

CYPM18 Cymdeithas y Plant

Senedd Cymru | Welsh Parliament

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Plant a phobl ifanc sydd ar yr ymylon | Children and Young People on the margins

Ymateb gan Cymdeithas y Plant | Evidence from The Children's Society

Please set out any views on missing children below.

You may wish to consider:

- **Nature and scale of the issue and regional variations.**
- **At risk groups: including the impact of care experience and out of area placements.**
- **Practice: issues such as information sharing and data collection.**
- **Policy: the effectiveness of devolved policy and practice responses, including Welsh Government oversight. Whether there is effective read across to relevant Welsh Government strategies.**
- **Devolved and UK powers: how joined up is the interface between devolved and non-devolved policy such as criminal and youth justice.**

Missing episodes can place a child or young person at significant risk or harm, including child sexual exploitation and child criminal exploitation. These harms may also be the cause of the child or young person going missing in the first place. Missing episodes might also occur due to factors that push a child away from their home or placement, such as domestic abuse, unsuccessful family placement, or placement breakdown.

These are some of several 'push and pull' factors which lead to missing episodes and repeat missing episodes. A return home interview can help identify potential 'push and pull' factors by providing a child or young person the opportunity to share their experience of the missing episode. This can determine where they were, with whom, and to understand the reasons why they went missing. This information can be used to make sure that the child or young person receives appropriate support, to try and address and disrupt the 'push and pull' factors that lead to missing episodes; and to try and prevent future missing episodes.

Although any child and young person can go missing, some children and young people are more at risk of going missing than others. Nine in ten care experienced children or young people who go missing will be reported missing multiple times in the same year. In 2020, looked after children and young people accounted for 39% of all child missing incidents in Wales, despite making up less than 2% of the child population. We would argue that these repeat missing episodes could be prevented if children and young people are provided with an opportunity to talk about their missing episode and the help they need, by way of a systematic approach to offering return home interviews and follow-up support, across all of Wales. This is particularly important for children and young people who are looked after, who are at greater risk of going missing.

The current practice guide for Missing Children states that following a missing episode, “the child or young person may be offered a return home interview”. We believe that all children must be offered a return home interview after a missing episode. Although the practice guide includes sections on the “approach following an episode when a child has been missing” and what would be a “proportionate response”, guidance on the importance and provision of return home interviews is very unclear.

The practice guide’s eligibility criteria for a return home interview is vague, stating that “These services are usually made available to children where there is an identified risk of child sexual exploitation and/or because the child is looked after”. In the case of exploitation, return home interviews are a vital safeguarding tool to identify risks. For children who are looked after, the guidance does not guarantee their entitlement to a return home interview, which is reflected by an inequality of service access in different parts of the country.

If choosing to offer return home interviews, there are numerous questions that a service provider or commissioner may face. Here key questions for which current the practice guide offers no advice:

- Who should conduct the return home interview?
- Does the interviewee need to be independent of the child’s care?
- How quickly should a return home interview take place?
- Where should the return home interview happen?
- What is discussed in a return home interview and what happens next?
- What happens if a child refuses to take part in a return home interview?
- Who is responsible for a return home interview if a child lives ‘out of area’?
- How is information from return home interviews to be collated and analysed?

Currently, the provision of return home interviews across Wales is inconsistent. The response to a child who goes missing, and the form and quality of subsequent support they receive are contingent on their location; whilst one child or young person in one area might receive a return home interview and follow-up support, there is no guarantee that another child or young person in a different area will receive likewise.

Work is underway in this area, one instance of which being the draft standards for responding to children who go missing, which form a part of the draft National Practice Framework for Wales. We believe that the draft practice standard is a sign of progress made, as it requires agencies to respond to missing episodes in a similar way, which should ensure more consistency across Wales. For example, the draft practice standard states that a return home interview “must take place on the first occasion a child or young person goes missing, then after subsequent missing episodes.”

However, amendments need to be made to the current draft guidance. For example, we believe that a child must be offered a return home interview after a missing episode, but the child may refuse the offer. This must be reflected in the draft standard, which currently suggests that a return home interview must happen, regardless of the child’s wishes.

We also believe that not enough emphasis is placed in the current draft standard on a child’s ability to have a say in the return home interview process. Specifically, the draft standard should make clear that the child has a say in who conducts the return home interview, which in some cases may be the child’s parent, carer or social worker. Doing so would enable the child to speak about their missing episode with an adult with whom they already have a relationship, thereby removing the need to unnecessarily introduce another adult into the child’s life.

Amendments to the draft practice standard should be bolstered by amendments to the Missing practice guide that accompanies the Wales Safeguarding Procedures. The Children’s Society and NYAS Cymru have prepared a document in which we suggest ways in which the current Missing guide could be amended, which we would be happy to share with the Committee separately.

RECOMMENDATIONS

- Amend the draft Missing practice standard to reflect that return home interviews must be offered but can be refused by children, and that children have a say in who conducts the return home interview.
- Amend the Missing practice guide to make clearer the expectations on stakeholders regarding the conducting of return home interviews, such as what is discussed during a return home interview and what happens if a child refuses the offer of a return home interview.

Please set out any views on children and young people who are victims of criminal exploitation below.

You may wish to consider:

- **Nature and scale across Wales and regional variations (e.g. traditional, drug related, sexual, financial).**
- **At risk groups: including care experience, children experiencing trauma in the home and children not enrolled in mainstream education.**
- **Policy: The effectiveness of devolved policy including Welsh Government oversight. Whether there effective read across to relevant WG strategies such as Child Sexual Exploitation.**
- **Practice: Approaches to prevention, community resilience, early intervention, support provided and exit strategies for victims. Practice issues such as information sharing and data collection.**
- **Devolved and UK powers: How joined up is the interface between devolved and non-devolved policy such as criminal and youth justice? Are there any points of tension between criminal law and safeguarding?**

Our response is informed by insights from our Prevention Programme, which works with stakeholders across Wales to tackle child exploitation, as well as members of our Pan-Wales Exploitation Network (the Network), which include colleagues from local authorities, police forces and the third sector in Wales.

As part of our Prevention Programme work, we have noticed the variation between local authorities in the way that they address child criminal exploitation (CCE).

We see differences in how CCE and other extra-familial harm is recorded and responded to across different authority areas. Some local authorities use cohorts or protocols to monitor children and young people when there are concerns of extra-familial harm, and in the absence of a suitable category of the Child Protection Register, these systems are often created to acknowledge the level of harm identified, and to both monitor and review support plans. However, due to these processes being localised, and with some authorities not having an equivalent, there are risks of breakdowns in communication. When children are moved across different areas, the level of risk they are assessed to be at may not translate due to there not being a standardised model for these protocols/cohorts, meaning that there is no certainty that children that are at risk of CCE receive support if placed in a different local authority area. We elaborate on this later in this response.

We note, through attendance at meetings and discussions with professionals, that Youth Justice Services (YJS) often take a lead role in supporting children who are

being, have been or are at risk of being exploited. During an interview with a senior practitioner of a YJS within Wales, it was shared that children being supported by YJSs when there are exploitation concerns are inadvertently being labelled as criminal. YJS services offer valuable and beneficial services such as education, training and employment support, substance use support, mental health support (often 'in-house'), and provide an approach that is child-centred and non-judgemental, all of which are crucial to children who are being exploited.

However, when children are being supported by such provision, they may be unintentionally placed on a criminal justice trajectory. It is felt by many that support should come from a safeguarding and wellbeing provision, and this appears to be lacking in many areas of Wales, with there being few designated exploitation/extra-familial harm practitioners or teams, and the same being said for third sector support services. Often it seems that general wellbeing and family support services feel ill-equipped to provide support to children and families where extra-familial harm is the primary concern, as their systems and 'traditional' ways of working are based on harm inside of the home and parenting difficulties. This lack of awareness of CCE and the variation of provision to support children at risk of CCE means the continuation of that risk.

Many of these concerns were shared by members of the Network. When asked about their thoughts on current approaches to tackle CCE, many members said that there are inconsistencies across Wales in the way that CCE is tackled. Although almost all of the Network members who provided responses said that they use the CCE practice guide that accompanies the Wales Safeguarding Procedures, they also use local or regional strategies or plans to tackle child exploitation. Some of these put a greater emphasis on CCE than others, which leads to variable and inconsistent responses to CCE across Wales.

Members of the Network also expressed concern about the lack of a strategic overview of CCE services currently provided, and the current lack of emphasis on cooperation and coproduction of support with children and families. Members also expressed concern about the lack of investment in early intervention and prevention services.

When asked about their thoughts on a national strategy or action plan for tackling CCE, many members of the Network thought that it would aid them in their work to tackle CCE, and shared some of the benefits that could be brought about by a national strategy or action plan for tackling CCE. One member mentioned that such a national action plan exists for tackling child sexual abuse (CSA), which has seen success, and that a similar approach should be adopted for CCE.

One benefit that many members mentioned was that a national strategy or action plan would enable a more consistent approach across Wales for responding to CCE, as well as preventing CCE. Although regional strategies reflect regional issues, commonalities between regions should be addressed using a Wales-wide approach

that would bring about a more consistent response to tackling CCE and preventing its occurrence in the first instance.

Members also said that a national strategy or action plan would enable more collaboration between stakeholders, such as local authorities, police, third sector, and different Welsh Government departments, thereby ensuring that responding and preventing CCE is a multi-agency and multi-disciplinary endeavor. A national strategy or action plan would also make information-sharing easier with stakeholders who specialise in tackling and preventing CSA, which would enable a more holistic response to a child who may be experiencing both CCE and CSA.

Members also said that a national strategy or action plan should require data collection to identify trends and patterns across the country, and place an emphasis on prevention and early intervention to stop children from becoming victims of CCE in the first place. This would require more involvement with schools and financial investment.

Several members also said that there is still insufficient awareness of CCE, and that too many children are still treated as criminals instead of victims of CCE. This reflects insight from our Prevention Programme work. Members said that a national strategy or action plan could require stakeholders to view CCE through a 'safeguarding lens' instead of a 'criminological lens', meaning that children would be treated as victims and receive appropriate follow-up support. Furthermore, members said that a national strategy or action plan would raise more awareness of CCE and the attention needed from different stakeholders so as to effectively respond and prevent it.

Finally, the forthcoming Social Care (Wales) Bill provides additional opportunities to raise awareness of CCE, as well as a commitment from Welsh Government to tackle CCE in Wales, and a way of securing funding for agencies involved in safeguarding children from CCE. The Bill also provides an opportunity to ensure that not-for-profit care for children providers receive training for identifying CCE, as well as responding and supporting children who may be at risk of CCE. This could also be brought about by way of a national strategy or action plan for CCE.

RECOMMENDATIONS

- Introduce a national strategy or action plan for CCE, with a focus on early intervention and prevention.
- A national action plan would ensure that there is a shared understanding of the issue, leading to earlier identification of children at risk of CCE or experiencing CCE, and also to better information-sharing that should help with identifying those who pose a risk of CCE to children, as well as improve police disruption activity against the perpetrators and achieving a more holistic approach to tackling CCE.

- Explore how the Social Care (Wales) Bill could be used to improve the safeguarding response to CCE and to prevent CCE.
- Provide training for residential and foster care providers on identifying and responding to CCE.

Please set out any views on other groups of children on the margins.

You may wish to identify other groups of children “on the margins”. These would be groups of children in circumstances that require a specific response from children’s services or other statutory providers and for which there are concerns about the current policy or practice.

When placing a child in a care, every effort should be made to ensure that the placement is in the child’s ‘home’ local authority area to ensure continuity of education, access to services and social networks. However, in some instances, it is in the child’s best interests that they are placed out of their ‘home’ local authority area. This might be the case if the child faces risks in their ‘home’ local authority area and being placed in a care setting in that area is detrimental to the child’s welfare and wellbeing – for example, in their ‘home’ local authority area the child might face exploitation.

When placing a child in another local authority area, local authorities who place the child must adhere to requirements and follow certain procedures. These requirements are primarily set out in The Care Planning, Placement and Case Review (Wales) Regulations 2015.

In addition to the 2015 Regulations, local authorities are required to complete the Wales Out of Area Notification Protocol, which is a form for the responsible or ‘home’ local authority to fill and share with the ‘host’ local authority when placing a child in another local authority area. The information requested on the form includes the child’s previous and current addresses; the type and date of placement; the placing local authority; the contact details of the child’s social worker or professional; and the name and address of the child’s GP. The Association of Directors of Children’s Services suggests other types of information that should be shared in the protocol – such as any specialist care the carer has been contracted to provide and any additional needs that the child might have.

The Children’s Society has previously contacted all local authorities in Wales to gather information about their arrangements and procedures when placing children in care settings that are outside of their ‘home’ local authority area. Our aim was to develop a better understanding of:

- how regulations are followed in local areas;

- local authorities' arrangements and procedures when placing children out of their local authority areas;
- the information they receive from 'placing' local authorities, and
- arrangements and procedures they follow when faced with a safeguarding concern about a child placed in their area, such a child with a history of missing episodes.

From the responses we received from local authorities, the key findings that we would like to highlight are the following:

- Regulations for placing children in another local authority area are not being followed consistently across Wales.
- Information sharing practices between local authorities are varied and inconsistent – specifically, there is inconsistent practice when sharing the Wales Out of Area Notification Protocol, the Child Information Form, or looked after children's care plans.
- There is inconsistency in arrangements for responding to children placed in another local authority area who go missing. It is concerning to learn that in some local authority areas discussions about where responsibility lies for supporting a child placed in another local authority area who has been missing do not take place. It is also concerning that some local authorities have these discussions only after a missing episode has taken place.
- Some local authorities are not notified that a child has been placed in their areas until a missing episode has taken place.

There is a lack of a consistent approach to information-sharing when a child is placed in another local authority area, or there is no information-sharing at all. These practices mean that some children do not receive the care and support they need when they are placed in a care setting far away from their homes, thereby increasing the risk both of unsuccessful placements and children not receiving appropriate support if they face risks such as abuse, exploitation, or a history of missing episodes.

These findings reflect those of the 2016 Children's Commissioner for Wales' report *The Right Care*, which examined children's social care in Wales, including out of area placements. The report states that the "main recurring theme during discussions around safeguarding was lack of information sharing when an out of county placement is made. It was felt that all agencies are immediately 'on the back foot' if regulations are not followed, and the first contact they have with a young person will be when an incident has taken place." Based on the responses we received from local authorities, it seems that the issue of inconsistent information sharing practice or lack of information sharing practice remains the case in the eight years since that report.

RECOMMENDATIONS

- In 2021, the Ministerial Advisory Group for Looked After Children (MAG) published its legacy report, marking the end of the MAG's work. The report's authors say that one of the priorities of the MAG was to "develop practice guidance on out of area and cross-border placements for children and young people in residential care". However, this piece of work was not completed, but the report states that it is an example of the MAG's work that will be "completed" and "issued". As of 2024, this practice guidance has not been published.

We urge Welsh Government to work with stakeholders and publish the practice guidance on out of area placements that was started by the MAG. As an integral part of the practice guidance, we recommend that it contains guidance on developing robust and consistent information sharing frameworks for all local authorities in Wales to develop and implement. To ensure consistency across Wales, it would be worth Welsh Government's consideration that such guidance is placed on a statutory footing, meaning that all local authorities are required to develop information sharing frameworks to use when placing a child in another local authority area. Information sharing frameworks must also enable local authorities to share information when supporting children who have been placed in another local authority area and who have known risks of abuse, exploitation or a history of missing episodes.

- We also recommend that professionals working in care settings, such as children's homes, receive training on current regulations and their requirements when supporting children who have been placed out of area. The responses we received from local authorities showed that regulations are not being consistently followed, and a possible reason for this is a lack of knowledge or understanding of, or familiarity with, current regulations. We believe that this can be addressed by training which should be available for all professionals working in children's care settings.
- We also recommend that there is oversight of the implementation of information-sharing protocols, such as via inspections to Care Inspectorate Wales.
- The forthcoming Social Care (Wales) Bill also presents opportunities to ensure that better information-sharing practices are required when moving children to out of area placements.

If you have anything else you wish to share with us, please do so below.

Unaccompanied children and young people are some of the most vulnerable members of our society, who are required to engage with the complex process of seeking asylum, often while experiencing trauma and upheaval. Any child, including one seeking asylum, should be able to enjoy all of their rights set out in the United Nations Convention on the Rights of the Child, and should be accorded the same

protection as any other child permanently or temporarily deprived of their family environment.

We are calling for a guardianship service to be established to enable every unaccompanied child in Wales to access support from a guardian to help them with understanding and engaging with the asylum-seeking process, as well as helping them to access other forms of support.

The call for a Guardianship Service for all unaccompanied children has been made over many years and is supported by respected bodies within Wales and internationally. The establishment of a Guardianship Service has been a clear expectation of the UN Committee on the Rights of the Child since early devolution. In its 2023 Concluding Observations, the UN Committee on the Rights of the Child again recommended that a Guardianship Service should be introduced for all unaccompanied children.

The Children Society, Bevan Foundation, Children's Legal Centre Wales and British Red Cross have prepared a joint-briefing which identifies gaps in support for unaccompanied children, particularly in respect of their ability to access essential services, to access justice and engage with the process of seeking asylum.

The research undertaken for this briefing shows that:

- Based on data received from our Freedom of Information request, between 2020 and 2023, only 257 Unaccompanied Children, or 43% of Unaccompanied Children received support specifically for engaging with the process of seeking asylum;
- In 38% of local authority areas in Wales, social workers are the only professionals involved in helping Unaccompanied Children to obtain legal advice and representation; and
- Only 38% of local authorities have working relationships with immigration lawyers or legal advice providers in their local areas, and only 47% of local authorities work with immigration lawyers or legal advice providers, within and without their local areas, to assist Unaccompanied Children with their asylum claims.

Furthermore, the introduction of the Illegal Migration Act presents a real risk to the rights of unaccompanied children. It poses difficulties to local authorities in Wales as they carry out their duties to support unaccompanied children.

A Guardianship Service would have the following benefits:

- Advocating for the child and promoting their best interests.
- Improving legal outcomes for unaccompanied children.
- Identifying and preventing exploitation, trafficking, and radicalisation.
- Protecting children's rights and human rights.

- Supporting integration.
- Improving educational outcomes.
- Benefits for professionals working with unaccompanied children, such as cost savings and reducing workloads.

We explore this in more detail in our joint-briefing, which you can find here:

<https://childrenslegalcentre.wales/guardianship-for-children-seeking-asylum/>