be the regulatory agency and every children's home will be subject to common standards and inspection procedures.

The National Assembly intends to bring section 40 of the Act into force on 1 February 2001 and to require all small, private children's homes to register with their local inspection unit by 28 February 2001.

The National Assembly has consulted widely about the proposed changes. There are concerns from all quarters about the timetable for completion of the inspection process and about the standards to be applied. National Assembly officials will meet inspection units and representatives and proprietors of small homes later this month, to discuss these matters further and to ensure an effective process which will safeguard children.

Regulation of Independent Fostering Agencies

Independent Fostering Agencies will become subject to regulation from 1 April 2001.

National Minimum Standards

National Minimum Standards will be developed for areas of provision to be regulated from April 2002. Key standards will be set in National Assembly Regulations and it will be an offence to contravene any of the requirements set out in the regulations. The National Assembly will begin a consultation process early next year on draft standards and regulations, so that the standards will be in place for April 2002.

- **Children's Homes**

National Minimum Standards for Children's Homes will apply to all establishments registered as children's homes from April 2002. These include private, voluntary and local authority children's homes, "small" children's homes previously excluded from registration and both mainstream and special boarding schools accommodating any child for over 295 days a year. Standards are likely to cover such matters as:

- Statement of the home's purpose
- Children's rights
- Child protection

- Care and control
- Quality of care
- Planning for care
- Premises
- Staffing
- Organisation and management
- Secure accommodation and refuges

The standards will set out the detailed policies and practice a home should follow in order to satisfy the requirements of the regulations.

- **Boarding Schools**

National Minimum Standards for the provision of welfare in boarding schools, together with the accompanying criteria for use in assessing schools against each standard during inspection will also be developed. They will form the basis for all statutory and accreditation inspections and reports on boarding welfare carried out under the Children Act 1989.

- **Fostering and adoption standards**

National Minimum Standards will also be developed for fostering and adoption services.

Regulation of the social care workforce

A new independent, statutory body called the Care Council for Wales will be created to regulate the social care workforce. The National Assembly will appoint the Council and hold it accountable for the way it performs. The Council will start work on 1 October 2001.

The new Council will have three sets of functions. It will

- regulate the social care workforce through setting codes of conduct and practice for both employees and employers, and through setting codes of conduct and practice for both employees and employers, and through registering the individual practitioners who make up the workforce;
- take over from CCETSW's responsibilities for regulating both qualifying and post-qualifying social work training, and for administering the bursary scheme for post-graduate social work students; and
- discharge in Wales the functions of the employer-led National Training Organisation for the Personal Social Services (TOPSS). These include the development of National Occupational Standards, and the development of a National Training Strategy for social care in Wales.

Health and Social Services Committee considered a paper on 14 September and were invited to note the current thinking on the planned programme of Assembly legislation, the proposed balance of membership on the Council and the proposed timetable for registering the social care workforce.

Guidance to strengthen safeguards

Working Together to Safeguard Children

The National Assembly issued the revised guidance “Working Together to Safeguard Children” in September,. The launch was combined with two seminars, offering Area Child Protection Committees the opportunity to consider the impact of the Waterhouse recommendations on Working Together and working procedures and to consider the need for supplementary guidance and training.

The document sets out how all agencies and professionals should work together to promote children’s welfare and protect them from abuse and neglect. It is addressed to those who work in the health and education services, the police, social services, the probation service and others whose work brings them into contact with children and families. It is relevant to those working in the statutory, voluntary and independent sectors.

Working Together is intended to provide a national framework within which agencies and professionals at local level, individually and jointly, draw up and agree their own more detailed ways of working together. The document::

- describes how actions to safeguard children fit within the wider context of support to children and families;
- summarises some of the lessons learned from research and experience to date on the nature and impact of abuse and neglect, and how best to operate child protection processes;
- sets out the role and responsibilities of different agencies and practitioners;
- outlines the way in which joint working arrangements should be agreed, implemented and reviewed through the mechanism of Area Child Protection Committees;
- sets out the processes which should be followed when there are concerns about a child, and the action which should be taken to safeguard and promote the welfare of children who are suffering, or at risk of suffering significant harm;
- provides guidance on child protection in specific circumstances, including children living away from home;
- outlines some important principles which should be followed in work with children and families;
- sets out the processes which should be followed if a tragedy occurs, in order to learn lessons and make any necessary improvements in practice to safeguard children; and
- discusses the importance of multi-agency training, and considers training requirements for effective child protection.

Working Together reflects the principles contained within the United Nations Convention on the Rights of the Child, ratified by the UK Government in 1991. It also takes account of the European Convention of Human Rights.

Practice Guide to Investigate Allegations of Abuse against a Professional or Carer in Relation to Children looked After

The "Practice Guide to Investigate Allegations of Abuse against a Professional Carer" was issued by the National Assembly in February 2000. The purpose of this guide is to inform the co-ordinated management of allegations of abuse of looked after children by staff or others who are in a direct caring role. The guide states that one of the core principles, which form the basis on which investigations into allegations are made, is that the primary needs of the children who are the responsibility of the local authority are their protection and welfare.

Framework for the Assessment of Children in Need and their Families

The Assessment Framework for Children in Need and their Families has been developed in conjunction with the revised "Working Together to Safeguard Children" guidance. The framework provides a systematic way of understanding, analysing and recording what is happening to children and young people within their families and wider context in which they live and will help to identify children who may be at risk of harm.

Safeguarding Children involved in Prostitution

Guidance on Safeguarding Children involved in Prostitution was published in May. The prime message of the guidance is that children involved in prostitution should be treated primarily as victims not as offenders.

Access to and sharing of information between the police and social services

The Home Office has established a Working Group under the chairmanship of Tony Butler (ACPO - Chief Constable of Gloucestershire) with representatives from the National Assembly, the Home Office, Department of Health, DfEE and the Local Government Association. Their task is to develop guidance for police and social services departments on the maintenance and safeguarding of records, including the identification of core records that must be retained, and on protocols for access to and sharing of information.

The Association of Chief Police Officers have concluded that it is impractical to require "an appropriate... police station" to maintain a log of incidents at children's homes and therefore the Working Group will also consider how such records might be maintained.

Draft guidance will probably be available early in the New Year.

Absonsions from children's homes

The Department of Health commissioned research and guidance from the University of York regarding good practice on reporting and recording absconsions. The Department of Health expect to issue in the new year. The National Assembly will consider issuing in Wales.

Statutory visits to children who are looked after

The recommendation for more frequent visits by field social workers to looked after children will be considered in due course and in the light of the responses to the

Children (Leaving Care) Bill consultation process. This recommendation will have to be considered alongside the workforce/resource issues detailed in this report.

Area Child Protection Committees (ACPCs) and Training

Following consultation with ACPCs the National Assembly's Child Protection Committee is reviewing the range of training materials on sexual abuse awareness currently available. The objective is to identify any gaps in training provision and to take steps to plug that gap with the development of a standard training pack that all ACPCs can deliver to their constituent agencies and to others with a role in child protection

Review of Registration and monitoring arrangements for independent schools

The National Assembly will shortly issue a consultation document on proposals for a review of registration and monitoring for independent schools.

Health Issues

The Inquiry exposed abuse of children in a health setting. As this was not one of the Tribunals terms of reference, no recommendations were made which were specific to health settings. The National Assembly has, however, made progress in ensuring that children are safe in all settings, including health.

The Carlile Review

On 7 September The Minister for Health and Social services, Jane Hutt, published the Health Advisory Service (HAS) 2000's follow up report into safeguards and standards of care in residential child and adolescent mental health units in Wales. HAS concluded that there was considerable evidence to demonstrate that since their last review in 1998, all relevant agencies and units had worked hard to implement their recommendations. This has resulted in improved safety for adolescent in-patients with mental health problems. Consideration was also given to how the lesson to be learned from the reviews by HAS could be projected across the whole of the NHS in Wales, and also how best to implement the recommendations from the Tribunal. Accordingly Jane Hutt announced her decision to establish a Review team, to be chaired by Lord Carlile of Berriew, QC, to consider and make recommendations about the protection of children cared for and treated by the NHS. The review panel membership, which comprises child care experts drawn together from the NHS & social services was announced by Jane Hutt on 9 November, and, later that day the panel held their first meeting. The panel is expected to present its final report at the end of 2001.

The prevention of unsuitable people working with children and the abuse of trust (PUWCAT)

The following legislation is part of the Government's initiative to prevent unsuitable people from working with children. Although these are being taken forward by other government departments, the National Assembly has been involved in multi-lateral discussions and is represented on the appropriate working groups.

The Protection of Children Act 1999

The Protection of Children Act 1999 (POCA) creates a framework for identifying people unsuitable to work with children. It enables the Secretary of State for Health

to maintain a list of people considered unsuitable to work with children and provides for the referral of names to the list and creates a right of appeal to a new tribunal against inclusion on the list. The new POCA list subsumes and replaces the non-statutory Consultancy Index of persons considered unsuitable to work with children, previously maintained by the Department of Health on an England and Wales basis.

It also requires certain employers (to be defined in Regulations), and permits others, to refer names to the list in prescribed circumstances. Employers are required to check against the list before confirming an offer of employment.

Regulations, covering England and Wales, prescribing the organisations to be covered by the Act and regulating the operation of the Tribunal came into force in October.

Criminal Justice and Court Services Bill

The provisions of the Criminal Justice and Court Services Bill – currently going through Parliament - include a prohibition on persons with convictions for certain offences working with children. Basically the Bill will bar all persons with convictions for offences against children who receive a custodial or suspended sentence of at least 12 months from working with children in any circumstances, including unpaid and voluntary work.

The new system will be administered via the Criminal Records Bureau and those subject to a prohibition will have the right of appeal to the Tribunal to be established under the Protection of Children Act.

Improving the Protection of Children from Violent and Sex Offenders ('Sarah's Law'):

Following the murder of Sarah Payne, the Government proposed the following changes to the Bill to increase the protection of children from violent and sex offenders:

- Creation of a duty on chief officers of police and local probation boards to establish jointly arrangements for assessing and managing risks posed by offenders convicted of a violent or sexual offence as specified in the Bill and other offenders they consider pose a risk to the public;
- A duty on the probation service first to consult the victims of sex and violent offenders sentenced to twelve months or more about whether they want to comment on the terms of the offender's release; and, if so, whether they wish to be informed of or propose any conditions which relate specifically to them;
- A power to make regulations about the disclosure of information between the various authorities which may hold a sex offender before release and to ensure the information is always passed to the police on release;
- A power for the Crown Court to make a "restriction order" when convicting a sex offender, which would take effect on release and could be of indefinite duration;
- Amendments to the Sex Offenders Act to increase the penalty for failure to comply with registration requirements to a maximum of 5 years imprisonment or a fine or both; to require initial registration in person within 72 hours; to give the police power to photograph and fingerprint the offender on initial registration; and to require notification of foreign travel;

Increased Maximum Penalties for Possession and Distribution of Child Pornography:

Amendments to the Bill were agreed to increase the maximum sentence under the Protection of Children Act 1978 for taking, making, distributing, showing and possessing with a view to distribution, indecent photographs of children under sixteen from 3 years imprisonment, or a fine, or both, to a term not exceeding 10 years, or a fine, or both. In addition the simple possession of indecent images of children under 16 is to be made an either way offence and the maximum penalty available under section 160 of the Criminal Justice Act 1998, is to be increased from 6 months imprisonment, or a fine, or both, to a term not exceeding 5 years imprisonment, or a fine, or both.

The Bill is expected to become law before the end of the year.

Criminal Records Bureau

The Criminal Records Bureau, which will cover England and Wales, will become operational in 2001 and will provide checks on the suitability of people to work with children (and, in due course, with vulnerable adults). It will check details of criminal convictions and the inclusion of the names of people deemed unsuitable to work with children on the Department of Health's Protection of Children Act list and the Department for Education and Employment's List 99.

In due course the Bureau will be able to undertake cross-border checks in Scotland and Northern Ireland when similar systems are set up there, thus providing a comprehensive UK-wide service.

Sex Offenders

In August 1999 the Home Office issued draft guidance on the "Disclosure of Information about Sex Offenders who may present a risk to Children and vulnerable adults". The guidance also addressed issues arising in relation to people who had not been convicted or cautioned for offences, but who were suspected of involvement in criminal sexual activity.

The draft guidance stated that disclosure of information should always take place within an established system and protocol between agencies, and should be integrated into a risk assessment and management system. It placed on the police the responsibility to co-ordinate and lead the risk assessment and management process.

The guidance also advised that agencies should work within carefully worked out information sharing protocols, and referred to good practice material in existence. It advocated the establishment of multi-agency risk panels whose purpose would be to share information about offenders and to devise strategies to manage their risk.

The Home Office now hopes to issue a consultation paper in early 2001.

SECTION 3 – LISTENING TO CHILDREN

Children's Commissioner

The Tribunal recommended that an independent Children's Commissioner for Wales should be appointed. Following successful lobbying by the National Assembly, the Care Standards Act 2000 makes provision to establish a Children's Commissioner for Wales.

The independent Children's Commissioner for Wales will promote the rights and welfare of children and young people who are in receipt of services regulated under the Care Standards Act. The Commissioner will act as independent children's champion and will be a powerful advocate for the interests of children and young people. The duties of the Commissioner will include those recommended by the Tribunal:

- Ensuring that children's rights are respected through the monitoring and oversight of the operation of complaints and whistle blowing procedures and the arrangements for children's advocacy;
- Examining the handling of individual cases brought to the Commissioners attention (including making recommendations on the merits) when he considers it necessary and appropriate to do so;
- Publishing reports, including an annual report to the National assembly for Wales.

The recruitment and selection process has begun and interviews have been held. It is anticipated that the appointment will be made late December or early January 2001.

The Assembly remains determined to secure a legislative opportunity to widen the Commissioner's statutory powers as soon as possible, to give the Commissioner responsibility for the welfare of all children. Discussions on this matter are ongoing with the Secretary of State for Wales and the UK Government.

Complaints, Advocacy and Whistleblowing

As stated above, one of the key areas of responsibility of the Children's Commissioner for Wales will be to review and monitor complaints, whistleblowing and advocacy procedures. The Commissioner will advise on good practice and ensure the effectiveness of procedures in safeguarding groups of children and young people and enabling people to raise concerns without risk.

Complaints and advocacy

The Children Act 1989 requires each local authority to have a procedure for considering representations, including complaints. The National Assembly wrote to local authorities in May to ask them to report on compliance with Section 26(8) of the Children's Act 1989, which requires each local authority to give publicity to their procedure for considering representations as they consider appropriate. Local authorities have confirmed that procedures generally meet the requirements and where gaps have been identified, the procedure will be reviewed. Social Services Inspectorate will continue to review this and other aspects of the application of representation and complaints procedures under their inspection and joint review process.

Guidance, "Working Together to Safeguard Children" states that where allegations of abuse are made against a member of social services own staff, the investigation should involve an independent person. The National Assembly wrote to local authorities to establish current practice and most confirmed compliance with the guidance.

The National Assembly is reviewing the current representations and complaints procedures for adults and for children and will consult shortly on proposals to improve them.

The consultation paper will:

- make proposals for the provision of access to advocacy for children, care leavers and vulnerable adults who wish to complain, including a statutory right to advocacy for looked after children and care leavers who wish to make a complaint, and
- evaluate the role of the independent person and propose options for change.

The consultation will also seek views on the need to:

- require every social services authority to appoint an appropriately qualified or experienced Children's Complaints Officer who is not the line manager of residential or other staff who may be the subject of children's complaints or complaints relating to children (local authorities are required currently to appoint one of their officers to co-ordinate action on complaints), and on the duties of the Children's Complaints Officer;
- bring the procedures under the Children Act and the NHS and Community Care Act closer in line with each other and ensure that they are effectively observed;
- ensure that statutory time-scales are realistic and performance in meeting them is improved;
- ensure that complaints made by children, young people and adults are promptly addressed;
- clarify terminology, the use of which varies between procedures;
- address some of the issues arising from the interface between NHS and social services complaints procedures;

- set out the role of the Care Standards Inspectorate for Wales in dealing with complaints.

Whistleblowing

“Working Together to Safeguard Children” guidance stresses that clear procedures and support systems should be in place for dealing with expressions of concern by staff and carers about other staff or carers. Organisations should have a code of conduct instructing staff on their duty to their employer and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers. There should be a guarantee that procedures can be invoked in ways that do not prejudice the whistle-blowers own position and prospects.

New model codes of conduct for local government members and employees are being drafted under the Local Government Act 2000. A consultation exercise on the general principles is underway. The codes will be drafted and discussed by the ethics sub group by early December. The code of conduct for employees will become part of their terms and conditions of employment. The Assembly has established that a few local authorities already include failure to report abuse as a disciplinary offence. Others are considering amendments to their procedures.

Annex B

Chapter 7 - National Assembly's response to Lost in Care

The detection of, and response to, abuse

Children's commissioner

1. An independent Children's Commissioner for Wales should be appointed.

2. The duties of the Commissioner should include:

a) ensuring that children's rights are respected through the monitoring and oversight of the operation of complaints and whistle blowing procedures and the arrangements for children's advocacy;

b) examining the handling of individual cases brought to the Commissioner's attention (including making recommendations on the merits) when he considers it necessary and appropriate to so do;

c) publishing reports, including an annual report to the National Assembly for Wales

In Agreement.

Action: The Assembly to appoint an independent Children's Commissioner as soon as it is legislatively possible and to seek further primary legislation to widen the Commissioners role.

The National Assembly for Wales is fully committed to the creation of an independent Children's Commissioner.

The Social Services White Paper for Wales, Building for the Future, published in March 1999, included a commitment to considering the option of establishing an independent Commissioner for children in Wales. One of the Assembly's highest priorities, which has all-party support, is to establish a Children's Commissioner with wide-ranging functions in respect of all children.

The Assembly and the Government have acted swiftly in proposing an amendment to the Care Standards Bill which would establish an independent Commissioner whose functions will extend to all services for children regulated by the Bill. They include children's homes; residential family centres; fostering agencies; voluntary adoption agencies and local authority fostering and adoption services. In addition, the Commissioner will have functions relating to domiciliary care for children; private and voluntary healthcare; daycare and childminding services for all children under the age of eight, and for the welfare of children living away from home in boarding schools. The duties of the Commissioner will include those recommended by the Tribunal.

The Assembly will be pressing the Government to seek an early opportunity to extend the statutory role, functions and powers of the Commissioner to all children and, in the meantime, is considering using its powers under the Government of Wales Act to ask the Commissioner to undertake tasks relating to any devolved function concerning children.

**Children's
Complaints
Officer**

3. Every social services authority should be required to appoint an appropriately qualified or experienced Children's Complaints Officer, who should not be the line manager of residential or other staff who may be the subject of children's complaints or complaints relating to children.

Agreed in principle.

Action: The Assembly will consult widely on proposals to improve the current complaints system.

Action: The Assembly to request that local authorities confirm compliance with existing regulations set out below.

Section (3(1)) of the Children's Representations Procedure (Children) Regulation 1991 already requires local authorities to appoint one of their officers (a designated officer) to assist in all aspects of co-ordinating representations and complaints. The Regulations recommend how complaints should be handled, including time scales for all social services authorities to follow.

In addition, the Children Act 1989, section 26(3), requires each local authority to have a procedure for considering representations, including complaints, in relation to its functions under Part III of the Act. One person, who is not a member of the authority, is to take part in the consideration of each complaint (the "independent person").

The Assembly recognises that the Children Act complaints procedure is not as effective as it could be. The Assembly has written to all local authorities in Wales asking for information about their existing complaints procedures and inviting general views on strengthening the process. In the light of this exercise, the Assembly plans to consult on reforms to the current system. Amongst these reforms are proposals to:

- speed up the complaints process;
- make it more user friendly;
- to introduce an informal or local resolution stage, without an independent person, but with an advocate, where complaints are made by children and young people.

4. Amongst the duties of the Children's Complaints Officer should be:

- a) to act in the best interests of the child;**
- b) on receiving a complaint, to see the affected child and the complainant, if it is not the affected child;**
- c) thereafter to notify and consult with appropriate line managers about the further handling of the complaint, including:**
 - i) any necessary interim action in relation to the affected child, the complainant and the person who is the subject of complaint, including informal resolution of the complaint, if that is appropriate;**
 - ii) consideration of the established procedures to be implemented, such as child protection and disciplinary procedures and including any necessary involvement of the police and/or other agencies;**
- d) to ensure that recourse to an independent advocacy service is available to any complainant or affected child who wishes to have it;**
- e) to keep a complete record of all complaints received and how they are dealt with, including the ultimate outcome**
- f) to report periodically to the Director of Social Services on complaints received how they have been dealt with and the results.**

Fully in Agreement - 4a,c,d,e,f
Agreement in principle - 4b

Action: See recommendation 3

(a) It is fundamental to good child care practice that the interests of the child are paramount. It is the general duty of every local authority to safeguard and promote the welfare of children in their area who are in need (S. 17 (1) (a) Children Act 1989) and additionally to safeguard and promote the welfare of any child it is looking after (S. 22 (3) (a) Children Act 1989).

(b) The Regulations do not at present insist that the child is seen. The complainant may not be the child. Under the 1991 Regulations, a complaint is given to a designated officer, who has a set time-scale with which to handle it. On receiving a complaint, the designated officer will discuss it with the complainant and other relevant parties, before coming to a decision. If the

child/complainant is not happy, they have a right to ask for the matter to be referred to a Review Panel. If they are still unhappy they can take the matter to the Local Government Ombudsman. The Assembly will ask for views on this recommendation when it consults on current procedures.

(c (i)) Existing guidance in the 1991 Regulations of the Children Act 1989 (Volume 3 Family Placements and Volume 4 Residential Care) states that "Attempts at problem solving should not end once a complaint has been registered. Rather, there should be continued efforts to resolve dissatisfaction of service users so that the matter of complained of is resolved during consideration of the complaint. The Assembly will consult on proposals to introduce an informal resolution stage.

(c (ii)) The Practice Guide to Investigate Allegations of Abuse against a Professional or Carer in relation to Children Looked After, issued by the Assembly in February 2000, sets out clearly the processes to be followed where complaints include allegations of abuse, including the involvement of the police/other agencies. The Practice Guide was developed following review of procedures in all authorities in Wales and discussions with local authorities and the police, CPS, NSPCC, Department of Health, Unison, BAAF, NFCA, NCMA, Voices from Care and Who Cares Trust.

(d) The Assembly will consult on proposals for children and young people to have a right to an advocate when they make a complaint. Considerable work has been carried out in Wales to develop advocacy services for looked after children, including advocacy in making complaints. Under the Support for the Child and Family Services Grant Scheme, the Assembly provided £223,771 in 1999-2000 and £207,656 for 2000-2001 to fund various advocacy projects in Wales.

(e) Regulation10(1) of the 1991 Regulations states "Each local authority shall monitor arrangements that they have made with a view to ensuring that they comply with the Regulations by keeping a record of each representation received, the outcome of each representation, and whether there was compliance with the time limits specified in Regulations (6)1, 8(4) and 9(1)".

(f) Regulation10(2) of the 1991 Regulations states ".. each local authority shall, at least once in every period of twelve months, compile a report on the operation in that period of the procedure set out in these Regulations".

Response to complaints

5. Any decision about the future of a child who is alleged to have been abused should be made in that child's best interests. In particular, the child should not be transferred to another placement unless it is in the child's best interests to be transferred.

In Agreement.

As the Children Act and associated regulations and guidance make clear, it is the duty of local authorities to safeguard and promote the welfare of children in need. When taking decisions about the future of a child, they must do so in the child's best interests. The interests of the child should, therefore, be given due consideration when decisions are taken about placement moves. This does not prevent children sometimes there from being occasions when a child has to be moved against their wishes.

"The Practice Guide to Investigate Allegations of Abuse against a Professional or Carer in relation to Children Looked After" requires that investigations into allegations of abuse should be managed in such a way as to minimise the trauma to the child.

The final working draft of the revision to "Working Together" stresses the need for the interests of the child (whether within a family or in a care setting) to be paramount. Guidance points out that immediate protection can sometimes be secured by action to remove the alleged perpetrator or the alleged perpetrator agreeing to leave the home. In other cases it may be necessary to ensure either that the child remains in a safe place or is removed to a safe place.

Complaints procedures

6. Every local authority should promote vigorously awareness by children and staff of its complaints procedures for looked after children and the importance of applying them conscientiously without any threat or fear of reprisal in any form.

In Agreement

Action: Local authorities to comply with regulations. The Assembly is monitoring the position.

Local authorities need to ensure their representation and complaints procedures are an integral part of the authority's approach to quality assurance and that children and staff are confident to use the procedures without fear or threat of reprisal

Section 26(8) of the Children Act states that every local authority is required to give such publicity to their procedure for considering representations under section 26 as they consider appropriate.

This is reinforced in Social Services Inspectorate third overview report "Inspection of Complaints Procedures in Local Authority Social Services Departments" issued in January 1996. Recommendation 40 in the Report of the Examination Team on Child Care Procedures and Practice in North Wales (Adrienne Jones Report) stated "...authorities should consider the resources applied to representations and complaints procedures effective under the Children Act 1989 and test the quality of them against the 16 standards and criteria given in the overview report. As of April 2000 most local authorities reported compliance with the

standards.

7. Such complaints procedures should:

a) be neither too prescriptive nor too restrictive in categorising what constitutes a complaint;

b) encompass a wide variety of channels through which complaints by or relating to looked after children may be made or referred to the Children's Complaints Officer including teachers, doctors, nurses, police officers and elected members as well as residential care staff and social workers;

c) ensure that any person who is the subject of complaint will not be involved in the handling of the complaint.

In Agreement

Action: The Assembly to consider this recommendation in the light of responses to the consultation on reforms to the current complaints system.

a) In practice defining a complaint often proves to be a stumbling block and consideration will be given as to whether further guidance could help improve this. This issue will be addressed as part of the consultation process on complaints.

b) This is a requirement of existing guidance (Children Act 1989 Guidance and Regulations Volume 3 and 4). Area Child Protection Committees oversee child protection procedures in all professions. The ACPC should ensure that all the groups mentioned in Recommendation 7(b) are aware of child protection procedures.

c) This is a requirement of existing guidance (Children Act 1989 Guidance and Regulations Volume 3 and 4) in complaints involving child protection highlights the need for consideration of the allegation/complaint to include a measure of independence from the local authority, service or institution:

- "investigations into allegations relating to a member of social services' own staff (or foster carers) should involve an independent person from outside the relevant service or institution or from outside the authority, e.g. another local authority or NSPCC";
- "it is essential that all allegations are examined objectively by staff who are independent of the service, organisation or institution concerned".

Under the Care Standards Bill, all establishments regulated under Part II of the Bill will be required to set up and maintain in-house

complaints procedures. This will extend the current arrangements to small homes and independent fostering agencies.

Whistleblowing procedures

8. Every local authority should establish and implement conscientiously clear whistle blowing procedures enabling members of staff to make complaints and raise matters of concern affecting the treatment or welfare of looked after children without threats or fears of reprisals in any form. Such procedures should embody the principles indicated in recommendation (7) and the action to be taken should follow, as far as may be appropriate, that set out in recommendation (4).

In Agreement.

Action: The Assembly and the Welsh Local Government Association are currently discussing whistleblowing in the context of the Local Government Bill

The Public Interest Disclosure Act 1998 provides protection against victimisation for persons who raise concerns about a wide variety of malpractices both within the organisation and externally, in the public interest.

Part 3 of the Local Government Bill includes provisions for a statutory code of conduct for local authority employees that will form part of the new ethical framework. Many Welsh councils have introduced their own whistleblowing arrangements based on the Confidential Reporting Code produced by the Local Government Management Board in 1998. The National Assembly intends to introduce more formal whistleblowing arrangements to fit alongside the provisions of the Bill. The proposal will be considered by the Partnership Council's Modernisation Working Group and its sub groups which will advise the Assembly on the introduction of the model code of conduct for local government employees.

"Working Together" states that safeguards should include "clear procedures and support systems" for dealing with expressions of concern by staff and carers about other staff or carers. Organisations should have a code of conduct instructing staff on their duty to their employer and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers. There should be a guarantee that procedures can be invoked in ways which do not prejudice the 'whistle-blower's' own position and prospects."

In the context of the Care Standards Bill, the Assembly will liaise and work with the Department of Health to develop standards which will apply to children's homes and other services for children (including fostering agencies) to be regulated by the Care Standards Inspectorate. These standards will include a requirement for each provider to establish clear whistleblowing procedures. These procedures will enable members of staff to

make complaints and raise matters of concern about the care or service provided to children with protection from recrimination.

Duty to report abuse

9. Consideration should be given to requiring failure by a member of staff to report actual or suspected physical or sexual abuse of a child by another member of staff or other person having contact with the child to be made an explicit disciplinary offence.

Action: Local authorities to consider their employment contracts and disciplinary procedures.

This is a matter for individual employers and their respective disciplinary procedures.

“Working Together” states that:

“Organisations should have a code of conduct instructing staff on their duty to their employer and their professional obligation to raise legitimate concerns about the conduct of colleagues or managers.”

Caring for Young People and the Vulnerable: Guidance for Preventing Abuse of Trust states that “there should be a clear statement that all those in the organisation have a duty to raise concerns about behaviour by staff, managers, volunteers or others which may be harmful to those in their care, without prejudice to their own position.”

Field social workers

10. An appropriate field social worker should be assigned to every looked after child throughout the period that the child remains in care and for an appropriate period following the child’s discharge from care.

In Agreement

Action: The Assembly to consult with local authorities and others about the arrangements for the Young Person’s Adviser under the Children (Leaving Care) Bill.

This is existing good practice. Social Services Inspectorate for Wales inspections indicate that local authorities understand the need to allocate a social worker for children in such circumstances. Where they do not, it is usually associated with staffing problems.

The Children (Leaving Care) Bill will extend local authorities’ responsibilities to keep in contact with and safeguard the welfare of care leavers.

Under the Bill local authorities will be obliged to provide a Young Person’s Adviser for all eligible young people – that is those aged 16 & 17 who have spent a prescribed period in care. The Young Person’s Adviser will provide the key link between a young person

and their local authority, providing support and guidance and helping to co-ordinate services. They will continue to keep in touch until the young person reaches at least 21, or 24 if he or she is still being helped with education or training.

See also Recommendation 34.

11. Field social workers should be required by regulation to visit any looked after child for whom they are responsible not less than once every eight weeks. In the case of older children, they should be required also to see the child alone and at intervals away from their residential or foster home.

In Agreement.

Action: The Assembly to consult with the Department of Health and local authorities on the need for changes to current requirements, with particular view to harmonising requirements for visits to looked after children wherever they are placed.

All children looked after should be visited regularly.

Current regulations lay down minimum frequency of visits as described below. Compliance with this recommendation would extend current practice and have resource implications for local authorities.

- Regulation 6 of the Foster Placement (Children) Regulations 1991 requires local authorities to visit children in foster care from time to time, at intervals of not more than 6 weeks during the first year of placement, and thereafter at intervals of not more than 3 months. However, there are no requirements in respect of children in residential care. The Children Act 1989, Guidance and Regulations Volume 4 advises that visits in residential care should reflect “reasonable” expectations.
- Regulation 15 of the Foster Placement (Children) Regulations 1991 requires councils to visit children placed with foster parents by voluntary organisations. By Regulation 16 (a) a local authority visiting a foster placement arranged by a voluntary organisation should see the child during the course of the visit unless the social worker consider it unnecessary or the child is not in.
- The Foster Placement Regulations apply to all children up to age 18 – there are no special arrangements for older children. Social Workers may visit a child in care alone as often as is deemed “appropriate”- this will depend on the circumstances of each child. Children can refuse to see a Social Worker alone should they find one to one meetings uncomfortable or distressing. Regulation 22 of the Children’s Homes Regulations 1991 requires all children’s homes to be visited monthly by those responsible, or by their representatives (not

someone employed at the home). Written reports of such visits should be made available to those responsible for the homes. An important purpose of these visits is to ensure that the day to day to conduct of the home is seen by someone not involved in its operation and who can provide an independent report to the responsible authority.

- The cases of all children looked after by a local authority or provided with accommodation by a voluntary organisation or in a registered children's home must be reviewed in accordance with the Review of Children's Cases Regulations 1991. These regulations require a first review within 4 weeks of placement, a second review after 3 months, and thereafter at 6 monthly intervals. The review process involves soliciting the child's wishes and feelings (required by section 22 (4) and (5) Children Act 1989).
- Visits held away from the child's care environment are encouraged in guidance, not only to strengthen the relationship between child and social worker, but also in the interests of child protection.
- Guidance on supervision of foster placements is in The Children's Act 1989 (Guidance and Regulations 1991 Volume 3).

Social Services Inspectorate for Wales inspections of services for looked after children include consideration of whether local authorities are ensuring their services for children who are looked after comply with expectations set out in Regulations and Guidance.

The Assembly will consult with the Department of Health and local authorities on this issue, as there are frequently cross-border placements.

12. Any arrangements made for the provision of residential care or fostering services should expressly safeguard the field social worker's continuing responsibilities for supervision of the placement and care planning.

In Agreement.

This is existing good practice but is sometimes disrupted by workforce turnover and recruitment difficulties. These arrangements relate principally to the care planning process where the responsibility of different professionals should be clearly defined.

See also Recommendation 34.

Awareness of abuse

13. Area Child Protection Committees should arrange training in sexual abuse awareness for social services staff and for

those from other departments, agencies and organisations in their area.

14. Steps should be taken through training and professional and other channels periodically to remind persons outside social services departments who are or may be in regular contact with looked after children such as teachers, medical practitioners nurses and police officers, of their potential role in identifying and reporting abuse, the importance of that role and the procedures available to them.

In Agreement.

Action: The Assembly to consult Area Child Protection Committees and the voluntary sector on current levels of training in sexual abuse awareness to establish where there are gaps and deficiencies in training provision. If a need for further work is identified, the Assembly will work with training providers to develop and deliver suitable training packages.

Working Together states that professional staff who come into contact with children should know of the predisposing factors and signs and indicators of child abuse. The Area Child Protection Committee is responsible for taking a strategic overview of the planning, delivery and evaluation of the inter-agency training that is required in order to promote effective practice to safeguard the welfare of children. Effective high quality training is most likely to be achieved if the ACPC is strategically involved at all stages of the training cycle.

Detailed guidance on inter-agency training and development is in Chapter 9 of Working Together. It states that :

Inter-agency training should be targeted at the following groups from voluntary, statutory and independent agencies:

- those who work directly with children in need e.g. GPs, hospital and community health staff, family centre workers, teachers (in both maintained and independent sectors), Education Welfare Officers, social workers (including residential and day care staff) and foster carers;
- those who work in adult services relevant to children's welfare (e.g. mental health and learning disability staff, probation officers);
- those who supervise staff and volunteers in the above groups;
- those who have a strategic and managerial responsibility for commissioning and delivering services for children and families, including school governors and trustees; and
- all those who come into contact with or provide services to children, for example day care staff, police, housing, leisure services and youth service staff all need introductory training on safeguarding children, including the importance of inter-agency collaboration.

Welsh Office circular 10/95 "Protecting Children from Abuse: The

Role of the Education Service” supplements Working Together guidance and gives advice on the schools’ role in identifying and reporting suspected abuse of pupils. Resources for local education authorities to ensure that teachers receive training in child protection issues are included in the Assembly’s Grants for Education Support and Training (GEST) Programme.

Police log

15. A log of all incidents, disturbances, reports, complaints and absconsions at a children’s home should be kept at an appropriate nearby police station and made accessible, when required, to officers of the Social Services Department.

Action: For the Home Office

There is no current requirement for a log to be kept at an appropriate police station in all the circumstances set out in this recommendation. The Government recognises that police can provide a valuable independent source of details of incidents at children’s homes to which they have been called to attend. The police are committed to sharing information with other agencies in the interest of child protection. Advice will be issued to the police facilitating the disclosure of such information.

Regulation 17 and Schedule 3 of the Children’s Homes Regulations 1991 provide for record keeping in respect of children’s homes. Regulation 19 provides for the notification of significant events. Regulation 20 of the Children’s Home Regulations requires that each children’s home should have a written procedure to be followed when a child absconds. This procedure must be drawn to the attention of the children and staff in the home. Compliance with these regulations will be monitored by the Care Standards Inspectorate.

The Assembly will also consider how the Care Standards Inspectorate can ensure that appropriate logs are kept at children’s homes as new national minimum standards for children’s homes are developed.

Absconders

16. Police officers should be reminded periodically that an absconder from a residential care or foster home may have been motivated to abscond by abuse in the home. They should be advised that, when apprehended, an absconder should be encouraged to explain his reasons for absconding and the absconder should not automatically be returned to the home from which he absconded without consultation with his field social worker.

In Agreement

Action: The Home Office will advise Chief Officers of Police to follow existing guidelines and will underline the importance of close co-operation between police and social services when children go missing from care.

In February 1998 the Association of Chief Police Officers and the Local Government Association jointly issued to all police forces and local authorities guidelines setting out best practice on dealing with children who abscond from care. This guidance included the expectation that police forces and local authority social services departments should develop joint protocols to ensure safe, caring practice.

The guidelines were based on the "Going Missing :Young People Absent from care" report and alert police to the risk issues and vulnerability of children who abscond from care.

The Home Office will advise chief officers of police to follow these guidelines and will underline the importance of close co-operation between police and social services when children go missing from care. The Home Office will also remind police officers that an absconding child should not automatically be returned to care without first establishing why the child absconded. Police officers will be reminded that this process of investigation may lead to child protection mechanisms being put in place.

17. It should be a rule of practice that any absconson should be reported as soon as possible to the absconder's field social worker and that the absconder should be seen on his return by that social worker or by another appropriate person who is independent of the home.

In Agreement

Action: The Assembly to consider issuing guidance currently being prepared by the University of York and the Department of Health This is expected to be available in the next few months.

This recommendation reflects current good practice.

Research evidence was distributed to local authorities in 1999 in the publication "Caring for Children Away from Home - messages from research". This included information from a study on children who go missing conducted by the University of York. This research was disseminated at two seminars for child care managers during the last twelve months.

Regulation 20 of the Children's Homes Regulations 1991 requires that the responsible authority must record in writing the procedure to be followed when any child accommodated in a children's home is absent without permission and ensure that this procedure is drawn to the attention of children accommodated in and staff working in the home. Responsibility for routine monitoring of

compliance with the Children's Homes Regulations currently rests with local authority inspection units and will become a responsibility of the Care Standards Inspectorate. Social Services Inspectorate for Wales inspections have also monitored compliance with regulations.

The Government stated in its response to the Utting Review that "it is particularly important that whenever a child returns, or is returned by others, a full assessment should be made of the reasons why the incident occurred and whether the child's placement remains suitable. Accurate records must be maintained of every incident and senior managers should examine the reasons why children have gone missing...."

Strategy on investigation of complaint

18. When a complaint alleges serious misbehaviour by a member of staff, the Director of Social Services should appoint a senior officer to formulate an overall strategy for dealing with the complaint, including such matters as liaison with the police in relation to investigation and with other agencies as appropriate, the impact on the child and other residents, any links with other establishments, the handling of any disciplinary proceedings, treatment of any looked after children who are or may become abusers themselves, the management of information for children and parents, staff, elected members and the public.

In Agreement.

This recommendation is specifically addressed in Working Together to Safeguard Children and is existing good practice

Working Together states that "where allegations of abuse are made against a staff member...., the matter should be referred to the social services department, in the same way as any other concern about possible abuse. Social services should always discuss the case with the police at the first opportunity if a criminal offence may have been committed against a child. Investigations into allegations relating to a member of social services own staff (or foster carers) should involve an independent person, from outside the relevant service or institution or from outside the authority e.g. another local authority".

"Any investigation may well have three related, but independent strands:

- Child protection enquiries, relating to the safety and welfare of any children who are or who may have been involved;
- A police investigation into a possible offence; and
- Disciplinary procedures, where it appears that the allegations may amount to misconduct or gross misconduct on the part of the staff.

Parents of affected children should be given information about the concerns, advised on the processes to be followed and the outcomes reached. The provision of information and advice must take place in a manner that does not impede the proper exercise of enquiry, disciplinary and investigative processes”.

The Practice Guide to Investigate Allegations of Abuse against a Professional or Carer in relation to Children Looked After issued in February 2000, states that where the allegation is against a member of staff, the case co-ordinator will be a senior manager in the Department . Clear timescales for the child protection investigation and disciplinary investigation process should be established. Consideration should be given to running the police investigation and any disciplinary processes, in tandem. A strategy meeting should be convened within two working days to plan and co-ordinate the investigation.

See also recommendations 3 and 4.

Liaison with police

19. Whenever a police investigation follows upon a complaint of abuse of a looked after child, the senior officer referred to in recommendation (18) or another senior officer assigned for the specific purpose should establish and maintain close liaison with the senior investigating officer appointed by the police for that investigation and the local authority’s officer should be kept informed of the progress of the investigation.

In Agreement. This is existing good practice

‘Working Together’ encourages inter-agency co-operation where allegations of abuse are made against a member of staff. Ideally, investigations into allegations relating to a member of social services own staff (or foster carers) should involve an independent person, from outside the relevant department or institution or from outside the authority.

Paragraph 5.33 of Working Together states that “Each Area Child Protection Committee should have in place a protocol for social services departments and the police, to guide both agencies in deciding how s.47 enquiries and associated police investigations should be conducted, and in particular, in what circumstances s.47 enquiries and linked criminal investigation are necessary and/or appropriate”. In assessing how the Assembly may respond to this, ACPCs have been asked to advise on what has been done to establish a protocol between social services departments and the police and whether consideration is being given to strengthening these protocols in light of the Waterhouse Report recommendations.

In cases of suspected organised or multiple abuse, paragraph 6.25 of ‘Working Together’ states “each investigation of organised

or multiple abuse will be different, according to the characteristics of each situation and the scale and complexity of the investigation. Each requires thorough planning, good inter-agency working, and attention to the welfare needs of the children involved.”

Disciplinary proceedings

20. Any disciplinary proceedings that are necessary following a complaint of abuse to a child should be conducted with the greatest possible expedition and should not automatically await the outcome of parallel investigations by the police or the report on any other investigation. In this context it should be emphasised to personnel departments and other persons responsible for the conduct of disciplinary proceedings within local authorities that:

a) police or any other independent investigation does not determine disciplinary issues;

b) disciplinary proceedings may well involve wider issues than whether a crime has been committed;

c) the standard of proof in disciplinary proceedings is different from that in criminal proceedings; and

d) statements made to the police by potential witnesses in disciplinary proceedings, including statements by a complainant, can and should be made available to local authorities for use in such proceedings, if consent to this is given by the maker of the statement.

21. Personnel departments and other persons responsible for disciplinary proceedings within local authorities should be reminded that:

a) in deciding whether or not a member of staff should be suspended following an allegation of abuse to a looked after child, first consideration should be given to the best interests of the child;

b) suspension is a neutral act in relation to guilt or innocence;

c) long periods of suspension are contrary to the public interest and should be avoided whenever practicable;

d) depending upon the gravity of the allegation of abuse, the employment of a member of staff in another capacity not involving contact with children or other vulnerable persons may be an appropriate decision at the time of suspending or finally, having regard to the importance of protecting looked after children from abuse.

In Agreement. These recommendations are addressed in existing guidance. The Assembly has asked local authorities for their views on these recommendations and will consider the need for supplementary guidance in the light of responses.

This is a complex area that must be considered on a case by case basis. Working Together to Safeguard Children provides some guidance in this area.

In addition the Assembly has developed and issued a practice guide "The Practice Guide to Investigate Allegations of Abuse against a Professional or a Carer in relation to Children Looked After" to assist local authorities. The guide states that the disciplinary process (if appropriate) does not need to wait for completion of the criminal process.

However, it is sometimes difficult for internal disciplinary proceedings to run concurrently with criminal proceedings as there may be a risk of prejudicing the criminal process.

Most employers have the power to suspend staff with pay so that there is no need for the disciplinary proceedings to be completed before the criminal investigation proceedings are completed.

The Assembly agrees that police or any other independent investigation does not determine disciplinary issues and that disciplinary proceedings may well involve wider issues than whether a crime has been committed.

The Assembly would strongly recommend that employers should ensure that all pending disciplinary proceedings are reviewed on a case by case basis after the conclusion of criminal proceedings and that it should not automatically be concluded that an acquittal means that the disciplinary proceedings should be withdrawn. These are clear lessons from the Waterhouse report.

Working Together states that the investigation should be completed as quickly as possible consistent with its effective conduct.

The Practice Guide to Investigate Allegations of Abuse against a Professional or a Carer in relation to Children Looked After states that the immediate priority is the safety of children. Before moving to suspend staff, consideration should be given to whether the alleged actions fall within the criteria recommended by Warner for staff suspension (these include where allegations, if proven, would lead to dismissal or prosecution and where a child would be placed in danger if the member of staff were not removed). Where the criteria are not met consideration should be given to reassigning the member of staff.

Regarding foster carers (who are not employees), local authorities are required to have procedures in place to deal with allegations against foster carers, these are laid down in the Code of Practice on the recruitment, assessment approval, training, management and support of foster carers. Standards are set in the National Standards for Foster Care

Review of procedures in major investigations and guidance

22. In the light of the recent experience gained in both England and Wales in major investigations of alleged wide ranging abuse of children in care/looked after children, an inter agency review of the procedures followed and personnel employed in those investigations should now be arranged with a view to issuing practical procedural guidance for the future. In any event guidance is required to social services departments and police forces now in relation to:

- a) the safeguarding and preservation of social services files;**
- b) the safeguarding and preservation of police records of major investigations, including statements and the policy file;**
- c) access by the police to social services files;**
- d) the supply of information about alleged and suspected abusers by the police following an investigation; and**
- e) the sharing of information generally for criminal investigation and child protection purposes.**

This recommendation is currently under discussion with the Home Office and the Department of Health. .

Action: The Assembly to work in collaboration with relevant government departments to issue a best practice handbook to enable learning to be shared.

Action: The Assembly, in conjunction with relevant government departments, to hold a seminar to discuss the current state of practice on access to social services records by the police.

Sharing information between authorities and other agencies is vital to keeping children safe from harm.

Chief social services officers in Wales and their police colleagues have identified the need to review practice in complex investigations and to consider issues in respect of disclosure of information. The Assembly is to convene a seminar for senior managers of Social Services Departments. Local Authority legal departments representatives and the Police Forces in Wales will be invited to attend. Relevant government departments and a number of English local authorities have also been invited to

contribute to the seminar.

In addition the Association of Chief Police Officers and the Department of Health are working together to develop good practice guidance on complex abuse investigations. A number of combined training events for senior police officers and senior Social Services managers on how to handle these difficult investigations are currently taking place. A draft best practice handbook has been produced to enable learning to be shared. The Assembly is working in collaboration with relevant government departments to issue the handbook in Wales.

Working Together to Safeguard Children contains guidance on the sharing of information, covering:

- the Legal Framework
- the Common Law Duty of Confidence
- the Data Protection Act
- The European Convention on Human Rights and Disclosure of Information about Sex Offenders

Schedule 2 of the Children's Homes Regulations 1991 sets information to be included in confidential records concerning children in children's homes. These records are to be kept securely and treated as confidential and must be retained for 75 years from the date of birth of the child, or if the child dies before reaching age 18, for a period of 15 years from his death. Schedule 3 of the Regulations sets out the other matters on which records are to be kept. By regulation, these are to be retained for at least 15 years.

In the 1970s record keeping was governed by the Boarding Out Regulations 1955 and the Administration of Children's Homes Regulations 1952. The Boarding Out Regulations required local authorities and voluntary organisations to keep the case records for at least 3 years from the child's 18th birthday and registers for 5 years. These were replaced by the Boarding Out Regulations 1988, which introduced the requirement that records be kept for 75 years. This requirement was subsequently incorporated into the Children Act 1989.

The Foster Placement (Children) Regulations 1991 provide for case records in respect of foster placements. Records relating to foster parents are to be kept for at least ten years from the date on which approval is terminated or the foster parent dies.

The Practice Guide to Investigate Allegations of Abuse against a Professional or Carer in relation to Children Looked After contains guidance on the management and investigation of allegations of abuse of looked after children by staff or others who are in direct caring role.

Working Together also contains new guidance on investigating organised or multiple abuse, including :

“The guidance on investigating allegations of abuse against professionals is equally relevant to investigating organised or multiple abuse . In addition, there are some important issues which should be addressed in all major investigations, and which should be reflected in local procedures:

- ensure that records are safely and securely stored;
- Relevant areas for decision making include the safe and secure storage of records; Terms of reference should include assurances that the team will have full access to records and individuals who hold important information; agree clear written protocols between police, social services and other agencies in relation to all key operational and policy matters, including information sharing”

The prevention of abuse

Recruitment of staff

23. Social Services Departments should be reminded periodically that they must exercise vigilance in the recruitment and management of their staff in strict accordance with the detailed recommendations of the Warner committee; and compliance with them by individual local authorities should be audited from time to time.

In Agreement.

*Action: The Assembly will consider extending the requirements to comply with the recommendations of the Warner Committee on recruitment and selection to apply to **all** staff working with children living away from home.*

The Government 's Response to the Children's Safeguards Review said that the Warner recommendations on recruitment and selection should be used for all staff caring for children living away from home. In Wales, as part of the implementation of the Report of the Examinations Teams on Child Care Procedures and Practice in North Wales (Adrienne Jones Report), published in 1996, all local authorities were required to comply with the recommendations of the Warner Committee. All local authorities in Wales subsequently confirmed that they follow the procedures for all appointments to residential child care posts.

The Protection of Children Act 1999 received Royal Assent in July 1999. The Act will place the Department of Health Consultancy Index (a list of health and social workers deemed unsuitable to work with children) on a statutory footing. The Department of Health is working towards implementation of the Act later this year. Under the Act regulated childcare organisations will be required to check the names of anyone they propose to employ in posts involving regular contact with children against the Index and the Department for Education and Employment's List 99 (a statutory list of teachers deemed unsuitable to work with children). They will not be able to employ anyone in a child care position who is recorded in either source.

The Care Standards Bill will include provision for the Care Council for Wales to draw up a code of best practice for employers. This will emphasise the need for employers to take a rigorous approach to recruitment to prevent unsuitable people from entering the workforce.

The Criminal Records Bureau, which will cover Wales and England, will become operational in 2001 and will provide checks on the suitability of people to work with children. It will check details of criminal convictions and the inclusion of names of people deemed unsuitable to work with children on the Consultancy Index and List 99.

The provisions of the Criminal Justice and Court Services Bill, which was recently introduced in Parliament, include a prohibition on persons with convictions for certain offences working with children.

Approval of foster parents

24. Similar vigilance should be mandatory in relation to all applications for approval as foster parents. In particular, any application to foster by a member of a local authority's childcare staff should be stringently vetted by a social worker who is not known to the applicant.

In Agreement.

Action: The Assembly to monitor progress of the implementation of the UK National Standards for Foster Care and the Code of Practice in Foster Care.

The National Standards and a Code of Practice in Foster Care were launched in Wales in November 1999. When fully implemented these will ensure that all prospective foster parents are subject to stringent vetting, and that all foster parents are properly trained and that their performance is of an acceptable standard. Local authorities are currently auditing current practice against the standards.

The Care Standards Bill will introduce new arrangements for ensuring proper standards in the recruitment and selection of all foster parents. Standards will be set and authorities and independent foster agencies will be inspected by the Care Standards Inspectorate in Wales.

Induction training

25. Social Services Departments should ensure that appropriate and timely induction training is provided for all newly recruited residential care staff.

In Agreement

Action: The Assembly to work with TOPSS Cymru to progress this recommendation through priorities set out in the Assembly's Training Support Programme.

**Training
generally**

26. The Tribunal endorses all five of the most recent recommendations of Sir William Utting in "People Like Us" in relation to the content and provision of training for staff in children's homes and the care units of residential special schools and recommends that they should be implemented as expeditiously as possible.

In agreement.

Action: The Assembly to continue to monitor the progress of meeting the expectations of the National Training Targets set out below.

National Training Targets have been set in Wales for each grade of residential child care staff. The Assembly is on target to meet expectations that all officers in charge of local authority homes will hold an appropriate qualification 30 September 2000, all deputy officers by September 2002 and 85% of residential child care officers/assistants will hold an appropriate qualification by 30 September 2003.

The Care Standards Bill will give the new Care Councils stronger powers to regulate providers of social work training. The Councils will also have the task of ensuring that staff get the training and qualifications they need for the jobs they do.

27. It should be a requirement that senior staff of children's homes (including private and voluntary homes) must be qualified social workers or, if that is not practicable before appointment, that it should be a condition of their appointment that they undertake qualifying training within a specified period.

In Agreement

Action: The Assembly to make Regulations under the Care Standards Bill to ensure that those appointed to senior residential childcare posts are appropriately qualified.

Regulations to be made under the Care Standards Bill will impose requirements about the types of person who make work in children's homes and other regulated services, as to the fitness of such persons and their management and training.

Expected good practice on staff training and development is set out in the Children Act 1989 (Guidance and Regulations vol. 4). Small children's homes (with three or less children) are not

currently governed by the Regulations. The Care Standards Bill introduces a new system for the regulation of establishments including small children's homes. It will be an offence to carry on or manage an establishment without being registered under Part 11 of the Bill with the Care Standards Inspectorate and in order to register, it will be necessary to comply with the requirements of the regulations.

The Care Standards Bill also contains powers for the National Assembly to reserve jobs to appropriately qualified people.

See also recommendation 26.

28. Central government should take the initiative to promote and validate training in safe methods of restraint with a view to making such training readily available for residential childcare staff and foster parents.

In Agreement.

Action: The Assembly to consider a review of existing guidance on the restraint of children in collaboration with the Department of Health and the Department of Education and Employment.

The Welsh Office, in collaboration with the Department of Health, commissioned the development of training materials on this topic for use in training programmes. The materials, Taking Care Taking Control, were issued to all local authorities in Wales in 1997.

The Care Standards Bill provides for the National Assembly to have a statutory duty to promote training for social care staff and to secure the provision of such training where it is inadequate.

29. Suitable specialist training in child care at post-qualifying level should be made widely available and, in particular, to the senior residential care staff of children's homes and to field social workers.

In Agreement.

Action: The National Assembly for Wales to monitor the progress of the new Post Qualifying Award in Child Care

A Post Qualifying (PQ) Award in Child Care has been developed jointly by England, Scotland, Northern Ireland and Wales and was launched in October 1999. It is intended to cover a wide range of child care work including family support, child protection and looked after children. The Assembly and CCETSW Cymru are funding a pilot project for the award in Wales running in Cardiff, Swansea and Bangor. Recruitment of the first intake is almost

complete.

**Attracting
suitable staff**

30. There should be a national review of the pay, status and career development of residential child care staff and field social workers to ensure as far as possible that there is a sufficient supply of candidates for such posts of appropriate calibre.

Agreement in principle.

Action: The Assembly will work with the Department of Health and other organisations to review these issues.

We agree in principle that there should be a national review of the pay, status and career development of residential child care staff and field social workers to ensure as far as possible that there is a sufficient supply of candidates for such posts of appropriate calibre.

While not wishing to override the employers' responsibility for their own workforce, the Assembly will do all it can to stimulate debate amongst employment interests about tackling problems of recruitment and retention to ensure that workforce needs are met and that the aspirations of initiatives such as Children First are realised.

On 22 March 2000, the Department of Health convened a workforce summit which was attended by representatives from across the social care sector including local government organisations, voluntary organisations, the Associations of Directors of Social Services, the British Association of Social Workers and the Training Organisation for the Personal Social Services (TOPSS). The summit discussed a range of issues affecting the recruitment, retention and status of staff in the social care field and an initiative is now being planned by TOPSS to take forward the emerging issues. The National Assembly will be keeping a close eye on developments.

See also recommendations 25, 26, 27, 28 and 29.

The quality of care

Assessment

31. Whenever it is possible to do so, an appropriate social worker should carry out a comprehensive assessment of a child's needs and family situation before that child is admitted to care.

32. All emergency admissions should be provisional and should be followed, within a prescribed short period, by a comprehensive assessment of the child's needs and family situation

33. The comprehensive assessment referred to in recommendations (31) and (32) should form the basis for the preparation of a care plan in consultation with and for the child within a prescribed short period after the child's admission to care.

In Agreement.

Action: The Assembly will issue a new Framework for Assessing Children in Need and their Families in light of the responses to the consultation referred to below.

The new Framework for Assessing Children in Need and their Families has been developed to provide a systematic way of understanding analysing and recording children's needs and parental capacities. The Assembly is currently consulting on this and it will issue later this year.

The Assembly and the Department of Health are in the process of developing an integrated children's system which brings together the Framework for Assessing Children in Need and their Families and Looked After Children system which is planned to be completed within the next 18 months

The arrangements for Placement of Children (General) Regulations 1991 make comprehensive provision about the information, which is to be gathered, and the steps to be taken before a child is admitted to care. Where all the arrangements cannot be carried out in advance of the placement, the responsible authority is required to make them as soon as is reasonably practical thereafter (regulation 3(2)). Regulation 11 of the Foster Placement (Children) Regulations 1991 governs emergency and immediate foster placements.

Working Together states that emergency action addresses only the immediate circumstances of the child(ren). It should be followed quickly by s.47 enquiries as necessary. The agencies primarily involved with the child and family should then assess the circumstances of the child and family, and agree action to safeguard the child in the longer-term and to promote his or her welfare. Where an emergency protection order applies, the social services department needs to consider quickly whether to initiate care or other proceedings, or to let the order lapse and the child return home.

The assessment referred to in 31 will provide key information about a child's developmental needs before the child starts to be looked after, which will result in improved care planning and placement matching.

The cases of all looked after children must be reviewed within 4 weeks of the date in which the child is first looked after or accommodated (Review of Children's Cases Regulations, Regulation3(1)).

34. An appropriate social worker should be designated as the person responsible for the implementation of the care plan and supervision of the looked after child.

In Agreement

This is existing good practice.

Social Services Inspectorate for Wales inspections include consideration of whether local authorities are monitoring this aspect of performance.

Also see Recommendation 12.

Foster carers

35. Foster carers should receive continuing support and have access as necessary to specialist services. In this context we endorse the recommendations of Sir William Utting in relation to training in "People Like Us".

In Agreement.

Action: The Assembly to monitor progress on the meeting the targets of the Training Support Programme.

Ensuring that foster carers have the necessary skills to meet the needs of the children in their care is a key area of development as part of the Children First Programme. Guidance on the training needs for foster carers is provided in the Code of Practice on the recruitment, assessment, approval, training, management and support of carers. The standards for training are set out in the UK National Standards for Foster Care.

The National Assembly has made additional financial provision to the Training Support Programme in order to target investment towards staff who work in services with children. The planned expenditure on the Training Support Programme in 2000-2001 will total £3,750,000. The Training Support Programme in 2000-2001 has one additional target - the Assembly expects that from 2000-2001 onwards local authorities will use the TSP to support the take-up of NVQ Level 3 awards for foster carers. One of the programmes targets is that by 30 September 2003 15% of foster carers will hold a listed qualification.

Leaving care

36. The daily regime in residential establishments and foster homes should encourage and provide facilities for the acquisition of skills necessary for independent living.

In Agreement.

Action: The Assembly to ensure that this recommendation is addressed within the new national minimum standards developed

by the Care Standards Inspectorate (Wales).

This is existing good practice.

The Looking After Children system, which has been issued under Section 7 guidance, provides the framework for care planning for all children who are looked after. Plans should include the development of self care skills and preparation for independent living.

Two key objectives of the Children First programme are :

“ to ensure that children in need (including looked after children) gain maximum life chance benefits from education opportunities, health care and social care” and

“to ensure that young people leaving care, as they enter childhood, are not isolated and are able to participate socially and economically as citizens”.

37. A leaving care plan should be prepared for each looked after child, in consultation with that child, a year in advance of the event and should be reviewed periodically thereafter until the child ceases to require or be eligible for further support.

In Agreement.

Action: This will be addressed in the Children (Leaving Care) Bill. The Assembly will make regulations and issue guidance on the content and review of care plans.

This is existing good practice.

The current guidance requires that all children in care must have a care plan reviewed regularly. Each review must consider whether arrangements need to be made for the time when the child will no longer be looked after or provided with accommodation (paragraph 8 schedule 2 Review of Children’s Cases Regulations).

Subject to Parliamentary approval, the Children (Leaving Care) Bill will oblige local authorities to provide a Young Person’s Adviser and a Pathway Plan for all eligible young people – that is those aged 16 & 17 who have spent a prescribed period in care. The Pathway Plan will map out a route to independence for these young people including consideration of when they might be ready to leave care. The plan will be reviewed at least once every six months to take account of a young person’s changing needs and circumstances. The Young Person’s Adviser will provide the key link between a young person and their local authority, providing support and guidance and helping to co-ordinate services. They

will continue to keep in touch until the young person reaches at least 21. The Assembly will make regulations and issue guidance on the appointment and duties of a Young Person's Adviser.

38. The duty upon local authorities under section 24(1) of the Children Act 1989 to advise, assist and befriend a child with a view to promoting his welfare when he ceases to be looked after by them should be extended so as to ensure that placing authorities provide the level of support to be expected of good parents, including (where appropriate) help to foster parents to provide continuing support.

In Agreement.

Action: This will be addressed in the Children (Leaving Care) Bill

The Children (Leaving Care) Bill proposes a greatly enhanced level of support for children in and leaving care who meet the eligibility criteria to be defined in regulations. For those aged 16 and 17, the local authority will be under a duty to assess and meet their needs, including accommodation and maintenance, whether they stay in care or not.

***Fostering
breakdowns***

39. Every local authority's fostering service, whether provided directly or by another agency, should monitor breakdowns in placements with a view to analysing the causes and remedying any faults in the service and should report upon them periodically to the Director of Social Services.

In Agreement.

Action: The Assembly to monitor implementation of the Foster Care Code of Practice and the UK National Standards for Foster Care.

The Foster Care Code of Practice provides explicit guidance on the need to keep detailed management information on the operation of the fostering service.

Standard 23 of the UK National Standards for Foster Care requires each local authority to convene a fostering panel as part of its assessment and approval process for foster carers, which also plays a role in monitoring and developing local fostering policy, procedures and practice. Under Standard 23.11 the panel should receive regular information on the management of the of the authority's fostering service, the placement needs of looked after children and important developments from research and best practice guidance. The fostering panel should collectively consider the local authority's annual report on its foster care service.

Compliance with safeguards

40. Appropriate key indicators of compliance with safeguards should be developed, covering particularly:

- a) the allocation of a designated social worker to each looked after child;**
- b) compliance with fostering and placement regulations;**
- c) statutory review requirements; and**
- d) rota visits by elected members.**

In Agreement.

Action: SSIW will continue to monitor compliance as part of their inspection programmes for services for looked after children

These indicators are addressed in Social Services Inspectorate for Wales' inspections of assessment and care planning for children who are looked after by local authorities.

Private children's homes and residential schools

Registration of homes

41. All private children's homes should be required to register with the independent agency referred to in recommendation (47).

In Agreement.

Action: The Care Standards Inspectorate will require all private children's homes, including small homes, to be registered.

Governing body

42. The owner of a private children's home and the owner of a private residential school approved generally for SEN children or receiving SEN children with the consent of the Secretary of State should be required, if the establishment is above a size to be determined, to appoint an appropriately constituted governing body under arrangements approved by the relevant regulatory authority, to include representation from the local social services and education authorities (as appropriate) and the local community.

Accounts etc

43. The accounts and other relevant financial information relating to private children's homes and private residential schools approved generally for SEN children with the consent of the Secretary of State should be disclosed to the relevant regulatory authorities

44. There should be an urgent review of the legislation governing the regulation of private residential schools to

include particularly:

a) approvals and consents under section 347 of the Education Act 1996 and for provisional registration of schools,

Regulation of schools

b) the Notice of Complaints provisions and the procedures for the withdrawal of approvals generally, and

c) the interaction with the provisions for registration of private children's homes,

with a view to establishing a stricter and more readily enforceable regulatory regime.

In Agreement.

Action: The Assembly to issue a consultation document on proposals for a review of registration and monitoring arrangements for independent schools which will address recommendations 42, 43 and 44 .

Private children's homes and independent residential schools do not have governing bodies.

Independent residential schools must be registered with the Assembly. Substantive registration is dependent on schools meeting acceptable welfare, education and health and safety criteria. The consultation exercise referred to above will encompass a range of issues relating to strengthening the regulatory and monitoring framework for independent schools. Proposals for setting up governing bodies and disclosure of accounts and other financial information will also comprise part of the consultation. There are no non-maintained special schools in Wales.

All children's homes including private children's homes, in order to register with the new Care Standards Inspectorate, will have to meet any requirements imposed in regulations about their financial position and as to the keeping of accounts.

The Care Standards Inspectorate will, under the Care Standards Bill, carry out welfare inspections of all boarding schools, including special schools and state boarding schools that are currently exempt. Also such schools will be required to register as children's homes if they accommodate children for more than 295 days a year, and they would then be subject to full regulation by the National Assembly.

The Care Standards Bill also enhances the restrictions on working with children in independent schools by adding the employment of a person who is unsuitable to work with children or for any reason, not a proper person to be employed, an additional ground for complaint under existing Notice of Complaints procedures.

Assessment

45. Any placement of a child by a local education department or a by a social services department in a residential school should be preceded by:

a) consultation between the departments as to whether an assessment by an appropriate social worker of the child's needs and family situation is needed as well as an educational assessment; and

b) in the light of (a) and any subsequent assessment, a decision about the need for (and extent of) any further involvement of the social services department with the child to ensure continuity of planning for the child's long term welfare and protection of the child's rights.

In Agreement.

Action: The Assembly to issue final guidance on the Education of Looked After Children

Draft guidance on the education of looked after children issued in autumn 1999 stressed the need for close co-operation between Social Services Departments and Local Education Authorities in supporting children.

The SEN Action Programme "Shaping the Future of Special Education in Wales" published in January 1999 stressed the need for effective inter-agency planning for a child's return to the home authority area from an out of area placement. Implementation of the Framework for the Assessment of Children in Need and their families will facilitate this process for children who are looked after by local authorities.

The revised "Working Together " guidance provides advice on effective consultation during the placement and assessment process.

Emergency admissions

46. Emergency admissions should not be made to private residential schools.

In Agreement

Action: The Assembly and local authorities to review placement provision in the light of research to map placement provision.

This recommendation reflects existing good practice. While there is general agreement with the principle behind the recommendation practice must retain sufficient flexibility to ensure that children can be placed in such settings where this is identified as the best, or least detrimental way, of meeting the individual

child's needs.

The placement of children who are looked after by local authorities is governed by the Placement of Children (General) regulations 1991.

In such circumstances the minimum requirement is that appropriate checks have been made prior to placement of the child and that urgent action is taken to ensure the appropriate assessment of need is made beyond the immediate crisis.

Inspection

Inspection agency

47. Without prejudice to the continuing role generally of the Social Services Inspectorate for Wales, an independent regulatory agency for children's services in Wales should be established, with a local base or local bases in North Wales, and charged with the responsibility of inspecting:

- a) all local authority, voluntary and private children's homes;**
- b) the welfare provision in residential schools;**
- c) fostering services; and**
- d) the other components of children's services.**

In Agreement.

Action: The Care Standards Inspectorate will regulate all children's homes, independent fostering agencies, residential family centres and residential schools.

48. When inspections are made by the agency of homes, schools or services mentioned in recommendation (47) at least one of the inspectors should have substantial experience of childcare.

Action: For the Care Standards Inspectorate

The Care Standards Inspectorate will be responsible for appointing appropriately qualified staff.

"Building for the Future", the Social Services White Paper for Wales, gave commitment to have a senior officer responsible for the separate regulation of children's services within the new arrangements.

Joint inspection of SEN schools

49. The agencies responsible for educational and welfare inspections of private residential schools accommodating children with SEN pursuant to section 347 of the Education

Act 1996 should be required to agree joint programmes of inspection and reporting.

In Agreement

Action: For the Care Standards Inspectorate and Estyn

The Assembly agrees that co-ordination and joint working is important. The Care Standards Inspectorate to be established under the Care Standards Bill will work in liaison with Estyn.

The inspection of independent schools will be one of the issues covered by the proposed consultation on the regulation and monitoring of independent schools referred to in previous recommendations.

Under current arrangements Estyn undertake a full inspection of educational provision at independent schools with general approval to take children with Special Educational Needs every six years, in line with its inspection cycle for schools in the maintained sector. Such schools are also subject to an annual monitoring visit. Independent schools that admit SEN children on the basis of specific consents by the National Assembly (but without general SEN approval) are not subject to full inspection but are subject to annual monitoring visits

Welfare inspections are currently undertaken by local authority social services departments. Any welfare concerns that may be identified by Estyn during the course of educational inspections/visits are passed on to the relevant social services by the National Assembly.

Common standards

50. A common set of standards should be applied to the local authority, voluntary and private sectors in relation to residential provision and other services for looked after children.

In Agreement

Action: The Care Standards Bill will require local authority provision to be registered for the first time. There is provision for a common set of regulations and national minimum standards to be applied across the board.

Reports

51. Copies of the reports of inspections of local authorities' children's homes and services should be sent to the Chief Executives as well as the Directors of Social Services.

In Agreement

Action: The Assembly to consult with local authority's with a view to issuing guidance to secure earlier implementation of this recommendation.

Reports of inspections carried out by Social Services Inspectorate for Wales are already routinely distributed to the Local Authority Chief Executive as well as the Director.

Under the Care Standards Bill, the Care Standards Inspectorate will inspect all children's homes. The Inspectorate will be required to produce a report after each inspection and these will be made public. The Bill requires copies of the report to be sent to the person carrying on the home and to the person managing the home so that the local authorities will automatically receive copies of all reports of inspections carried out in respect of the homes they provide.

52. Copies of reports of inspections of private and voluntary children's homes and of private residential schools should be sent to the Director of Social Services of any placing authority with a child at the school and of the authority in whose area the establishment is located.

Action: See 51 above

Action: For consideration by the Care Standards Inspectorate in due course.

Social Services Department's which place children in private and voluntary children's homes and private residential schools are responsible for ensuring that the placement meets the needs of the child.

The Care Standards Bill includes the requirement that the Care Standards Inspectorate make its inspection reports public and available to any person who requests one. This provision ensures that Directors of Social Services will be able to access reports about all homes where they place children, whether they are run by local authorities, private or voluntary agencies.

53. The agency referred to in recommendation (47) should present an annual report on all aspects of its work, including any constraints upon that work and any shortfall in fulfilling its obligations.

In Agreement

Action: The Care Standards Inspectorate will be required to publish an annual report on all aspects of its work.

Senior management

Structure

54. There should be at least one full member of a local authority's social services department management team with childcare expertise and experience.

Agreement in principle

Action: The National Assembly will draw this recommendation to the attention of local authorities and will give further thought to making this a requirement .

This is not currently a requirement. It is a matter for local authorities to ensure that they have an adequate range of childcare expertise in their management team.

55. The responsibility for policy and service development and for oversight of the delivery of a local authority's children's services should be assigned to one member of the social services department management team of at least Assistant Director status.

In Agreement

This is a requirement of the Report of the Examination Team on Child Care Procedures and Practice in North Wales (Adrienne Jones Report). Recommendation 24 of the report states "Directors of Social Services in the new unitary authorities should examine their senior management team membership to ensure that there is one designated person with overall policy and service responsibility for children's services".

Social Services Inspectorate for Wales inspections following local government re-organisation in 1996 confirmed that the local authorities in Wales met this requirement. This will be re-examined in the light of recent changes in local authority structures in Wales.

56. Staffing resources at intermediate management level for a local authority's children's services should be sufficient in number and quality to enable positive and close supervision and support to be given to residential establishments and the fostering service.

In Agreement

The Assembly recognises that each local authority must make its own decisions about the number, structure and responsibilities of its social services management teams. However, we recognise that it is vital that management responsibilities and accountability are clear and this issue is addressed in Social Services Inspectorate for Wales Inspections and the Joint Reviews

Training

57. Local authorities in Wales should review their current arrangements for management training and development for senior managers, including social services managers, giving particular attention to the development of skills in strategic planning, policy implementation and performance appraisal.

In Agreement

This is primarily a matter for local authorities but for several years the Welsh Office, and latterly the Assembly, have focused Training Support Programme monies in this area which will lead to externally validated management qualifications.

Recommendation 33 of the Report of the Examination Team on Child Care Procedures and Practice in North Wales (Adrienne Jones Report) states "Employers should give priority to management development programmes, targeted at senior managers initially".

In 1998/99 Social Services Inspectorate (Wales) held a series of seminars as part of a management development programme aimed at senior managers

In the four years since local government reorganisation, over 500 Social Services Department staff have secured externally validated management qualifications.

Elected Members

Responsibilities

58. Elected members should from time to time be advised about and reminded of their responsibilities to develop policy and to oversee and monitor the discharge by the local authority of its parental obligations towards looked after children.

In Agreement.

Action: The Assembly and local authorities to continue to work in partnership to maintain the profile of children services and corporate parenting.

In April 1999, the then Secretary of State for Wales wrote to all elected members emphasising their responsibilities towards looked after children and to underline their the crucial role they have in ensuring the success of the Children First programme, the provision of services to children in need and looked after by their authorities. Their awareness of corporate parental responsibility is a key factor. In January 2000 a further letter on the same subject was issued by the Assembly Secretary for Health and Social Services.

Elected members were invited to attend an all-Wales conference "Lost in Care" in May 2000. The conference considered the

implications of the Waterhouse report and the role and duty of elected members in respect of looked after children were reinforced.

**Reports by
Director of
Social
Services**

59. It should be the explicit duty of the Director of Social Services to assist and support elected members in discharging those responsibilities and, in particular:

- (a) to inform elected members of all matters of concern touching upon children's services, including reports upon them, whether adverse or favourable;**
- (b) to provide information on comparative spending on children's services by local authorities in Wales and an analysis of that information;**
- (c) to submit an annual report to the Social Services Committee on the department's performance in relation to children's services including its record of compliance with required safeguards for looked after children.**

In Agreement.

Action: Local authorities to continue to implement the requirement for Children First reports to be endorsed corporately and the Assembly to monitor compliance.

The Children First circular issued in April 1999 sets out the role and responsibilities of Directors of Social Services in relation to the programme and to children's service's more generally. It states that Directors of Social Services will be responsible for:

- co-ordinating the activity within his or her department on preparing and implementing the programme;
- engaging other local authority departments in the programme, as appropriate;
- involving as appropriate other key agencies, such as the Health Authority and NHS Trusts, and also voluntary and independent sector providers;
- ensuring that action plans are prepared and that monitoring reports are made as required; and
- ensuring, in conjunction with the Chief Finance Officer, that the expenditure of the additional funds provided for the programme is accounted for and that details are recorded in the progress reports made to the National Assembly.

The Children First programme requires progress reports to be submitted to the Assembly, which should be endorsed corporately by the local authority and should demonstrate the commitment of the Council Leader and the Chief Executive.

It is generally accepted practice for Directors to present reports of Social Services Inspectorate for Wales inspections and the Joint Reviews, whether adverse or favourable, to elected members.

**Guidance
about visits**

60. The purpose and scope of visits to children's homes, whether by councillors or by senior and intermediate managers, should be clearly defined and made known to all such visitors.

In Agreement

Action: Local authorities to implement

Rota visits

61. The willingness of councillors to visit children's homes should be a pre-condition of appointment to the committee responsible for the homes and the importance of fulfilling the duty to visit and to report on visits conscientiously should be emphasised to them. Elected members should be provided with appropriate guidance, including reference to the need to be vigilant in protecting the interests of the child residents as well as to be supportive of the staff.

In Agreement

Ultimately this is a local issue. The Children First circular and the letters from the Secretary of State for Wales and the Assembly Secretary for Health and Social Services emphasised the importance of councillor's role.

Strategic issues

**Advisory
Council**

62. An Advisory Council for Children's Services in Wales comprised of members covering a wide range of expertise in children's services, including practice, research management and training should be established in order to strengthen the provision of children's services in Wales and to ensure that they are accorded the priority that they deserve.

63. The functions of the Advisory Council should include:

- a) advising on Government policy and legislation with regard to their likely impact on children and young people;**
- b) commissioning research;**
- c) disseminating information and making recommendations**

Action: The Assembly to consider this recommendation further in developing proposals for Children's Commissioner and Children and Young People's Strategy

The Assembly already consults with a number of groups which include representatives of organisations and individuals with expertise in children's services, and with bodies such as the Welsh Local Government Association and the Association of Directors of Social Services.

The roles recommended in 63(a) and (c) are similar to roles which it is envisaged will be fulfilled by the Children's Commissioner. With regard to (b), the Assembly has close links with academic institutions and research bodies and commissions research through the Wales Organisation of Research and Development (WORD).

Nationwide review of children's services

64. There should be a nation-wide review of the needs and costs of children's services based on local authorities' development plans and leading to a comprehensive and costed strategy for those services, including any necessary education and health elements.

Action: Assembly to develop Children and Young People's Strategy to provide a framework for planning. Local authorities, in partnership with NHS and voluntary organisations, to provide integrated costed plans within this framework for all services for children. Assembly to monitor progress against these plans and refine strategy as appropriate in the light of information received.

The Assembly is keen to promote better planning of children's services and is developing a comprehensive framework for local authorities to plan and cost all services for children. The Children and Young People's Strategy outlined in Chapter 3 will develop a strategic approach to children's services. The Children's Services Plans and Children First Plans will be integrated to provide a coherent approach to planning and provision for children's services.

The bulk of funding for children's services is from local authority discretionary resources. It is for local authorities to determine expenditure to meet local needs on the basis of their plans.

Local authority statistical returns, Best Value and Children First performance indicators, SSIW inspections and research work all provide information to inform policy development. The Assembly will be able to monitor this information at the all-Wales level and refine strategy as necessary in the light of its analysis.

Local Authority plans

65. Local authorities, in collaboration with voluntary and other relevant organisations and acting together with other local authorities where appropriate, should prepare costed development plans for children's services as a prelude to the proposed nation-wide review, such plans to ensure (amongst other things) that:

- (a) there is an adequate range of residential care provision of appropriate quality, including secure provision, within reasonable reach of a child's family or other relevant roots;**
- (b) such residential provision includes safe places where children can recover when relationships break down;**
- (c) as in (a), there is an adequate range of fostering facilities**

- available of similar quality and accessibility;**
- (d) all residential placements are designed to be developmental and therapeutic rather than merely custodial;**
- (e) full educational opportunities are available for looked after children, including remedial education.**

In Agreement.

Action: The Assembly to issue revised draft guidance on planning for social services for consultation later this year;

Action: The Assembly to monitor progress of the Children First Programme.

Existing planning guidance was issued for children's services plans in 1994. Since then there have been many developments including the regime of Best Value for local authorities, the Health Improvement Programmes and Joint Priorities which underline collaboration with Health in addition to other planning requirements which impact on social services.

The Assembly is preparing revised draft guidance on planning for social services which will set out the arrangements for the development of Children's Services and Social Care Plans and related procedures. The guidance will include the requirement for local authorities to prepare costed development plans for all services and underlines the importance of Children First plans.

A key objective of Children First is to "ensure that children in need (and looked after) gain maximum life chance benefits from education opportunities, health care and social care";

Sub objectives include

- to ensure that each child's educational needs are effectively assessed at the point at which they become looked after and are recorded.
- maintaining a pool of residential and foster care sufficient to meet the local needs;
- to improve care assessment and care planning.

Draft guidance has been issued by the Assembly on the Education of Children Looked After by local authorities, including children who have Special Education Needs. The guidance states that "Every looked after child needs a Personal Education Plan which ensures access to services and support; minimises disruption and broken schooling; signals particular and special needs; establishes clear goals and acts as a record of progress and achievement. The need Plan must sit within a methodical approach to providing for the needs of the whole child; identify what support is required and who will do what".

Use of residential schools

66. Central government should examine the extent to which residential schools are being used as a substitute for social services care and support, and identify the implications for children's long term welfare.

In Agreement

The Assembly fully agrees that the social care needs of children must be addressed when they are placed in residential schools. Local authorities need to consider these issues fully when placing looked after children in their care. The establishment of the Care Standards Inspectorate will ensure that all schools with boarding provision are subject to social care as well as education inspection and will help to highlight any problems in this area.

Availability of placements

67. Provision should be made for repeated monitoring at appropriate intervals of the availability and quality of residential placements and fostering services on a nationwide basis.

In Agreement.

Action: The Assembly to disseminate the findings of the study into the placement of children looked after at an all-Wales seminar later this year.

Action: The Assembly to assist local authorities to develop strategic approaches to placement provision.

On placements, one of the key themes of Children First is to improve placement choice for looked after children

Work to improve placement choice is described in Chapter 3 (para 3.53).

There are a number of other strands of work which are already under way or planned to improve the quality of residential childcare and foster care :

On standards, the new Care Standards Inspectorate will be responsible for registering all children's homes, including small children's homes. In order to operate, and to continue to operate, children's homes will have to comply with new regulations and prescribed national minimum standards. Those standards will set out what constitutes good quality care. If children's homes are required to meet rigorous standards, it will be much more difficult for the problems described in Lost in Care to happen again. If, as we suspect, most children's homes in the future will be for the small proportion of looked after children who require specialist care which cannot be provided in family settings, then the standards will need to be set to ensure that appropriate specialist care is provided.

Independent fostering agencies and local authority services will also be subject to national minimum standards .

Management training

68. Consideration should be given at national level to the need for, and provision of, training and management development for senior managers in local authorities in Wales, including the availability of such facilities for social services managers.

In Agreement.

Action: The Assembly to monitor progress of the Training Support Programme.

One of the objectives of the National Assembly Training Support Programme is to increase the proportion of staff, including those with responsibility for management, supervision and training, with the qualifications, skills and knowledge they need for the work they do. While the main responsibility of funding training rests with each local authority, the Assembly has recognised that it needs to target extra resources to bring training in social services to an acceptable level. In 2000-2001 will total £3,750,000.

In the last three years, over 500 Social Services Department staff have secured externally validated management qualifications.

Resources at national level

69. Adequate resources should be provided to ensure that the departments in Wales responsible at national level for children's services are sufficiently and appropriately staffed to support and monitor the provision of these services in Wales.

In Agreement.

Action: Staffing levels will be kept under review.

Statistics

70. The national statistics services in Wales should be strengthened to provide a comprehensive management information system.

In Agreement

A comprehensive Management Information system must be built on the foundation of good local systems. The Performance Indicator Framework introduced by Best Value and Children First will strengthen management information available at a national and local level.

The National Assembly is committed to the further development of the Looked After Children system and associated management information systems at local level. A Performance Management

Framework for Personal Social Services is being developed. Work is also under way with the Welsh Local Government Association to rationalise data collection systems. Initial pieces of work include :

- The Nuffield Institute at Leeds have been commissioned to undertake a review of management information requirements for social services in Wales and they are expected to report in June. An action plan for management information system will follow consideration of the Nuffield Report in the context of the overall performance management framework.
- The Assembly has also funded the development of a data analysis network for children's services, to help authorities manage their information systems.

**Law
Commission**

71. The Law Commission should be invited to consider the legal issues that arose in relation to the publication of the Jillings report and the associated problems, as explained in Chapter 32 of this report.

**Guidance on
inquiries**

72. Subject to the preceding recommendation, guidance to local authorities on the setting up and conduct of inquiries and the dissemination of the reports thereon should be updated and re-issued.

In Agreement

Action: For the Government to progress with the Law Commission

The Assembly will consider revised guidance to local authorities in the light of their consideration.

The Local Government Association and the Association of British Insurers jointly issued updated guidance to councils on the setting up and conduct of inquiries and the dissemination of any associated reports on 30 September 1999. This guidance seeks to ensure that councils take due notice of the interests of their insurers, but rightly cedes no direct locus to insurers in the setting up or conduct of an inquiry or the publication of its results.

The Government agrees with Sir Ronald that the legal issues that arose in relation of the publication of the Jillings report should be considered, and is exploring this with the Law Commission. The Government also agrees that the guidance to local authorities in relation to inquiries should be revised in the light of this study.

Children First Development Fund

Local Authority Bids for Additional Funds

Blaenau Gwent's allocation of **£76,353** will fund two appointments focusing on the educational and health needs of looked after children. A Careers Advice project will be established to advise young people in care. Sessional time available for Family Support and Outreach teams will be increased. The authority will develop its IT system to link Social Services with Education and the Health.

Bridgend's allocation of **£137,669** will fund 2 new posts addressing the educational and health needs of looked after children. Additional social workers will be appointed in the Homefinding Team to improve placement availability and choice and an existing post upgraded to improve the practice of involving children in their own care planning. A Support Services for children Co-ordinator will be appointed to develop and manage support services for children in need and looked after children. Bridgend will contribute to an Adoption consortium. The authority will undertake one-off projects to: develop quality assurance and implement a performance management supervision process, and mentoring projects to assist in the implementation of the Framework for the Assessment of Children in Need and their Families and LAC materials.

Caerphilly's allocation of **£208,786** will be used to appoint 1 Advisory teacher, 5 Childcare Support Workers and administrative support to improve the educational achievement and reduce exclusions of looked after children. Appointments will be made to 2 new posts to promote safeguards for children living away from home. IT Projects will improve the transfer of information between Social Services Health and Education and give greater access to childcare social workers. The existing Leaving Care Project will be further developed and the proportion of children on the Disability Index who receive a service increased. The Out of Hours Foster Care Support Service and the After Adoption Support Service will receive additional funds.

Cardiff County Council's allocation of **£402,752** will be used to enhance its IT and management information system. Electronic systems will be developed to aid implementation of the new Assessment Framework. A small reference library, study facilities and IT equipment will be provided in 5 residential facilities. The training budget for ACPC activities will be developed. Manuals will be provided to all residential staff. A pilot project will provide payments to foster carers to support children with known educational difficulties and funds made available to raise awareness of the new national standards for foster care. A new code of practice on recruitment, assessment, approval, training and support for foster carers will be implemented. Recruitment and retention strategies for foster carers will be put in place. Adoption arrangements will be improved. An existing volunteer scheme for care leavers will be extended. The LACs system will be re-launched and will include training and staff manuals. The Intake and Assessment Team will be expanded. Public information about services and access will be developed. An independent Visitor service and Post Adoption service will be developed in conjunction with the appropriate voluntary agencies.

Carmarthenshire's allocation of **£138,668** will be used to revise existing joint protocols with Health and Education and to increase awareness of members and governors. Leaflets and posters will be issued to publicise multi-agency training on

child protection issues. A Post Adoption Support service, Advocacy and Independent visitors scheme and disability register will be developed. A revised handbook, mentoring scheme and specialist training for carers including NVQ additional rewards will be developed to improve Foster Care Standards. The authority's LAC system will be improved. A consultancy will be commissioned to audit service delivery to children in need.

Ceredigion's allocation of **£45,233** will be used to commission a voluntary organisation to kick start developments for a Care Leavers service and to assist with the implementation of the Assessment Framework including training and workshops. A Post Adoption service will be established in partnership with Adoption Cymru. The role of the Family Group Conference will be developed. In co-operation with other authorities, Ceredigion will develop a bilingual video for looked after children to explain the statutory review process

Conwy's allocation of **£86,404** will contribute to the costs of a new management information system and fund a part time MIS post. The existing Children's Rights Service will be extended to enable feedback from children and young people in need. Funding will be provided for additional hours and independent investigations by the Complaints Officer. A Quality Assurance Officer will be appointed on a short-term basis to develop sustainable quality assurance systems. The authority's strategic planning process will be developed.

Denbighshire's allocation of **£83,884** will be used to recruit more foster carers, and to develop post adoption support in partnership with a voluntary organisation. A temporary project worker will be appointed to undertake direct work with children leaving care. Training programmes will be developed to address issues such as undertaking assessments, care planning and the new assessment framework. Consultants will be employed to assist with developing better management information for Children First.

Flintshire's allocation of **£130,604** will be used to commission a consultant to complete the disability strategy and set up a disability register. Start up costs for and Independent Visitor's service will be provided. A temporary business support officer will be appointed to prepare computer based information systems in readiness for the new system. An external trainer will design and deliver training on the Assessment Framework. 'Safe in our Care' recommendations will be reviewed and fully implemented. A recruitment campaign for foster carers will be initiated and a payment for skills scheme initiated to recruit foster carers for challenging teenagers. The Children's Rights Service will be commissioned to review and revise the authority's complaint procedure. A temporary Occupational Therapist will be appointed to undertake outstanding risk assessments for children with disabilities who receive respite care. A full time social worker will be employed to take responsibility for recruiting and training foster carers. A Children's First Consultation Worker will be appointed jointly with Wrexham and Denbighshire. Start up costs will be provided for an adoption consortium. A Leaving Care Support Worker will be appointed to help youngsters prepare for independent living.

Gwynedd's allocation of **£93,199** will be used to appoint Looked after Children Education and Health Co-ordinators to improve the education and health of looked after children. A library promoting health and education is to be established and training for foster carers and social workers supported. The post of Post-Care Officer for Looked after Children is to be established for a three year period to promote children's services. Three days' training and multi-agency planning will be arranged for the introduction of the Assessment Framework. An Investing in Children Scheme

will be developed to ensure that all agencies listen and respond to the views of children. Consultants will be commissioned to improve the authority's management information system.

Merthyr's Tydfil's allocation of **£76,067** will be used to fund a recruitment campaign for foster carers. In partnership with various voluntary organisations the authority will facilitate consultation with looked after children, develop enhanced aftercare support for care leavers and improve facilities for assessment at one of its family centres. Merthyr Tydfil will contribute to an adoption consortium and in partnership with Education colleagues will develop a joint initiative focusing on development of Family Group Conferencing. The authority will develop its management information system.

Monmouthshire's allocation of **£57,909** will be used to fund an advocacy service, managed by NSPCC for children looked after, those in need of protection, children in residential schools or those likely to become excluded. A part-time complaints officer will be appointed to deal with children's matters. Residential Care and teaching staff will be trained in aspects of direct care of children including sexual abuse awareness. Approved restraint training will be provided to residential care staff in the special school, teachers in day school, social workers and foster carers.

Neath Port Talbot's allocation of **£155,709** will be used to upgrade an existing Development Officer post to deliver Children First objectives and establish a further 2.5 social worker posts. The authority's IT system will be improved. Health and Education support will be provided for looked after children. Safeguard information will be produced and distributed to looked after children. The Authority will enter into the BAAF adoption consortium and will increase the available budget for adoption and specialist placements to extend placement choice.

Newport's allocation of **£181,507** will be used to improve the education of looked after children by the development of a professional consolidation project. The authority will employ a child clinical psychologist and provide educational material and computers for residential units. It will aim to ensure that when moving care placements stable school placements are maintained. A recruitment campaign for foster carers and adopters will be funded and a skills audit of existing carers carried out. Systems for Adoption and post adoption work will be developed. A part-time social work assistant post will be established to improve support to care leavers. Part time administration staff will be employed on the assessment framework.

Pembrokeshire's allocation of **£101,243** will fund a training programme for 100 designated teachers to develop their knowledge on issues pertinent to looked after children. A 'crash pad' will be provided for children in need along with training for staff. The authority will provide a 10% increase in payments to foster carers to move towards parity with the independent sector. In partnership with After Adoption Cymru the authority will provide a post adoption service to sustain placements. It will invest in a project providing quality short-term care for families in crisis. In partnership with the Pembrokeshire and Derwen NHS Trust the authority will support a project to support 12 hours a week for a designated staff member to work with the new assessment framework. Pembrokeshire will improve its management information system.

Powys' allocation of **£86,910** will be used to employ a temporary member of staff to assist in collection of data for the Children First update. It will employ an additional part-time post adoption social worker to improve the current service. It will commission a Local Health Group to review current health care arrangements for looked after children and an independent consultant to review arrangements for

supporting looked after children in education. The authority will employ a Senior Practitioner to take responsibility for long-term casework and to act as practice teacher for in-house Dip SW students. It will fund student fees for 2 existing staff to register for Dip SW in 2001. The authority will purchase equipment to undertake direct work with looked after children along with 10 PCs for children/foster carers and adopters. It will provide funding for staff training including assessment framework and new national standards for family placement social workers and others. The authority will commission consultants to revise adoption and fostering procedures for looked after children and to work with post care workers and prepare procedures and protocols.

Rhondda Cynon Taff will use its allocation of **£257,890** to train nominated teachers in the education of children in public care. It will develop training material and guidance for staff who work with children or young people with challenging behaviour. It will publish a new amended version of the ACPC Child Protection procedures and fund a shortfall for one year in regard to a child care worker in Pontypridd's Women's Aid and part fund an associated research project. To facilitate consultation with children the authority will purchase 'Viewpoint'. Funding will be provided to Barnardos to enable its family centre to employ a worker to facilitate contact arrangements for children in care. A pilot study will be undertaken to explore the viability of introducing Family Group Conferencing. The capacity of the Emergency Duty Team will be enhanced. A senior practitioner will be appointed to provide pre and post adoption specialist support, and adoption information will be improved, the authority will contribute to the Adoption Consortium. A training co-ordinator will be employed to help ensure NVQ targets for foster carers are reached and to develop a training strategy. A recruitment campaign for foster carers will be undertaken and a handbook for foster carers produced

Torfaen's allocation of **£110.323** will be used to further refine the core assessment materials for the Assessment Framework. It will fund printing and design costs of a child protection booklet and a child friendly leaflet to promote children's rights. It will fund the development of an early intervention project for families at risk of breakdown, along with multi-agency training in the consistent use of assessment and action records. A part-time social worker post will be funded to be a member of a multi-agency Child and Adolescent mental Health Primary Care Team. An existing Children's Advocacy project will be extended. A Capital contribution to the establishment of a respite care property will be made. A specialist recruitment drive for foster carers for children with challenging behaviour will be undertaken.

Swansea's allocation of **£264,314** will be used to implement the National Standards for foster care and to develop recruitment and retention strategies increasing the number, range and choice of foster carers available in Swansea.

The **Vale of Glamorgan's** allocation of **£126,307** will be used to fund a short term development team which will be established to develop the Assessment Framework, children leaving care strategy, placement strategy and to analyse and monitor placements. Temporary social work staff will be employed to facilitate the adoption of young children currently awaiting adoption. New posts of Child Protection Adviser and Children's Rights Officer will be established.

Wrexham's allocation of **£123,011** will be used to provide extra tuition for looked after children. An Educational Psychologist will advise social workers on strategies to manage children with complex needs at home, school and in placement. Funds will be set aside for consideration of development of an adoption consortium across North Wales and for adoption placements and support. A Development Worker will

be appointed to consider the issues in relation to children moving from children to adult services. A Family Support scheme will be developed to allow children with a mental health problems to have short breaks. The 'Voices Project' will be developed to allow groups of young people to comment on Children First Action Plans. A Mental Health Worker will be employed to promote the mental health of children and young people.

Ynys Mon's allocation of **£55,228** will be used to employ a Children First Planning Officer on a full time basis. Adoption services will be enhanced by a contribution to the cost of interagency fees. Foster Carers will be given an opportunity to build on to their existing homes or buy a house with a greater number of bedrooms where overcrowding is experienced. To enhance recruitment of foster carers the authority will offer 'golden hellos' and recognition of accredited learning by foster carers. An audit of need in respect of disabled children will be conducted.

INITIATIVES CENTRALLY FUNDED UNDER CHILDREN'S SERVICES BUDGET 2000-01
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The National Assembly made available £500,000 from its Children's Services Budget to fund initiatives that would help to protect children in Wales from harm.

The National Assembly has, so far, committed £484,750 to the following initiatives during the current financial year:

Children's Society Two Way Street Project (€70,000)

The aim of this project, run by the Children's Society, is to target more vulnerable children and young people who have run away or are engaged in selling sex. The issue of young people involved in prostitution and the sex industry will be tackled on two fronts:

Exit support: a drop-in service which will provide a safe space for young people to enter, where they can get a snack, wash clothes, shower, and talk to someone about their problems.

Prevention: outreach and educative work with young people on the streets, in schools and youth clubs - anywhere they might go.

Child Safe in Sport Initiative (€80,000)

The initiative seeks to establish a national consistency in child protection issues relating to sport, in terms of coaching best practice, awareness, monitoring, reporting and investigating, by communicating to a wide audience within sport, in a medium that is impassive, focused and informative. It is intended that packs will be produced which will be bilingual and will include a video. The Sports Council for Wales and the National Coaching Foundation will provide ongoing training in child protection to develop and sustain the initiative.

Publicity Materials and Guidance

Assessment Framework for Children in Need (€100,000)

The National Assembly is to distribute publicity material and training packs on the Assessment Framework for Children in Need to local authorities in Wales.

Family Planning Association Training Package (€70,000)

Training package on sexual behaviour and sexual health matters devised by the Family Planning Association and intended for staff in local authorities, health authorities and the voluntary sector who work with looked after children.

All Wales ACPC Procedures (€10,000)

The Area Child Protection Committees (ACPCs) in Wales have agreed to develop all Wales inter-agency child protection procedures to ensure harmonisation across county boundaries in the field of child protection. These procedures will complement those set out in "Working Together to Safeguard Children - a guide to inter-agency working to safeguard and promote the safety of children". The National Assembly has been asked to pay for the appointment of a consultant who will be responsible for collating all the current local ACPC procedures and developing drafts on the basis of the new Working Together and the appropriate recommendations from Lost in Care and the National Assembly response.

Bi-lingual version of Working Together to Safeguard Children (£15,000)

Publication and distribution of bilingual version of statutory guidance on child protection.

Welsh Translation of National Plan on Safeguarding Children from Commercial Sexual Exploitation (£3,000)

Publication and distribution of Welsh version of National Plan. It is a joint initiative between Government Departments, National Assembly, Scottish Office and Northern Ireland.

Welsh Translation of Safeguarding Children Involved in Prostitution (£3,000)

Publication and distribution of Welsh version of statutory guidance. Department of Health/ Home Office undertook the publication of the English version.

Adoption (Inter country aspects) Act 1999 Implementation (£6,000)

Translation and printing of Welsh version of guide to new inter-country adoption process and meet costs of initial training of social workers

Child Witness Video (£7,000)

The video "Giving Evidence - what's it really like?" was launched in July to help children and young people through the trauma of giving evidence in criminal courts. The video aims to help children and young people feel more confident and better equipped to give evidence, to understand their role in the court process and to encourage them to discuss their wishes, fears and concerns about going to court. The National Assembly has funded a Welsh subtitled version of the video.

Workshops and Conferences

Area Child Protection Committee Workshop (€17,500)

The National Assembly holds an annual Workshop which provides a forum for an exchange of information between the National Assembly and Area Child Protection Committees. The Workshop will be attended by approximately 120 delegates with a broad mix of representation ie. Social Services, Education, Probation, Police and Health. The Workshop is to be held on March 6/7th 2001 in Llandudno.

Working Together to Safeguard Children Seminars (€5,000)

Two seminars in Mold and Pontypridd were held to aid the implementation of the new Working Together to Safeguard Children statutory guidance. Presentations were made by the National Assembly's Child Protection Committee and syndicate groups were held to facilitate discussion around the new guidance and child protection issues in general.

Lost in Care conference (€10,000)

On 2 May, the National Assembly hosted a conference to disseminate the conclusions of the Lost in Care report to as wide an audience as possible. The conference was attended by representatives of local authorities, voluntary organisations and academics. A conference report will be available shortly.

Workshops on Promoting Health for Looked After Children (€5,500)

In May, the National Assembly contributed to two workshops on promoting health for looked after children that were attended by representatives of local authorities, voluntary organisations and academics.

Children in Wales Conference on issues for children with disabilities (€6000)

The National Assembly will contribute the above sum toward a conference organised by Children in Wales concerning issues for children with disabilities.

Child Protection Conference (€2,000)

The National Assembly hosted an All Wales Designated Doctors and Nurses Child Protection Forum on child protection issues on 3 October. The topic of the conference was 'Working with antenatal mothers who substance misuse.' Its purpose was to facilitate child protection doctors, nurses, midwives and substance misuse staff in their roles and responsibilities in working with substance misusing pregnant mothers.

Other initiatives

Research into implementation of Assessment Framework for Looked After Children **(£49,000)**

Hedy Cleaver, Royal Holloway College and Nigel Thomas, Swansea University are leading a research on the implementation of the Assessment Framework for Children in Need and their Families in four local authorities in Wales. This follows on from a small research study conducted by Cleaver, Nicholson and Walker earlier in the year in two Welsh local authorities into the feasibility of referral and assessment forms for use with the Assessment framework.

The research will be completed in summer 2001, reporting on key issues concerning training, implementation, the interface with other assessment and care planning procedures for children, culture and language. early findings will be disseminated to all authorities to inform their implementation programmes and the work to develop the Integrated Children's System.

This research complements similar work being led by Hedy Cleaver on implementation of the Assessment Framework in local authorities in England.

National Adoption Register **(£10,000)**

Welsh share of 2000-01 costs of joint Register for England and Wales

Analysis of local authority Children First Programmes **(£8,150)**

The National Assembly commissioned Cardiff University to undertake a detailed evaluation of the Children First Management Action Plans prepared by the 22 local authorities in Wales.

Publication of National Assembly response to Lost in Care report **(£7,600)**

The National Assembly published and widely distributed its response to the Lost in Care report in June.