



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

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

**Dydd Mawrth, 28 Medi 2010
Tuesday, 28 September 2010**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 4 Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru
The Scrutiny of the Annual Report of the Children's Commissioner for Wales
- 19 Cynnig Trefniadol
Procedural Motion

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Helen Mary Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Lynne Neagle	Llafur (yn dirprwyo ar ran Sandy Mewies) Labour (substitute for Sandy Mewies)
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Keith Towler	Comisiynydd Plant Cymru Children's Commissioner for Wales
--------------	--

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Abigail Phillips	Clerc Clerk
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser
Sue Thomas	Gwasanaeth Ymchwil yr Aelodau Members' Research Service

Dechreuodd y cyfarfod am 9.15 a.m.
The meeting began at 9.15 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Helen Mary Jones:** Bore da, gyfeillion. Croesawaf i'r cyfarfod aelodau'r pwyllgor, y staff ac unrhyw un sydd wedi ymuno â ni yn oriel y cyhoedd, yn ogystal, wrth gwrs, â'n tyst heddiw, Keith Towler.

Helen Mary Jones: Welcome, friends. I welcome to the meeting the committee members, staff and anyone who has joined us in the public gallery, as well as, of course, our witness today, Keith Towler.

[2] Mae croeso ichi ddefnyddio'r Gymraeg a'r Saesneg. Mae clustffonau ar gael i glywed y cyfieithu ar y pryd ac i addasu lefel y sain, os bydd eisiau. Gofynnaf ichi ddiffodd eich ffonau symudol, 'mwyar duon', galwyr ac ati. Nid yw'n ddigon da eu tawelu, achos maent o hyd yn amharu ar yr offer cyfieithu a darlledu.

You are welcome to use Welsh and English. Headphones have been provided to access the simultaneous interpretation and to adjust the volume, if necessary. I ask you all to switch off your mobile phones, BlackBerrys, pagers and so on. It is not enough to silence them, as they will still interfere with the translation and broadcasting equipment.

[3] Nid ydym yn disgwyl ymarfer tân, felly os bydd y larwm yn canu, mae'n golygu bod problem a bydd y tywyswyr yn ein

We do not expect a fire drill, so if the alarm sounds, it means that there is a problem. The ushers will guide us out of the building.

harwain o'r adeilad.

[4] A oes gan yr Aelodau fuddiannau i'w datgan o dan Reol Sefydlog Rhif 31? Gwelaf nad oes. Gyda chaniatâd yr Aelodau, nid wyf yn bwriadu gofyn ichi wneud datganiadau bob tro o hyn ymlaen. Os bydd rhywbeth yn codi, gofynnaf ichi gysylltu â'r clerod cyn y cyfarfod fel y gallwn ei roi ar gofnod.

Do the Members have any declarations of interest to make under Standing Order No. 31? I see that you do not. With the Members' permission, I do not intend to ask you for declarations of interest every time from now on. If anything should arise, I ask that you contact the clerks before the meeting so that we can place it on the record.

[5] Mae gennym ymddiheuriadau gan Eleanor Burnham. Yr ydym yn disgwyl Lynne Neagle yn ôl fel aelod parhaol o'r pwyllgor, ond mae hi yma'n eilydd i Sandy Mewies heddiw. Croesawaf Lynne pan fydd hi'n ymuno â ni.

We have received apologies from Eleanor Burnham. We expect Lynne Neagle back as a permanent member of this committee, but she will be substituting for Sandy Mewies for today. I will welcome Lynne back when she joins us.

9.16 a.m.

Craffu ar Adroddiad Blynyddol Comisiynydd Plant Cymru The Scrutiny of the Annual Report of the Children's Commissioner for Wales

[6] **Helen Mary Jones:** Croeso cynnes iawn i ti, Keith, fel arfer. Diolch am yr adroddiad—mae'n ddefnyddiol i ni i gyd yn y Cynulliad ac yn enwedig i ni, aelodau'r pwyllgor hwn. Gyda hynny, awn yn syth at y cwestiynau.

Helen Mary Jones: A warm welcome to you, Keith, as usual. Thank you for the report, which is useful to us all in the Assembly and particularly to us, as members of this committee. With that, let us go straight to questions.

[7] It is good to see you, Keith. We will begin with a session that will look at the work of your office, and then we will come on to the substantive issues that you raise in the report, if that is okay with you. The first question is from me, on casework and advice. The annual review shows that, in 2009-10, your office dealt with a total of 624 separate problems arising from 475 separate cases. That compares with the statistic in the previous annual report, for 2008-09, which showed that the office dealt with 529 advice cases. For the purposes of clarification only, has the number of unique requests for assistance gone up or down? I ask because the figure has been reported in a slightly different way from one year to the next.

[8] **Mr Towler:** Yes, it is not exactly comparing apples with apples—apologies for that. The number of inquiries to the commissioner's office has plateaued. Last year, however, we had 208 full cases—namely those things that we take on and deal with ourselves until their conclusion—and that rose to 220 this year. So, although the contact dipped a little, the full casework, the work that we took on ourselves, increased—not hugely, but it did increase. The work that we signpost on, which we have talked about before in this committee, is work that we do not let go of until someone picks up whatever issue it is that the child or family is raising. The issue for me is that raising awareness of the role of the children's commissioner and of children's rights is a constant battle, and this is my third annual report. We have to keep targeting that in marketing what the role is all about so that people pick that up.

[9] If there is an area that you might be concerned about, I suppose that it would be the fact that we have picked up more full cases—that figure of 220—than we did in the previous year, for which the figure was 208. You can look at that either way. Is that good or bad? I do not know.

[10] The workload is still manageable for us in the office. We have four caseworkers who see that work through, some of which is very detailed and complex. So, the number of full cases is up, but you are right to illustrate the point that the number of people who have made contact is a little lower than it was in the previous year.

[11] **Helen Mary Jones:** Before I bring Joyce in on the next question, may I just follow that up? The new system of signposting people on was partly intended to reduce the number of cases that you went into in depth, was it not? It may be early days yet, but do you have a take on why you have ended up with more follow-throughs? Are you having trouble passing them on, or is it just a higher volume of more complex cases?

9.20 a.m.

[12] **Mr Towler:** Some of it is our fault, because we also took a view on those children whom we identified as the most vulnerable. Within the corporate plan, we were identifying children in the youth justice system, looked-after children, disabled children and Gypsy/Traveller children. We have focused on youth justice, so we have been doing targeted surgeries in young offender institutions. So, the amount of work that we have picked up from children in the youth justice system has increased by a massive 400 per cent, but we went looking for that. We have identified them as a vulnerable group and tried to look at the issues for them, which were about access to services. So, although we have seen an increase in that casework, that is partly because we were actively looking for it.

[13] On targeted working, thinking about the most vulnerable is a good thing to do, as it really will engage the most vulnerable children with the services of the children's commissioner, who might not otherwise have made any contact with us. Those in the youth justice system would not have thought to make contact with the Children's Commissioner for Wales, for example, and so some of the work is of our own making.

[14] **Helen Mary Jones:** I certainly welcome that.

[15] **Joyce Watson:** Following on nicely from who makes contact, how and when, your previous annual report for 2008-09 showed that 94 per cent of initial contacts were made by adults as opposed to children. Are those data for 2009-10 available, because we cannot see them in the report?

[16] **Mr Towler:** Yes, they are, and I will send them on to you. The position is largely unaltered: it is still adults who predominantly make contact with us to seek advice, but I can send you a breakdown on that casework.

[17] **Angela Burns:** Good morning, Keith. You have already mentioned the targeting of children in the youth justice system. Do you have plans to extend these surgeries to any of the other identified vulnerable groups?

[18] **Mr Towler:** Yes, we do. In the corporate plan, we identify children in the youth justice system, looked-after children, Gypsy/Traveller children and disabled children. We in the team are thinking about how we can pursue that annually, although we have to work within the resource that we have. Notwithstanding the percentage increase in the youth justice work, it is interesting that, although it is a non-devolved area, the issues that those children raise are to do with education and training, the accommodation, and child and adolescent mental health services, which are very much devolved. Piloting the targeting of work raises the profile of the children's commissioner's role and also brings in information about children's experiences, which we would not necessarily have otherwise. Although it was only one experiment with children in the youth justice system, I would say that that is a worthwhile

way of working for the children's commissioner's office, because it generates views that we could not possibly have anticipated.

[19] **Helen Mary Jones:** I will bring Lynne Neagle in now. In doing that, I welcome you back to the committee, Lynne. It is always nice to know that this is a committee that Assembly Members are keen to get on to or to come back to when they have left, so it is really good to have you back with us.

[20] **Lynne Neagle:** Thanks, Chair. Mr Towler, you say in your report that there has been a substantial increase in the number of cases relating to the environment. Can you tell us a bit more about that, please? What was the nature of the complaints, for example?

[21] **Mr Towler:** It will not come as a surprise for you to hear that children and young people are acutely aware of their environment and very conscious of green issues. The issues that are being brought to our attention relate to the closure of parks, play equipment in parks, and access to parks. In the past year, I have been to every local authority area in Wales, and every now and again—and you will know what this is like as Assembly Members—I go to look at one thing and I get lobbied about something else.

[22] Going back to the point that Joyce raised about who raises these issues with us, there are parents groups, particularly in mid Wales and in west Wales, actively looking at the state of play equipment in parks and saying that it is not good enough. Parks are one issue, closure of youth clubs is another, and the lack of participation in those decisions is critical for children and young people, because they do not understand why these things are closed. No-one goes to talk to them about why the youth club or park is closing, or why a slide is not available, or why, if you are a disabled child, you cannot get into the park because of a kissing gate that your wheelchair does not fit through. These children and young people say, 'Why isn't anyone asking us about this? Who makes these decisions, and how can we get our voices heard?'

[23] **Helen Mary Jones:** That is very interesting. Angela is next.

[24] **Angela Burns:** I am very taken with what you are saying, because one of the big issues in my patch is lack of accessible play provision. In my area, there are play parks with frames without swings—it is just ridiculous. Your annual report shows that you spent some £298,000 on seeking the views of children and young people about the exercise of your functions and the content of your annual work programme. Could you tell us more about what that has achieved, and how your contact with those children informs your priorities?

[25] **Mr Towler:** It is easy to say that the work of the children's commissioner should be informed by children and young people; of course it should. However, making that happen, and making that work, is a real challenge. Investment in that way of working does not come without cost. We have been looking at mechanisms by which children and young people can engage with me and my team. As for the way the money is spent, that is partly about me trawling around the country meeting children and young people, but some of it will also have been spent on website development in the last year. We have also expanded our ambassador scheme in primary schools, and my objective is that, by the time I leave this post in 2015, every primary school in Wales will at least have received an invitation to join. We have expanded that scheme, and invested in it. The 'Back Chat' feature of the website has proved useful for children and young people to feed in their views online, and the information on school toilets that you might have heard me talk about this morning also largely came through 'Back Chat', as well as face-to-face visits. We are looking at the way that we work as a whole team, and I have been saying to the team that I expect all of us to be comfortable with participating with children and young people, and getting their views. That has to drive the work of this office, and it has to drive my priorities. A considerable proportion of the money

that I have at my disposal goes on making that happen.

[26] **Angela Burns:** Could I ask a quick supplementary question? It must be extremely difficult to get yourself known throughout Wales. I meet children who do not know what a children's commissioner is, and have never heard of you. Would you argue that, as we keep talking about school lessons in civic responsibility and citizenship, maybe we could include an hour on the work of the children's commissioner for a particular age group, so that it is formally part of what you learn when you go up to 'big school'. In your first year at school, you would find out about the children's commissioner, because we know that a lot of problems occur with young people when they move up into secondary education, and they get lost. At least that would point them in the right direction, and they would have knowledge of you.

[27] **Mr Towler:** Absolutely, and we have been working with officials in the Welsh Government on the personal and social education curriculum. We are grateful for the efforts of the Welsh Government on this, which would include exposure to the UNCRC and the role of the children's commissioner, so that children have some knowledge of their rights and the role of this commissioner, who is interested in what they have to say and can assist them if required. That is significant and important, and you are absolutely right—I can meet a group of children one week and tell them about the commissioner and rights, and I can meet them the following week and ask if they remember me, and it can be a struggle. So, education is a big part of that kind of systematic exposure to the UN convention, and the role of the commissioner.

9.30 a.m.

[28] I am grateful to colleagues in the civil service, who are taking forward this issue around the PSE curriculum. That is a good start. The work that we are doing with ambassadors on primary schools complements that. However, you are right to say that the big challenge is the transition to secondary education. Some of that is picked up by school councils in their thinking about what they want to do and how they want to work. However, mainstreaming awareness about rights through the whole of a secondary school is a bigger challenge. As young people mature and grow up, it becomes less cool to be associated with the children's commissioner. Primary school-aged children think that the children's commissioner is a good thing to be associated with; however, as young people get older, it is less cool. Therefore, that is a big issue.

[29] **Angela Burns:** You need a different name.

[30] **Mr Towler:** Yes, I do. Do you have any suggestions?

[31] **Angela Burns:** I will think about it and let you know.

[32] **Helen Mary Jones:** We are not going to run a competition for committee members to come up with a new name for the children's commissioner. [*Laughter.*]

[33] With Members' permission, I suggest that, on the issue of including an awareness of rights and the children's commissioner, we write to the Minister to ask how things are progressing with that. It seems to be a basic thing that we should be doing.

[34] This is the last question on the operation of the office, Keith. Your annual report shows an operating cost of £1,857,000, if I am reading the figures right. Given the current state of the public finances, do you anticipate any reduction in the levels of funding that your office will receive over the next few years? If you are thinking along those lines, how are you planning to manage any such reduction, and how will your office prioritise where it focuses

its resources?

[35] **Mr Towler:** Like everyone else, we are not immune to the current situation. We do not know what the allocation will be for next year yet. It has been £1.8 million for the three years that I have been the commissioner, and probably for at least a year before that. When I arrived, as you will be aware, we restructured the office. A big part of that was looking at value for money and at how we could work more effectively as a team; I believe that we have made a lot of progress on that. Even though we do not know what the allocation is, my management team is working on assumptions that we will receive a percentage decrease in our budget for next year—you would not expect us not to be doing that. Therefore, that work is under way.

[36] We have taken some immediate actions on vacant posts; for example, we are not recruiting at present. We are also looking at how we can achieve the best value for the money that we have. Part of the discussion around participation, and how we spend our money on participation, is one aspect of that. I know that we have talked about this before, but I will say it again: I am comprehensively audited, externally and internally. Our internal auditors have been asking sensible questions, helping us to think through how we can be as efficient as possible with the money and the resources that we have at our disposal. Therefore, we are expecting some kind of cut, and we are planning for that cut. We are working on the basis that we will be able to maintain our current way of working for next year, and the year after—I guess that it all depends how that pans out thereafter.

[37] There are always issues for me around how we allocate our spend. We have had debate about building flexibility into my budget so that I can respond to things. For example, what would happen if I wanted to do a review tomorrow that I had not anticipated doing—where would I find the money? That anxiety is always at the back of my mind. However, my biggest concern—and I will come on to this—is how the budget cuts will affect services and outcomes for children more generally. However, like everyone else, I am not immune.

[38] **Helen Mary Jones:** We will move on to the next set of questions, which consider the issues that you raise in your report. Joyce will ask the first question.

[39] **Joyce Watson:** Your report opens by referring to the Welsh Government's action plan on the United Nations' Convention on the Rights of the Child. How satisfied are you with the progress in implementing that action plan, and what more needs to be done?

[40] **Mr Towler:** In general, I am pleased that we have the plan. It is a good plan, which sets the objectives; the scrutiny tool that oversees how things progress from here is good. The Welsh Government got to grips with developing that plan ahead of our colleagues in Westminster, and elsewhere. So, from that point of view, it is really good. However, the plan is only as good as the actions that flow from it. There are big challenges in that for local government and other providers. It is interesting to see how non-devolved agencies such as the police are developing an interest in the 'Getting it right' plan and what their contribution could be. Progress has been variable across the 16 areas that are identified in the plan. For example, on child poverty, we have seen Huw Lewis develop some really good proposals in work in relation to child poverty, but there are some examples, and I have written a few down, where things are not going as well. For example, the anti-bullying guidance, which was due in December 2009, has not yet been published; there was a commitment to completing a review of the national service framework in the health service by the summer of 2010, but it is so cold out there now that the summer must have passed, so that has not happened; and the refugee inclusion strategy action plan was due in spring 2010, but to my mind it still has not been published. So, there are things that we still need to keep putting pressure on. If you were to ask me to give marks out of 10 on finishing this off, I would give 6.5 or 7 out of 10—'Great start, could do better'.

[41] **Helen Mary Jones:** We would be grateful if you could write to us with a comprehensive list of those. When we bring Ministers here to scrutinise them on the issues arising out of your report, it would be helpful for us to have some of those specifics to try to pin Ministers down to find out what is going on with these things that are not moving.

[42] **Mr Towler:** I am happy to do that, Chair. One thing that we are committed to doing as children's commissioners across the UK is publishing a mid-term report for Geneva, between reporting rounds, to say, 'Don't forget what the concluding observations from the UN committee are. Here is the progress that we appear to be making, and if you want to hit the nail on the head by the time we go back to Geneva in 2015, these are the things that you need to do.' So, we are planning that work now.

[43] **Helen Mary Jones:** You have touched already on spending on children. To move on to concerns that you raise about children's budgeting, you express concern in the report that the Government has made limited progress on that. What more do you think needs to be done?

[44] **Mr Towler:** With regard to the comprehensive spending review and the economic situation about which we are all concerned, WAG made a firm commitment and developed proposals in relation to child budgeting, which I know we discussed here and the UN committee raised. So, there was a commitment to looking at things such as participatory budgeting and involving children and young people in some of those decisions, and to looking at pro-poor spending, to see how those things were working. Ultimately, children's budgeting is all about making sure that, across departmental spend, we can identify what is spent on children so that we can understand the impact of that in good times and when things are not so good, which is where we are now. So, we started with a good commitment, but I feel that we have lost a bit of momentum in relation to children's budgeting. Maybe that is because we are all waiting to hear what will happen on 20 October, and are wondering what on earth will happen. I feel that we have to get that back on track. My concern, and what I have been trying to say in the media in relation to the launch of the annual report, is that we have to hold on to the basics for children and young people, and we need to understand what health spending is earmarked for children, what education spending for children is there, what would be the impact of losing universal and preventative services and so on. We need to know that—that is the important point of children's budgeting. I feel that we have taken our eye off that a little.

[45] **Helen Mary Jones:** Thank you, that is helpful. I am sure that, when Ministers come in, we will want to come back to that. We shall move on to core aim 2. Lynne Neagle has the next question.

[46] **Lynne Neagle:** In your report, you raised concerns about the way in which the national attendance and behaviour review is being implemented. Could you expand on that?

[47] **Mr Towler:** The bottom line is that I do not know what is going on with NBAR. I understand that Ken Reid has stepped down. An implementation group was in place. One of my team was a member of that group, and he tells me that the group has not met for over a year. I am about to ask questions about what is going on, and it would be really helpful if you asked similar questions. So, actually, I cannot answer your question.

9.40 a.m.

[48] **Angela Burns:** Can you clarify whether there are any rules or regulations on how much force teachers are allowed to use?

[49] **Mr Towler:** In the classroom, do you mean?

[50] **Angela Burns:** Yes, and are there rules on effective intervention if teachers have to make a physical intervention?

[51] **Mr Towler:** I think that it is pretty clear for teachers, and they are absolutely clear about the limitations. The guidance on discipline and how classrooms are managed is clear. On the attendance review, the issue for me was school exclusions, informal exclusions, and collusion to keep children out of school with the mindset that 'We all know that it is in the child's interests really'. I cannot speak for Ken Reid, but I had a conversation with him and it was pretty clear to me that he was frustrated that a very clear set of recommendations that had come out of that NBAR work was not seen through. I share that frustration and I wonder where we are at now. What are teachers, headteachers, governing bodies and others supposed to do given that the clear recommendations in that report seem to have disappeared into some kind of abyss?

[52] **Angela Burns:** I appreciate your underlining the clarity, and I also wanted to raise the force issue, but I am glad that you say that there are clear rules. I know of—indeed, this committee has heard evidence from—children who have been locked in rooms and excluded from three or four classes because they have been wearing the wrong jumper to school, and that was only because they come from a chaotic household and that was the only jumper available. That is a ridiculous reason for depriving a child of education.

[53] **Mr Towler:** Absolutely, and, if you get the opportunity, I would encourage you to get those children and young people to get in touch with the office of the children's commissioner.

[54] **Helen Mary Jones:** We will bear that in mind. Joyce, do you want to come in on this?

[55] **Joyce Watson:** Yes. I have a quick supplementary question on the national attendance register. I suppose that my question is linked to the issue of refugees, asylum seekers and all those issues. There was a report some time ago on children going missing from school, who were being taken to be forced into marriages, and no-one was asking any questions or really knew the extent of what was happening. In my view, that is trafficking. Would the national attendance register help to identify those instances, or is it already a part of it?

[56] **Mr Towler:** It could be. The report that I published and the work that you took forward did a lot to raise people's awareness and get people to ask themselves questions about trafficking. It is unpalatable, and no-one actually wants to hear about it. I heard you on the radio over the weekend making the same sort of argument: it is unpalatable stuff. The attendance review does not specifically look at that, but it is really useful in getting teachers and other professionals to ask the right questions and to accept that, sometimes, unpalatable things happen to children. We do not like it, but we cannot ignore it and we should never move away from it. We must address it.

[57] **Angela Burns:** You say that you hope that the Welsh Assembly Government's review of spending in education will consider an approach based on children's rights. In your report, you talk about school transport eligibility as one criterion, for example. What would be the consequence of the Government's not doing that?

[58] **Mr Towler:** I do not mean to imply in any way that the review will have a detrimental effect on children's rights. In fact, I have met Leighton Andrews, the Minister for Children, Education and Lifelong Learning, and the Deputy Minister for Children, Huw Lewis, and I have had a very clear view from them on how children's rights need to be

protected. It is about how that review fits with the Minister's school effectiveness framework, which clearly thinks about the health and welfare of children, and with the implication of cuts in key services. I understand the Minister's determination to ensure that a high percentage of spend goes on the front line of delivering education, but you have to make sure that the front line is supported really efficiently by support services, or by what might be described as 'soft' services. High-quality support services help to ensure that children get into school safely, that they are given breakfast in the morning, and that they are in decent health. Those things are really important. In thinking about health, wellbeing and a children's rights approach, there are costs in relation to that, and I find it very difficult to separate them out. That is my concern.

[59] **Helen Mary Jones:** That is helpful. There was a lot on the radio this morning about school toilets, which is a point that you raise again in your report. We probably all share your disappointment that we still have to talk about this. You say in the report that there is a gap between policy intent and practice. In your view, what more needs to be done to sort this out, and by whom?

[60] **Mr Towler:** I make it absolutely clear that I do not apologise for raising the issue of school toilets again. I am not going looking for controversy here, but I have raised this issue because, in the participation work, children and young people constantly raise the state of school toilets with me—and with you and with others. I know that the Welsh Government is about to publish guidance on best practice in relation to school toilets. That is fantastic. The guidance has to ensure that we get a few basic things right. On the stuff in the media this morning, I was not exaggerating. Children tell me that there are no doors on some cubicles. Where there are doors, there are no locks. When they finish using the loo, which may not have a seat on it, they go to wash their hands and there is no soap in the dispenser, and there are no towels with which to dry their hands. These are very basic health and hygiene issues on one level, but they also scream a lack of respect for children. We have to get this right. I am pleased that WAG is going to publish this guidance, but it does not have to be complicated. Governing bodies, caretakers and local education authorities need to put these basic facilities in place, regardless of the economic situation. For goodness' sake, let us just sort this out. We need some action on it. I would love to be able to come back here and talk effusively about children saying how great it is that they have lovely school toilets. I really look forward to that day. This is such a basic thing that if we cannot get this right, I do not know what we can get right.

[61] **Helen Mary Jones:** I think that your point about respect is incredibly important. If some of the school facilities that we have all seen were in a workplace, it would be closed down until they were sorted out.

[62] **Angela Burns:** I want to share an anecdote with you. I was at a meeting with the head of the sixth form at a school on my patch, and a boy came in to ask for loo roll. The school does not put loo roll in the pupils' loos, because the pupils swipe them or throw them down the loo—or at least that is the theory. This boy, who must have been 16 or 17, had to ask a female teacher, in front of me, a complete stranger and also female, for enough sheets to go to the loo. How degrading is that? I was so shocked. I could not believe that people did that to other people.

[63] **Mr Towler:** Absolutely. I met a lad who told me that, in the five years for which he has been at school, he has never used the school toilet. I have heard from children who get bussed into school, whose school day might start at 7.45 a.m. and who get home at 4.30 p.m.. The first thing they do when they get home is rush to the loo. They do not drink water while they are school because they do not want to use the toilet. I was at a primary school in Cardiff two weeks ago, and there were six toilets for 60 girls, but three of them were not working. This is scandalous stuff.

[64] **Helen Mary Jones:** There are parent teacher associations, which we think of as organisations raising money for extras such as computers, now spending the money that they raise on improving school toilet blocks. That is not what the money ought to be for. These are issues that we will certainly want to take up with Ministers, arising from this meeting.

[65] **Mr Towler:** I wish to say one more thing. One practical issue that we face is what the guidance should look like. I am pleased that you agree with the points on respect and dignity, but I want to address the hygiene issue. If you go into any supermarket toilet in the country, you will see a checklist on the wall of when the toilet was last cleaned. You do not get that in a school toilet at any point of the day. It is fantastic that there are hourly checks on toilets in supermarkets, but it cannot be right that there are no checks on school toilets during the day.

9.50 a.m.

[66] **Helen Mary Jones:** Indeed, it cannot be right. We will move on to core aim 3. I know that you, Lynne, have a specific question that you want to raise, so I will bring you in at the beginning.

[67] **Lynne Neagle:** I wanted to ask about access to healthcare. Earlier, you referred to your concerns about the review of the national service framework. I have always found it most disturbing when people come to surgeries because they cannot access services for their children. Child and adolescent mental health services are the obvious example and speech therapy is another. I saw someone the other day whose little boy has Duchenne muscular dystrophy, and he is not receiving the hydrotherapy that he has to have if he is to keep mobile. Do you think that we are doing enough to monitor children's experience of the NHS and to ensure that they get the services that they need when they need them?

[68] **Mr Towler:** I have spoken to the Minister for health about this and I was disappointed by the reorganisation in health. If you carry out a word search on 'children' or 'children's services' in planning documents, you do not find much about children. We really need to raise the bar and understand that children have health needs and need access to services. We have seen that with wheelchair provision, neonatal care, and in all kinds of areas—it is across the board. Implicit in your question is 'Can we do more?' and the answer to that is absolutely 'yes'.

[69] **Helen Mary Jones:** In one of the Health, Wellbeing and Local Government Committee's reviews, a senior figure from one of the new health boards told us that she did not think that implementing the NSF was her responsibility. I can assure you, children's commissioner, that she will not say that again. It was a genuine lack of awareness, which is quite frightening. We may want to raise that specifically with the Minister for health, either in writing or in person.

[70] **Mr Towler:** On that point, we meet annually with children's champions in health. I did not go to the last meeting, but I heard from my team that there was a feeling of wanting to engage on this issue and of wanting to engage with the children's commissioner's office. So, it is not that practitioners in health want to sit back; they want to find avenues to make this work. There is frustration there, too.

[71] **Helen Mary Jones:** We will move on to the safeguarding agenda.

[72] **Joyce Watson:** In respect of the work of the Welsh Assembly Government's national safeguarding forum, you say that you want to see steps taken 'with some urgency'. You also say that you want to see 'clear timescales' and clear lines of responsibility and accountability. Are you confident that the forum has sufficient structures and systems in place to deliver the

changes that are needed in respect of safeguarding?

[73] **Mr Towler:** Thank you for the question. Safeguarding and child protection, like school toilets, is an absolute basic that we really must nail. It was a year ago that we received those reports from the Care and Social Services Inspectorate Wales and the health inspectorate. I was pleased that Gwenda Thomas put the national safeguarding children forum in place, but a year has now passed. It has been a year in which we have seen quite a few serious case reviews being published across the United Kingdom, and certainly in Wales. There were some very clear messages from those serious case reviews: a lack of information sharing and the voice of children being lost. If children raise an issue, are they always believed? There is only one set of our community that carries the risk when you get child protection services wrong, and that is the children. That is unacceptable.

[74] I am pleased that Phil Hodgson accepted the role of the independent chair of the national safeguarding forum. I am a member, as I asked the Deputy Minister whether I could be involved in the forum, because I wanted to ensure that we proactively take forward everyone's concerns. At the last meeting, I was pleased that Gwenda Thomas came to give a statement to the group about the support that she and her officials will be giving. The forum has set out a forward work plan. I made points at that meeting about urgency, leadership and timescales, because I think that we need to make sure that that forward work plan is very clear about progress and who will lead on it.

[75] The first of the two areas that will immediately be looked at is the serious case review process itself. A good paper has been produced by a sub-group of the forum with a three-stage proposal, which should cut down the time that it takes for serious case reviews to be published. All members of the agency sitting around that table welcome that and put their support behind it, which is a good thing.

[76] The other issue is a structural one about the number of local safeguarding children boards, of which we have 22. You can see that Rhondda Cynon Taf and Merthyr Tydfil have already proactively decided to merge their local safeguarding children boards. The same is happening in north Wales. Therefore, a real sense of urgency needs to be conveyed to the Welsh Government, through the forum, to make sure that there is guidance about not having a structural bureaucracy that takes away face-to-face time with children and young people.

[77] The other point that needs to be mentioned is that the childcare social workers, police officers and health professionals that I meet, who are on the front line in relation to child protection and safeguarding, are not having the kind of face-to-face time that they need to work with children and families. There are probably two reasons for that. First, we all know that the workload is increasing quite substantially; they are damned if they do and damned if they do not, but the workload is getting heavier. Secondly, there is what they describe as 'bureaucracy and red tape'. We have to make sure that our front-line workers are protected and that we invest in that workforce. Of all the issues that I raise in my annual report, it seems to me that there is nothing more important than making sure that children are safe. If they are raising an issue about emotional, physical or sexual abuse, or if we have concerns about neglect, it is important that we are able to respond appropriately.

[78] The safeguarding forum has a huge challenge in the year ahead. You asked me whether we have sufficient resources for that forum to see the work through. Sitting around that forum table are heads of services across the range of agencies that have a concern with safeguarding. They all, with one voice, say that this has to be prioritised. If that commitment can be seen through with the actions that they are talking about, under the chairmanship of Phil Hodgson, then, yes, I have some confidence. I am a member of the forum and I will do all that I can to make sure that that focus is maintained. However, we have to see a breakthrough for this; otherwise public confidence in social workers, police officers, health

professionals and others will continue on a downward spiral. I think that everyone shares that feeling.

[79] **Helen Mary Jones:** Joyce wanted to come back in on this point.

[80] **Joyce Watson:** One of the serious case reviews that emerged last week started 20 years ago. I was struck—as was everyone around this table, I am sure—by the issue of children’s voices not being heard. It is a fundamental principle in life to listen to people when they say that something is happening, but it also runs alongside the fundamental principle of the right to be heard. It is not about people saying things; it is about people listening and then taking action. How confident are you that the lessons that we hope will be learned from that will be learned?

[81] **Mr Towler:** You are right about last week’s serious case review. There was certainly a historical element to that, given the time span. The all-Wales child protection procedures are such that it is hard to imagine that if, as in that case, on two separate occasions children went to authorities to say what was happening to them, and on the basis of discrepancies in what they were saying and a decision made that there was not sufficient evidence to go for criminal prosecution, the eye was taken off the ball around regarding the safeguarding needs of those children now. In other words, 20 years ago the focus would have been on asking, ‘Can we prosecute?’ and saying, ‘No; there is a discrepancy’. I am pretty sure that that would not happen now. The all-Wales child protection procedures are very clear about acting in order to safeguard children rather than just being purely related to criminal investigation. From that point of view, I think that our procedures are good.

10.00 a.m.

[82] The voice of the child does not really go away for me. You are absolutely right, it is not just about giving children the opportunity to speak, but about demonstrating that you have heard, that you are doing something about it and that you are keeping those children in the loop with regard to the big decisions that are being discussed and made. The bottom line is that these are massive decisions—they can potentially remove children from their families. If you get that wrong, then they go back to a situation where they might be abused or worse. So, these are big calls, and the voice of the child issue is critical. We must never lose sight of listening and acting on what children and young people say.

[83] So, with regard to our procedures, I am confident that that historical element should not happen again. What you can never guarantee, of course, is that children are not going to be subject to abuse. Abuse has been with us forever and is likely always to be with us. So, we must have all the procedures and safety nets in place, which means investment in our staff and ensuring that those on the front line are able to respond appropriately. Responding appropriately is about listening to what children are saying.

[84] **Helen Mary Jones:** We now move on to core aim 4.

[85] **Lynne Neagle:** In 2007, you said that access to play for disabled children was a minor add-on. Could you update us on how things have developed and what the state of play is now?

[86] **Mr Towler:** That report into disabled play did not include any recommendations; it was kind of a snapshot in time. The feedback that we received from local authorities has been really positive, in as much as those that had not thought about disabled children’s play started to think about it, and directly fed through into some of the children and young people’s plans. So, I am interested to see how those duties will be delivered for disabled children. Some of the issues around disabled children’s play—some of which we have rehearsed around this

table in the past year or two—are pretty clear and quite basic. Another issue that goes back to your question about the environment is kissing gates at parks, because, if you are in a wheelchair, you cannot get through them. So, these issues are not huge things.

[87] So, that report was a really useful piece of work—and I know that I would say that—and it raised awareness of disabled children’s play. As I mentioned earlier, disabled children, for me, are one of those targeted groups, and I am now thinking through what we should be doing in relation to the general services that disabled children receive, and what further work I can do to try to escalate that. Did local authorities hear that message? Yes, I think that they did. It will be interesting to hear from disabled children whether it comes through in reality.

[88] **Helen Mary Jones:** We now move on to core aim 5.

[89] **Joyce Watson:** You say that you welcome the Welsh Government’s progress on tackling child trafficking and you identify the need for guidance and support for social workers in assessing asylum seeking and refugee children and young people, which you talked about earlier, saying that it is a major safeguarding issue. What more should the Welsh Government and others be doing to progress their commitment? I also have a supplementary question. I am a little concerned that there is a mix up between trafficked people and refugees, and that they are seen as the same, which they are not. Is my concern right or not?

[90] **Mr Towler:** The first thing to say is that the strategy is an impressive document; it outlines clearly what needs to happen. I remember going to a meeting of the UN committee in Geneva and having a debate about age assessments. Although the strategy document is good, the actions in relation to age assessments are pretty critical. The age assessment in relation to asylum seeker children and young people is critical, because it determines the experiences of some very vulnerable people who land on our shores. Alongside that, the provision of specialist advocacy services for these children and young people is not as good as it might be. I know that the National Independent Advocacy Board, chaired by Dr Howard Williamson, is going to look at the issue of specialist advocacy for these children and young people. That is very much to be welcomed. The issue for me is the general training of practitioners to respond to the express needs of this particular group of children and young people.

[91] On your question on trafficking and refugees, there is a little confusion about the two. You are right to point out that they are separate issues. People very often confuse the two—the media do, for example. The general public also get them mixed up in their minds. We need some clarity on that because the two are confused and I share your concern on that.

[92] **Helen Mary Jones:** We will move on to core aim 6.

[93] **Angela Burns:** We have talked before with you and with other witnesses about the negative stereotyping of children and young people and also about the gradual development of fear between the older and younger generations, which again is stoked up a great deal by negative reports in the media and in news stories and so on. You say that one of your key aims is to empower young people to influence the news agenda, but how will you achieve that? What can we do to help you, because it is a real problem and it is getting worse slowly but surely?

[94] **Mr Towler:** This is a brave call because we are talking about a cultural shift in people’s approach to children and young people. We have debated this long and hard. On actions that I am taking, I have spoken to you about going around and meeting all of the media outlets in Wales and asking them whether they accept that this is an issue. What was interesting was that journalists asked us how they should approach children and young people and what they should be doing to report this appropriately. We have been working in partnership and developing a style guide to encourage public opinion formers: journalists,

Assembly Members, councillors and others, to consider how, in public life, we speak about children and young people's issues so that we are not constantly focusing on the negative at the expense of all of the brilliant things that children and young people achieve every single day of their lives within their families, schools and communities.

[95] So, we are working with media outlets to think that through. We have a talented group of young people from Rhondda Cynon Taf who are working with us on that journalist guide—what it could look like and what the media messaging should be. We have been pleased with the work that the Welsh Government is taking forward on that—thinking about the work that it is doing to raise the profile of children and young people and ensuring that our contribution forms a whole package so that, strategically, all of us are working really hard to do two things: to combat the negative and stereotypical view of children and young people and to provide opportunities for children and young people to get their voices heard in this debate because we spend a great deal of time talking about them and not talking with them. So, shaping some of that public opinion for me means that some adults need to be more exposed to what children and young people are achieving every day.

[96] **Angela Burns:** That is probably one of the main topics that comes up when I attend school meetings and talk to children. Are you aware of any studies out there as to why some cultures are—and I do not think that this is too strong a word to use—'hostile' and have an in-built hostility or scepticism towards children—not to their own, but towards children en masse, when other cultures do not? Other cultures welcome children who are very much a part of their everyday lives. I am not thinking about the 'easy' study that states that all teenagers have gone feral or whatever because this attitude starts when children are very small, and they are basically no threat to anyone. Do you have any view on or any knowledge or studies that you could reference for us to look at of why some cultures have developed while we have lost a child-centric view? Is it because we move around so much that children are no longer part of a particular and stable community or is it something else? I would be interested to know.

10.10 a.m.

[97] **Mr Towler:** I will take that question on research studies away and come back to you on that. I clearly have a view about it. I might be at risk of repeating myself about what happened at the UN committee, but it was telling when a member of the UN committee asked the UK Government, 'Why in the UK do you dislike your children so much?'. Those were her exact words, 'Why do you dislike your children so much?'. It takes your breath away when you see other parts of the world looking at the way that the UK treats its children.

[98] Children feel it. It is not as if it is passing them by. If it were, I might be less concerned, but children feel it acutely. They do not understand it, but they feel it and they are angry about it. It makes them resentful, and with good reason, because they are not doing anything in their own lives that means that this should be happening to them, yet they are painted in a bad light. That is why I say that it is brave for us to engage in this, because we are trying to turn a tanker around in a small amount of space. We must be much more proactive in engaging with those negative stories that are coming through. Our most powerful asset is children and young people. There are times when I go on school visits, when I wish that I could take some people with me to see what children and young people are doing and achieving and what their contributions are. Why have we painted ourselves into such a corner of the room?

[99] I went to Turkey on holiday in the summer. We were staying outside of Marmaris in a beautiful part of Turkey, where family life revolved around children's experiences, eating together and having a wonderful time. Twice, we went into Marmaris, where there are a lot of British holidaymakers, and straightaway we heard loud voices shouting and screaming. My

heart sank on hearing the British accents. British children were being shouted at by British parents. We all see this every day. I do not know what our problem is, but it is a big one.

[100] **Angela Burns:** One of the things that I have been thinking about is that people sometimes abandon control of their children to the school environment and to the state, whatever interface those children may have with it, so that, when they have their children on their own, they do not know how to control them, to give them boundaries or to say 'no' without screaming at the top of their voices, which builds up this whole problem. I do not think that people are right to say that the divide is between old people, namely old-age pensioners, and young people, namely children. I think that the people who are worst at dealing with children are the 30, 40, 50-year-olds, the bulk in the middle, because they come across as being far more intolerant. Older people may be scared because of media-influenced perceptions, but when you talk to them about it, they tend to have a far more relaxed attitude on an individual basis, unlike the middle bulk. I wonder whether it is about abandoning engagement with your children for big chunks of time, so that, when you have them back, you are at sea as to how to handle them.

[101] **Mr Towler:** You are right. There is a huge issue about parenting and the responsibility that comes with being a parent. Some of the parental attitudes that you come across make you think. Everything changes when you become a parent; it is no longer all about you and your selfish actions, but about your child. So, no, you cannot go out and have a drink if no-one is available to look after your child. You have to behave appropriately. You have a responsibility to provide boundaries for your children and ensure that they are safe, and if you have to say 'no', you say 'no'. That is your job as a parent. Being so determined to support your own needs at the expense of your child's is a pretty basic parenting issue. I am concerned about the state of parenting for some of our children, because the kinds of things that the state is trying to put right are issues that have not been picked up in family homes by parents.

[102] We should not tolerate a situation where we excuse parents from their responsibilities, and it should not be down to schools to make this happen. Schools should be working with families and parents. Sometimes, I will go into a school and you can see that parental engagement is brilliant. I can go into other schools and teachers will say that it is a real struggle to get the parents in on a parents evening. Sometimes they say that they can tell me right away how many of the parents will be bothered about their children, and they are not necessarily the ones that they want to see. That is pretty unpalatable stuff, but it is not the fault of the children. It is the responsibility of parents, and they have to step up to the mark and accept that responsibility. If you are going to have children, then parent them.

[103] **Helen Mary Jones:** With Members' permission, I propose to allow this part of the agenda to overrun a little because we have only five more minutes and there are four more questions that we would like to ask. It is such an important meeting for us that I feel that we should allow this to continue. Is that okay with you? I see that it is. If that means that we have to shave some bits off at the end, and do those later, we can do that. Joyce, you are next on core aim 7, please.

[104] **Joyce Watson:** In respect of child poverty, you challenge the Government to build a bridge between the objectives and principles within the Children and Families (Wales) Measure 2010 and the lived experience of children and young people in Wales. How confident are you that the draft Welsh Government child poverty strategy, which has recently been out to consultation, will deliver on that challenge?

[105] **Mr Towler:** I am reasonably confident and I am pleased with the commitment that the Welsh Government is showing in relation to child poverty, and the work that Huw Lewis has done to maintain that focus. It is good to see our Deputy Minister talk about holding to the

2020 target on child poverty when the actions of the coalition Government at a UK level seem a bit shaky. I am pleased to see that commitment maintained.

[106] I responded to the consultation and noted some concerns, particularly around vulnerable groups of children and young people. I spoke specifically about the experience of children in the youth justice system, young people's poverty as opposed to children's poverty, young people's aspirations, and the economy and jobs, skills and training. These are big areas that we have to nail down. Am I 100 per cent confident that we will? No. Am I clear that the commitment is there from the Government in Wales to do what it can? Yes, but I do not think that we should underestimate just how big a challenge it is for us, because it is massive. I have been impressed with young people getting engaged in entrepreneurship, for example, trying to create opportunities for themselves on the back of skills that they have been gathering in further education. The thing about the strategy and the delivery plan is that we need more detail on timescales and responsibilities. Generally, the progress that we are making on the commitment in Wales is going quite well, and the commitment from Government is pleasing to see.

[107] **Helen Mary Jones:** We have a few broader questions to conclude. Lynne is next.

[108] **Lynne Neagle:** How satisfied are you with the Assembly Government's response to the issues and concerns that you raised in your previous annual report? Are there any priority areas from that report on which you feel you are still waiting for action?

[109] **Mr Towler:** It is always easy to focus on those things that we still need to do, and sometimes you lose sight of the things that have happened. What I have spoken to the First Minister about this year, as well as to Ministers and the Cabinet sub-committee, is that my annual report is my major opportunity of the year and I am pleased with how the Welsh Government received the report, organised the debate in Plenary, and responded. I am pleased with that as a mechanism. In other words, it takes it seriously.

10.20 a.m.

[110] We have talked about some of the things that I raised last year. With regard to 'Bordering on Concern', the report on child trafficking, I am pleased with the all-Wales child trafficking group that has been set up and the actions that are being taken.

[111] I am also pleased with issues to do with the new guidance that local authorities have put out on the voice of the child in school reorganisation proposals, for example. Last year, I flagged up the fact that children were asking what was going on with their schools and why nobody was talking to them. It is good to see that that has been taken seriously.

[112] We have seen some developments on child and adolescent mental health services. It is important to note that although we have not achieved everything that we wanted to see, the Minister for Health and Social Services is taking it very seriously and is making progress on that.

[113] I raised issues to do with wheelchairs last year. Perhaps it is too early to call whether there is now a completely positive picture, but the early signals suggest that the Welsh Government has heard that and is taking the issues on board.

[114] Generally, on the usefulness of my annual report and whether people listen and whether the Government takes action in response, broadly, they do. There is always so much more that we could achieve, but I do not feel that I have to press for answers on something or that people do not take it seriously. The work that you do as a committee is really important because, during the course of a year, we will discuss many of the issues that I might raise or

that you might want to raise, and keeping up the pressure of scrutiny has really helped with that.

[115] **Angela Burns:** You have pretty much answered most of my questions, so I will just ask whether you can identify one or two areas in which implementation has not yet gone ahead—that is, where the policy is there but the implementation is going nowhere fast? Is there anything that you would like to single out that we can address?

[116] **Mr Towler:** The gap between policy and practice, which we debated last year, is a critical one, and it is still a work in action. I would have to go back to the safeguarding and child protection issue, because that is such a good example. We have the all-Wales child protection procedures for people to adhere to, we have a policy commitment that clearly says that safeguarding and child protection are critical issues, but we have a frustrated workforce that is asking why it cannot do the job that it was employed to do. We still have that desire to ensure that children are safeguarded and our child protection services work to the best of their ability, but where that gap is concerned, we have not yet cracked it, and we have to. For me, that is one of the big areas. That is not a criticism of people who are working in that area—they are working their socks off to ensure that children are protected and safeguarded. I remember saying to you in my first year that there was a concern about whether agencies accepted that everybody had a role in relation to safeguarding. I do not hear that anymore. Everybody knows that now, and everybody is working towards it. If they are working towards it, we ought to be able to close the gap, and I would like us to close it this year.

[117] **Helen Mary Jones:** In a sense, you may have answered my last question already, Keith, but I will give you the opportunity to add something to the list if you want to. A wide range of issues was raised in your report, as always. Is there a priority issue that you would want to highlight with the committee today that you would particularly want us to push the Government hard on?

[118] **Mr Towler:** Safeguarding and child protection is one, but I will not repeat the point. That is really important to me. The second is that we are facing really big funding decisions and it is important that we do not look at prevention and early intervention as soft touches for cuts. We have to hold on to those activities. The third would be that we have to turn our commitment to children's rights into real delivery. All of that should be informed by a rights-based approach for children.

[119] **Helen Mary Jones:** Thank you, Keith; that is really useful.

[120] I am going to propose a slight change to the agenda, if committee members are willing. We are scheduled to discuss the consultation on the role of the Children's Commissioner for England under item 3, and Keith has kindly agreed to stay with us for that. We were due to discuss that in a public forum. On reflection and having discussed it with the clerks and Keith, it may be easier to have that discussion in a private session. We would be moving into private session for item 4 in any case, but are Members willing to move into private session for this item? I see that you are.

10.25 a.m.

Cynnig Trefniadol Procedural Motion

[121] **Helen Mary Jones:** Cynigiad fod **Helen Mary Jones:** I move that

y pwyllgor yn penderfynu gwahardd y the committee resolves to exclude the public

cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 10.37(vi). *from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).*

[122] Gwelaf fod y pwyllgor yn gytûn. I see that the committee is in agreement.

Derbyniwyd y cynnig.
Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 10.25 a.m.
The public part of the meeting ended at 10.25 a.m.