



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

# Rights in Action



**Implementing Children and  
Young People's Rights  
in Wales**

**PLANT A PHOBL IFANC - GWEITHREDU'R HAWLIAU  
CHILDREN AND YOUNG PEOPLE - RIGHTS TO ACTION**



# Foreword

It gives me great pleasure to introduce this report. This is the first time since the UK ratified the United Nations Convention on the Rights of the Child that Wales has produced its own report on progress in implementing those rights.

The UN Convention on the Rights of the Child is an international human rights treaty that recognises and protects the human rights of children, up to the age of 18. The National Assembly for Wales and the Welsh Assembly Government are both wholly committed to the Convention, and have adopted it as the framework for all of their work with and for children and young people in Wales. The Assembly Government has used the Convention Rights as a basis for our Seven Core Aims for Children and Young People, which are outlined in Chapter 1 of this report. This means that since devolution the Convention has been used proactively to shape policy and determine the way services are delivered for children and young people. The whole report should be seen as an expression of our commitment to making the Convention Rights a reality for all children and young people in Wales.

This report gives us an opportunity to draw national and international attention to the distinctive strategy we have pursued in Wales, and to celebrate our successes. One of our greatest successes has been the important work we have undertaken, in conjunction with our partners, to promote children and young people's participation. This is covered especially in Chapter 2. We are also justifiably proud in Wales of some of the new institutions we have established to promote children and young people's rights and participation, including the UK's first Children's Commissioner and Funky Dragon: the Children and Young People's Assembly for Wales. They will provide a continuing challenge to this and future Assembly Governments to make sure our policies are genuinely centred on the rights, needs and aspirations of children and young people.



There is much more to be achieved, but we have begun to put down solid foundations for the future. A list of our strategic policies for children and young people can be found at the end of Chapter 1 of this report, but here are some of the key corner stones of our policy:

**Extending Entitlement** (2002) set out 10 basic entitlements for all young people aged 11-25 living in Wales. We are currently working to further the implementation of these entitlements, focusing particularly on the inclusion of harder to reach groups of young people.

**The Learning Country** (2001) began a process of radical change in education, with the aim of ensuring the best possible environment to encourage learning at all stages in people's lives, from strong foundations in the Early Years through to individual 14-19 Learning Pathways and beyond. We have recently published an evidence-based assessment of our progress in implementing that agenda, and proposals for taking the agenda forward to 2010.

**The Children Act 2004** will greatly strengthen arrangements for integrated children's services at the local level. From September 2008, each local authority area in Wales will have a Children and Young People's Plan covering all services for those aged 0-25. Outcome measures, based on the Convention Rights, are being developed to determine how successful these new partnership arrangements are.

**The National Service Framework for Children, Young People and Maternity Services** (2005) is a 10 year strategy which sets national standards to improve the quality and reduce variation in service delivery for children and young people across health, social care and other local services. These standards and the key actions that underpin them are based on the Convention Rights, and will ensure that services are developed and delivered in a rights-focused way.

**The Child Poverty Strategy and Implementation Plan** (2006) comprises a range of proposals, targets and milestones to make real our commitment to halve child poverty in Wales by 2010 and eradicate it by 2020.

This is a wide-ranging and ambitious agenda. We know from children and young people that they are concerned to see our policies make a real difference to their lives. We know they will accept no excuses if we fail to deliver. The Funky Dragon "Our Rights, Our Story" project will give us further insight into how children and young people across Wales feel about access to their rights, and where they feel we are doing well and where we are falling short.

The next few years will be interesting ones for government and public services in Wales, with significant new powers conferred upon the National Assembly for Wales and a new Assembly Government, and with a major programme of improvement aiming to deliver quality public services that put the citizen at the centre. Children and young people are citizens, with a stake in our society now and in the future. We owe it to them to ensure that they can fully enjoy their rights at all stages of their lives.



*Rhodri Morgan AM*

**Rhodri Morgan AM**

First Minister



*Jane Hutt*

**Jane Hutt AM**

Minister for Assembly Business,  
Equalities and Children



# Introduction

This report outlines the contribution the Welsh Assembly Government has made, in partnership with other statutory agencies and with the voluntary sector, to furthering children and young people's rights as set out in the UN Convention on the Rights of the Child. It focuses particularly on progress since 2002, when the United Nations Committee on the Rights of the Child last looked at the state of children's rights in the UK. It is primarily concerned with devolved issues - those for which the Assembly Government is wholly or partially responsible.

## Reporting on the UN Convention

The UN Convention on the Rights of the Child was ratified by the UK late in 1991 and came into force in January 1992. The Convention requires member states ("States Parties") to submit regular progress reports to the UN Committee on the Rights of the Child. The UK's third progress report is due in July 2007.

When the second UK progress report was submitted in 1999, devolved government in Wales, Scotland and Northern Ireland was still in its infancy. Now, six years later, the devolved administrations have made their own significant contribution to the realisation of children and young people's rights in their respective territories, and it has been decided that in 2007 each will produce its own report on progress.

As well as contributing to the overall UK report, it is hoped that this report will act as a basis for a constructive dialogue with other organisations and with children and young people about the state of their rights in Wales. Leading Non-Governmental Organisations (NGOs) and Welsh local government were invited to comment on a draft of this report during the autumn of 2006, and the main issues were discussed with groups of children and young people at a Funky Dragon residential event in November.

## An inclusive process

Dialogue lies at the heart of the reporting process on the UN Convention. The UN Committee's reporting guidelines make it clear that, in preparing these reports, governments at all levels must seek the active involvement of NGOs and of children and young people. Furthermore, NGOs are invited to submit an "alternative report" to the UN Committee. There has also been, in recent years, a small but increasing number of presentations to the Committee by children and young people themselves.

Production of the alternative report from Wales will be led by the Wales UNCRC Monitoring Group. It will be submitted in the autumn 2007. The Monitoring Group is an alliance of voluntary organisations, academics, and other agencies such as Funky Dragon, set up in 2002. The Monitoring Group produced an interim report, *Righting the Wrongs: the reality of children's rights in Wales*, in January 2006. It was launched at a major conference in Swansea, at which Professor Jaap Doek, the chair of the UN Committee on the Rights of the Child, was a key speaker, along with the Assembly Government's Minister for Children and the Children's Commissioner for Wales. *Righting the Wrongs* is a useful indicator of the NGO perspective on progress towards children's rights in Wales, and its messages have been borne in mind in preparing this report.

An exciting new development in this reporting round will be a report drawn up by children and young people in Wales, as part of a major project undertaken by Funky Dragon - the Children and Young People's Assembly for Wales. This report, called *Our Rights, Our Story*, will be based on the views of over 8,000 young people aged 11-18 and 2,000 7-10 year olds from all over Wales, on how they feel about access to their rights under the Convention. *Our Rights, Our Story* will also be submitted to the UN Committee in the autumn 2007.

The Children's Commissioners from across the UK will also be reporting to the UN Committee. This will be the first time the Committee will have received reports based on the views of these independent champions for children.

## Structure of this report

The structure of this report follows the guidelines set down by the UN Committee on the Rights of the Child. It clusters the Convention Rights under the following headings:

- General measures of implementation

- General principles
- Civil rights and freedoms
- Family environment and alternative care
- Basic health and welfare
- Education, leisure and cultural activities
- Special protection measures.

The report takes as its starting point the Concluding Observations made by the UN Committee in 2002. These set out the Committee's conclusions about the state of children's rights in the UK, and recommendations for taking these forward. They were addressed to the State Party (the UK) as a whole, and some do not apply directly to Wales, while others cover areas that are not devolved to the Assembly Government.

This report concentrates on those recommendations that fall within devolved areas, although it also covers some areas, such as child poverty, youth justice, and asylum seeking and refugee children, in which both central Government and the Assembly Government have an interest.





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# Chapter 1: General Measures of Implementation

*Article 4 Measures to be taken by State Parties to implement the Convention. Article 42 The Government should make the Convention known to all parents and children, and Article 44, paragraph 6 make their reports widely available to the public.*

## Rights-based approaches

In 2002, the UN Committee welcomed the Assembly Government's use of the Convention as a framework for its Strategy for Children and Young People. More generally, however, it expressed concern about lack of co-ordination in implementing the Convention Rights across the State Party, and at the lack of a rights-based approach to policy development.

This section sets out the general legislative and policy framework for children's rights in Wales, showing how the Convention Rights are being used as a basis for policy development and are helping to shape the delivery of services to children and young people at national and local level.

The Welsh Assembly Government has drawn up Seven Core Aims, each based on the UN Convention Articles.

## Core Aims for Children and Young People

We aim to ensure that all children and young people:

- have a flying start in life and the best possible basis for their future growth and development (Articles 3, 29 and 36)
- have access to a comprehensive range of education, training and learning opportunities, including acquisition of essential personal and social skills (Articles 23, 28, 29 and 32)

- enjoy the best possible physical and mental, social and emotional health, including freedom from abuse, victimisation and exploitation (Articles 6, 18-20, 24, 26-29, 32-35, 37 and 40)
- have access to play, leisure, sporting and cultural activities (Articles 15, 20, 29 and 31)
- are listened to, treated with respect, and have their race and cultural identity recognised (Articles 2, 7, 8, 12-17 and 20)
- have a safe home and a community which supports physical and emotional wellbeing (Articles 19, 20, 25, 27, 32-35)
- are not disadvantaged by child poverty (Articles 6, 26, 27 and 28).

These Seven Core Aims remain the fundamental expression of the Assembly Government's commitment to the nation's children. They continue to underpin all its work with and for children and young people in Wales and provide a common framework for planning for children and young people throughout Wales, at national and local level.

Assembly Members have also voted to adopt the UN Convention as the overarching framework for the National Assembly's work on behalf of children and young people in Wales.

The Assembly Government published its first strategy for children, *Children and Young People: A Framework for Partnership* in July 2000. This was followed in 2004 by *Children and Young People: Rights to Action*, which reported on progress and outlined the way forward. Both documents expressed a commitment to the UN Convention.

The UN Convention has underpinned other key overarching policies, including *Extending Entitlement* and the *National Service Framework for Children, Young People and Maternity Services*. *Extending Entitlement* sets out 10 basic entitlements for all young people aged 11-25 living in Wales. Further details on Extending Entitlement can be found below (p.3). The *National Service Framework* sets out over 200 specific key actions which will deliver standards of service in health, social care, and other local government services (education, transport and environment), from before birth to adulthood. All of these contribute to the overall Rights to Action agenda for children and young people in Wales. Further details on the National Service Framework can be found in Chapter 5.

A fuller list of key strategic policies for children and young people can be found at the end of this chapter (p. 15-18).

## Extending Entitlement: support and services for 11-25 year olds in Wales

The Assembly Government has been working since its inception to make available to all young people, regardless of their circumstances, a universal basic entitlement to services, and to provide them with the support they need to easily access that entitlement. This national policy relies on cooperation with a range of local and national partners to secure effective delivery. The entitlement is set out in 2 formats, including a young person-friendly version (see table below).

### IT'S ABOUT YOU

#### Extending Entitlement - For Young People Aged 11-25 in Wales

The Welsh Assembly Government wants every young person in Wales aged 11-25 to have the same rights or entitlements (things you are allowed/should have/have a right to). Rights come with responsibilities - for adults and for you as a young person. The things the Assembly Government thinks you should be entitled to are opportunities and choice:

#### 1. Your Rights

- a. To learn what your rights are and understand them
- b. Make sure you are able to claim them and to understand and accept the responsibilities arising from them

#### 2. Being Heard

It is your right to have the opportunity to be involved in making decisions, planning and reviewing an action that might affect you. Having a voice, having a choice even if you don't make the decision yourself. Your voice, your choice.

#### 3. Feeling Good

To feel confident and feel good about yourself

#### 4. Education & Employment

- a. To be able to learn about things that interest and affect you
- b. To enjoy the job that you do
- c. To get involved in the activities that you enjoy including leisure, music, sport and exercise, art, hobbies and cultural activities

**5. Taking Part/Getting Involved**

To be involved in volunteering and to be active in your community

**6. Being Individual**

- a. To be treated with respect and as an equal by everyone,
- b. To be recognised for what you have to contribute and your achievements
- c. To celebrate what you achieve

**7. Easy Access**

Easy access in getting the best services that you should have, locally and nationally, and to have someone available to help you find them.

**8. Health & Wellbeing**

To lead a healthy life, both physically and emotionally

**9. Access to Information & Guidance**

To be able to get information, advice and support on a wide range of issues that affect your life, as and when you need it, including advice and support relating to your career

**10. Safety & Security**

To live in a safe, secure home and community

The Assembly Government is leading a European Structural Fund (ESF) funded project which aims to further the implementation of Extending Entitlement. This project, delivered in conjunction with 16 local and national partners, addresses five key themes:

- Participation: involving young people in decisions that impact on them
- Information and advice
- Keeping in touch with young people who are not in education, employment or training
- Accreditation
- Intensive support

The project has a specific focus on the inclusion of harder to reach or special interest groups. These include young travellers, young homeless people, young people in the criminal justice system, young carers, looked after young people and care leavers, young people with special needs, young disabled people, young people whose first language is Welsh, young lesbian, gay, bisexual and transgender people, young people who are not in education, employment or training, and young people from black and minority ethnic communities.

## Legislation

The National Assembly for Wales does not have primary law-making powers, and all primary legislation applying to Wales has been made by the UK Parliament in Westminster.

The Assembly Government does, however, have powers to make secondary legislation and to issue statutory and non-statutory guidance to public bodies in Wales. An early example of the use of these powers was contained in the Children's Commissioner for Wales Regulations 2001, which require the Commissioner to have regard to the UN Convention on the Rights of the Child - the first reference to the Convention in any UK legislation. The Assembly Government has also used its secondary legislation powers to ban physical punishment in all regulated day care and child minding settings.

From May 2007, the National Assembly for Wales will be able to pass its own legislation (to be known as Assembly Measures) in certain areas. It remains to be seen how the Assembly and the new Welsh Assembly Government uses those powers to promote the rights of children and young people.

## Co-ordination and planning at national level

Assembly Government policy for children and young people is co-ordinated at the highest level by the Cabinet Sub-Committee on Children and Young People.

The Sub-Committee is chaired by the Minister for Children, and its membership comprises the First Minister and the Ministers for Health and Social Services; Education, Lifelong Learning and Skills; Culture, Sport and Welsh Language; Social Justice and Regeneration; and Enterprise, Innovation and Networks. The Sub-Committee meets monthly during term time.

Its terms of reference are:

- to oversee the implementation of the UN Convention on the Rights of the Child in Wales and the Assembly Government's Seven Core Aims for Children and Young People;

- to ensure that the interests of children and young people are given due priority in all Cabinet and Assembly Government policy-making;
- to promote the health, well-being, educational, social and personal development of all children and young people in Wales;
- to combat social disadvantage arising from poverty, disability or lack of educational opportunity; and
- to help all children and young people in Wales to maximise their potential in adult life.

The Cabinet Sub-Committee is supported by two groups of officials. The first (the Officials Group) is made up of senior civil servants, and ensures that a coherent approach is taken to developing policies for children and young people across all subject areas. All major initiatives affecting children and young people in Wales are considered by the Officials Group and cleared by the Cabinet Sub-Committee. The second group (the Children and Young People's Network), consists of officials involved in the more day to day development and implementation of policy.

Mechanisms have been put in place to ensure that the Assembly Government explicitly considers the needs and the rights of children and young people when appraising proposed new policies. All strategic policies on which the Assembly Government consults must first go through a Policy Gateway process. The results are published in summary form alongside the consultation.

The Policy Gateway is a high-level appraisal involving officials from main policy departments, sometimes joined by outside stakeholders, who weigh proposals against the Assembly Government's key policy objectives. These include: providing children and young people with the opportunities and resources they need for the best start in life; ensuring services and policy take forward the needs of children and young people; tackling child poverty; facilitating wider participation; and ensuring all children have access to play and leisure. There are also questions about social justice, deprivation (including a specific question on child poverty), health and well-being, health inequality and education.

The objective is to ensure that policies are well-designed and thought-out, so that they will be more effective when implemented. Policy makers have also been offered policy development training, to ensure that they have the tools and breadth of vision to develop policy well. The training has stressed the need to engage at an early stage with the people who will be affected by policies, including children and young people.

## Co-ordination and planning at local level

Better outcomes for children and young people can only be achieved and sustained when agencies work together and co-operate in planning and delivering services that are coherent and focus effectively on meeting their needs. Considerable energy and commitment has been devoted in recent years by the Assembly Government, local authorities and other statutory bodies, and by the voluntary and community sector, to establishing effective joint working across Wales. The Assembly Government expects local authorities to take the lead in driving forward partnership working, delivering effective integrated services for children and young people at the local level.

Since 2002 there has been a Children and Young People's Framework Partnership in each of the 22 local authorities in Wales. These Partnerships have brought together all local partners who provide services for children and young people, and produced an overarching Children and Young People's Framework Plan.

The Children Act 2004 established a new statutory basis for partnership working and planning, and this is currently being implemented in Wales.

Key changes introduced by the Children Act are:

- a) Local authorities, key partner agencies and other relevant bodies are required to co-operate to improve the well-being of children and young people in the local area. The Children Act also enables a local authority and its statutory partners to pool their budgets and other non-financial resources (such as staff, goods, services and accommodation) to improve the well being of children and young people. Use of this flexibility will contribute directly to delivering the Seven Core Aims - for example, Core Aim 7 on eradicating child poverty.
- b) Each local authority has to appoint a lead director for children and young people's services, and a lead member (an elected local councillor). Each NHS trust and Local Health Board also has to have a lead executive and non-executive director (NHS trusts) or lead



officer and member (LHBs). These are responsible for joint planning and integrated working. The Assembly Government's statutory guidance *Stronger Partnerships for Better Outcomes* (July 2006) requires lead directors to promote and safeguard implementation of the UN Convention at local level, and to ensure that children, young people and their families can participate effectively in the planning and review of services.

- c) There is a statutory Children and Young People's Partnership in each local authority area. This is responsible for services for all children and young people from before birth to age 25.
- d) From September 2008, each local authority area will be required to have a Children and Young People's Plan covering all services for those aged 0-25, and also maternity services.

The Children and Young People's Plan will be the central, strategic statement setting out how the well-being of all children and young people in the area will be improved, and will act as the point to which reference will be made where clarity is required in other plans. It is intended to:

- provide strategic vision and state the agreed priorities that will direct the work of all partners;
- describe how requirements of national and local strategies, policies and priorities will be tackled locally;
- set out agreed joint objectives for services that can act as milestones to enable progress in improving outcomes to be measured over the planning timescale;
- identify the contribution made by individual partners towards meeting joint objectives, ensuring that they are consistent and mutually supportive;
- provide a basis for the joint commissioning of services and sharing of all available funding, including core budgets of statutory partners and resource or financial contributions from the voluntary sector.

Work on the development of outcome measures will help to determine how successful these new partnership arrangements are.

## Resources

The UN Committee recommended that the devolved administrations undertook a transparent analysis of budgets, to show the proportion spent on children, to identify priorities, and to allocate resources to the “maximum extent of available resources”.

The difficulty inherent in determining the amount spent on public services for children in Wales was highlighted in research by Save the Children, *A Child's Portion: Public Spending on Children in Wales* (2003). Budgeting for children was further highlighted in the Report of the *Safeguarding Vulnerable Children Review* (May 2006), which emphasised the crucial importance of developing a sound and comprehensive financial information base for children's services.

The Assembly Government appreciates the importance of transparency, particularly in enabling children and young people to participate in shaping policy and services. It also appreciates the need to identify and account more clearly for its spending on children and young people. However, achieving full transparency across national and local government in Wales will be a major undertaking and will only be achieved incrementally over a number of years. The Cabinet Sub-Committee on Children and Young People agreed in June 2006 to undertake an exercise to identify Assembly Government and Assembly Government-funded spending on children's services and initiatives. The results were submitted to the Cabinet Sub-Committee in February 2007, and are being published alongside this report. The strategic implications of this exercise will be considered further by the Assembly Government, in the light of the increased powers under the Government of Wales Act 2006, which come into force following elections in May 2007.

## Independent human rights institutions

Wales was praised by the UN Committee for establishing an independent Children's Commissioner for Wales. This section outlines the role and achievement of the Children's Commissioner since his appointment in 2001.

### The Children's Commissioner for Wales

Wales was the first country in the UK to have an independent Children's Commissioner. The post of Children's Commissioner for Wales was established by the Care Standards Act 2000, and the post's remit was extended by The Children's Commissioner for Wales Act 2001. Peter Clarke was the Children's Commissioner from 1 March 2001 until his death in January 2007.

He was appointed by the First Minister after being interviewed by children, young people and Assembly Members. The role is currently being performed by the Deputy Commissioner until a successor can be appointed.

The Commissioner acts as an independent champion for children and young people in Wales. His principal aim is to safeguard and promote the rights and welfare of children in Wales and in doing so he has a duty to have regard to the UN Convention.

His functions include:

- reviewing the effect on children and young people of any activity or proposed activity of the National Assembly for Wales, the Welsh Assembly Government, and any other public body for which it has responsibility, including local authorities, local health boards and health trusts;
- reviewing complaints, whistleblowing and advocacy procedures;
- examining in more depth the case of a particular child or children if it involves an issue that has a general application to the lives of children in Wales. He has the right to information, explanations and assistance in support of this function, and in pursuing any recommendations he makes as a result of an examination;
- producing reports and recommendations; and
- providing advice and assistance to children and young people, and to others concerned about their rights and welfare.

He can consider and make representations to the Assembly Government about any matter affecting the rights and welfare of children in Wales, including those that are non-devolved.

The Commissioner is an independent, statutory body and he decides whether and how he should exercise his functions. His consultations with children and young people inform his decisions.

The Commissioner has undertaken a number of reviews and examinations and has published the following reports:

- *Lifting the lid*: the state of the nation's school toilets;
- *As long as I get there safe*: towards better and safer journeys to school;
- *Telling Concerns* - review of complaints, advocacy and whistleblowing procedures in local authority social services departments;

- *Children don't complain .. parents do* - review of complaints, advocacy and whistleblowing procedures in local education authorities;
- *Clywch*: the report of the Children's Commissioner's Inquiry into allegations of child sex abuse in a school setting.

Clywch was the Commissioner's first statutory Examination, and followed a high profile case of alleged abuse over many years by a drama teacher at a school in Wales. The report made recommendations for safeguarding children working in the media and performing arts, as well as in school settings. In his Annual Report of October 2005 the Commissioner commended the Assembly Government and other agencies for their work in responding to the report's recommendations.

The National Assembly holds an annual Plenary Debate on the Commissioner's Annual Report, which is also scrutinised by a special joint session of the Health and Social Care, Social Justice, and Education and Lifelong Learning Committees. The Assembly Government prepares a formal *Response to the Children's Commissioner's Annual Report*, which is published by 31 March each year.

The Commissioner's Annual Report also contains his budget estimate for the year ahead, which must be agreed by the Welsh Assembly Government. Details of the agreed budget are then contained in the Assembly Government's formal response. The Assembly Government has committed significant funding to the Children's Commissioner's Office each year. His budget has risen over the past two years from £1,400,000 in 2004-05 to £1,636,000 in 2006-07.

The Assembly Government's published Responses to the Children's Commissioner's Annual Reports detail the ways in which it has worked with the Commissioner's Office and other partners to address the issues raised by him in his reports and enquiries, and at his regular meetings with Ministers. This has included, for example, work on advocacy and complaints procedures, and implementation of the Clywch report's recommendations on child protection.

### UNCRC Monitoring Group

The Wales UNCRC Monitoring Group was established in 2002. It is convened by Save the Children (Wales), and consists of representatives from voluntary organisations and academics concerned with children's rights issues in Wales, and from Funky Dragon (the Children and Young People's Assembly for Wales). Officials from the Assembly Government and the Children's Commissioner's

Office also attend as observers. The Group organised a major conference on children's rights in Swansea in January 2006, with support from the Assembly Government. The Chair of the UN Committee, the Assembly Government's Minister for Children, and the Children's Commissioner for Wales, all spoke at this event, which attracted a high level of interest from across Wales. The Monitoring Group will be leading the process of preparing the Wales "alternative report" for the UN Committee in 2007, building upon *Righting the Wrongs: The reality of children's rights in Wales*, which was launched at the Swansea conference.

### Data collection

The UN Committee recommended that mechanisms be established to collect and analyse data on the areas covered by the Convention, and that these be used to assess progress in implementation, and to design right-based policies. It also recommended that there should be regular Wales reports.

This section sets out what the Assembly Government is doing, together with its partners, to develop a national set of outcome measures for children's rights, and to assess the impact of its policies for children and young people.

### Development of Outcome Measures

Work is now well advanced on developing an outcomes framework. The framework will provide a common set of measures that will strengthen partnership working and joint planning, and provide a basis for single integrated systems of monitoring, evaluation and inspection. Since the outcomes derive from the Seven Core Aims for Children and Young People, and incorporate a rights-based approach into planning and reviewing services, it is intended that they also act as a basis for measuring progress in implementing children and young people's rights.

This work will contribute to the development of Children and Young People's Plans, which local authorities and their partners must have in place for 2008-11. It provides an opportunity to use the Seven Core Aims as descriptors of children's rights and to clarify the links between individual rights and priority policy aims. Consideration is also being given to data collection and how to ensure that the views of children and young people can be gathered effectively. The initial set of measures will apply for the 2007-08 financial year and be reviewed regularly thereafter to ensure that they remain accurate.

## Monitoring and Evaluation

The Assembly Government is committed to ensuring that its policies and programmes are evidence-based and properly evaluated. Recent initiatives that have had evaluation put in place include the Cymorth (Children and Youth Support Fund) scheme and pilots in the following areas: Extending Entitlement, 14-19 Learning Pathways, Flying Start, free school breakfasts in primary schools, the Welsh Baccalaureate, and the Foundation Phase in education. Ministers have recently considered proposals to set up a cross-departmental project within the Welsh Assembly Government, to oversee the development of evaluation of children and young people's programmes and policies. The Assembly Government is also considering how best to capture children and young people's voices and experiences, as part of the ongoing development of proposals for capturing citizens' voices as part of the Beecham Review of public services.

### Training and dissemination

Making sure that children and young people are aware of their rights was a major concern of the UN Committee. This section sets out the Assembly Government's plans to extend awareness of the Convention Rights, the Seven Core Aims and the 10 Entitlements, and to support information and advice services for young people more generally.

The Assembly Government's commitment to raising awareness among children and young people of their rights has mostly been taken forward through its participation agenda. Rights are central to the work of Funky Dragon (the Children and Young People's Assembly for Wales) and to the work of the Participation Consortium (see Chapter 2 of this report). Rights are also a key component of Personal and Social Education in schools (see Chapter 6).

More needs to be done, however, to raise awareness of the Convention Rights among children and young people in Wales. The Assembly Government intends to produce a series of booklets for children and young people. The booklets will target both younger children (5-10) and older children/young people (11-18). A reference group will begin work in March 2007 to prepare these booklets and an accompanying publicity and communication strategy.

### DeNIAS

The Development Network for Information and Advice Services oversees the development of information and advice services for young people in Wales, including the Clic project. It consists of representatives from

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agencies responsible for providing information and advice to young people. It is responsible for identifying and addressing gaps in current provision. The direct involvement of young people in these initiatives is currently being developed.

### Clic Project

Clic is the second National Information and Advice Project for Young People aged 11-25 in Wales. It commenced in October 2004 and since this time has been raising awareness of the project and developing new information and advice products for young people. Young people have been involved in determining the design and content of the products produced by the project. Clic is currently undertaking a mapping exercise of information venues and sources for young people across Wales.

Clic works in conjunction with local information shops and outlets that are funded through a variety of sources, including Cymorth (Children and Youth Support Fund). Evaluation undertaken with young people aged 11-18 in schools as part of Extending Entitlement has suggested that:

- the majority of school children who took part in this survey indicated that they had 'ok' levels of access to confidential personal support and advice. In total, 31 per cent said that they had either 'easy' or 'very easy' access and 20 per cent indicated difficulties in gaining access to confidential personal support and advice;
- 52 per cent of young people surveyed indicated that they found it either 'easy' or 'very easy' to get support and information if they were upset and needed someone to talk to. 22 per cent reported difficulties in this respect;
- 51 per cent of young people surveyed said that they either found it 'easy' or 'very easy' to get health information about diet and nutrition, contraception, sexual health. A further 20 per cent reported difficulties in this area.

### Developing Financial Capability for Young People

During 2006, The Basic Skills Agency and Legal Services Commission commissioned a pilot project addressing the issue of financial capability and supporting young people in decision making. A CD-ROM, produced following work with young people, was piloted in three local authority areas through informal learning settings. The project evaluation is currently being considered.

## KEY STRATEGIC WELSH ASSEMBLY GOVERNMENT POLICIES FOR CHILDREN AND YOUNG PEOPLE

The Welsh Assembly Government has taken forward a wide range of policy initiatives, across its areas of devolved responsibility, which impact positively on the rights of children and young people. Some of the main strategies and programmes are listed below. This is not an exhaustive list, and many of these cut across more than one portfolio.

- The Children Act 2004: established a new statutory basis for partnership working and planning, and this is currently being implemented in Wales.

### Education, Lifelong Learning and Skills

- **Extending Entitlement:** the overarching policy for young people aged 11-25 in Wales, based around 10 basic entitlements; and implemented through a range of projects, including those based around Article 12 on participation.
- **The Learning Country:** the overall strategic programme for education and lifelong learning, embracing many of the other specific educational initiatives below. The Learning Country: Vision into Action was published in 2006, setting the next phase of this agenda.
- **Childcare is for Children: The Childcare Strategy for Wales:** which seeks to build upon the quantity, quality and capacity of childcare provision in Wales.
- **Cymorth (Children and Youth Support Fund):** supporting children, young people and their families, particularly those in disadvantaged areas, with a range of preventative interventions including family support, health promotion, participation, childcare, children's information services, training and mentoring, and play.
- **Flying Start:** an initiative targeted at 0-3 year olds in the most deprived communities. Proposed interventions include free, good quality childcare, additional health visiting, and parenting programmes.
- **Play Strategy:** to implement the Play Policy by developing play provision across Wales.

- **Basic Skills Strategy:** provides an all-age approach to basic literacy and numeracy, including early years programmes.
- **Foundation Phase:** to ensure that all 3-7 year olds are provided with high quality early years education.
- **14-19 Learning Pathways:** transforming and extending options and opportunities for 14-19 year olds; includes individual learning pathways that meet the learners' needs.
- **Reaching Higher:** A strategy for the higher education sector in Wales; charts the course for competitive and sustainable higher education in Wales up to 2010; includes measures for widening access, attracting and retaining students from disadvantaged and under-represented backgrounds.
- **Inclusion Policy and Performance Framework:** ensuring that all pupils have equal access to educational opportunities, that barriers to achievement are removed, and that pupils are given the support they need to reach their full potential. It includes work on special educational needs, bullying, and tackling disaffection and disengagement.
- **Parenting Action Plan:** seeks to raise the profile of parenting in Wales by setting out key actions to support parents and carers.
- **Youth Service Strategy:** a vision for youth work in Wales together with an action plan to enable youth work to make an effective contribution to Extending Entitlement.

### Health and Social Care

- **National Service Framework for Children, Young People and Maternity Services:** a 10 year strategy that sets national standards to improve quality and reduce variation in service delivery for children and young people.
- **Fuller Lives, Supportive Communities:** ten year strategy for social services, recently consulted on.
- **Everybody's Business:** 10-year strategy for improving child and adolescent mental health services (CAMHS) in Wales.

- **Food and Fitness: Promoting healthy diets and physical activity for children and young people in Wales:** a 5-year implementation plan for promoting healthier lifestyles. It includes a target that by 2010 all schools in Wales should be involved in the Welsh Network of Healthy Schools Scheme.
- **Appetite for Life:** seeks to improve the quality and nutritional standards of school food.
- **Children First:** a programme to improve life outcomes for children in need, looked after children and care leavers.
- **Advocacy:** development of a new model of advocacy delivery across health, education and social care settings.
- **Sexual Health Strategy:** to ensure that young people have appropriate sex and relationship education, information, and access to sexual health advice services.
- **Breastfeeding Strategy:** supports the promotion of breastfeeding in Wales to increase initiation and continuation rates.

## Social Justice

- **A Fair Future for our Children: Child Poverty Strategy and Implementation Plan:** sets out measures, targets and milestones to deliver on the commitment to eradicate child poverty in Wales by 2020.
- **All-Wales Youth Offending Strategy:** provides a national framework for preventing offending and re-offending among children and young people in Wales.
- **Communities First:** a long-term strategy for improving the living conditions and prospects for people in the most disadvantaged communities in Wales. The programme aims to involve people of all ages in the process to secure sustainability, development of skills, physical and environmental improvements, health and well-being gains and reduction in crime.
- **National Homelessness Strategy:** includes measures for tackling and preventing youth homeless and addressing the needs of homeless children.

- **Tackling Domestic Abuse: The All Wales National Strategy:** a joint-agency approach to dealing with the issue of domestic abuse in Wales.
- **All-Wales Refugee Inclusion Strategy:** aims to provide a clear framework for all those working towards refugee inclusion in Wales, and sets out key actions over the three years from 2007.

### Language, culture and sport

- **Iaith Pawb: A National Action Plan for a Bilingual Wales:** sets targets up to 2011 to bring about increased use and visibility of the Welsh language in all aspects of everyday life, including education, leisure and cultural activities.
- **Climbing Higher: Strategy for Sport and Physical Activity:** to increase participation in sport and physical activity in Wales; includes free swimming scheme and programme to increase secondary school extra-curriculum participation in sport and physical activity. The PE and School Sport Action Plan for Wales aims to raise standards in physical education and school sport for all young people, and contribute to improving health and fitness levels.
- **Creative Future: Cymru Creadigol:** a culture strategy to increase access and opportunities for cultural experience for young people.

### Transport

- **Transport Strategy:** includes a personalised travel planning project for young people, and pilot half fare schemes for 16-18 year olds. A new Transport Strategy for Wales will be published in 2007.
- **Safe Routes to Schools:** an initiative involving fifty projects across Wales promoting opportunities for walking and cycling to school.

## Chapter 2: General Principles

*Article 2 The Convention applies to all children, without discrimination of any kind. Article 3 All organisations concerned with children should work towards what is best for each child. Article 6 All children have the right of life. Article 12 Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.*

### Tackling discrimination

The UN Committee recommended action to monitor the situation of children who are exposed to discrimination, including comparisons between different parts of the UK; and targeted action to eliminate all forms of discrimination.

Although anti-discrimination and equal opportunities legislation remains the responsibility of the UK Parliament in Westminster, the National Assembly for Wales has a duty, under Section 120 of the Government of Wales Act, to ensure that its functions are exercised “with due regard to the principle that there should be equality of opportunity for all people”. It also has to report each year on how effective those arrangements have been. The Assembly Government seeks to deliver this through the principle of mainstreaming. In 2005-06, the Cabinet agreed a mainstreaming strategy, intended to ensure that from 2007 onwards, each Assembly Government department will have an equality action plan, with forward-looking objectives and measures of success in place which can be reported in the Annual Equality Report.

As a public body, the Assembly Government has drawn up a Race Equality Scheme (March 2005), a Disability Equality Scheme (December 2006), and a Gender Equality Scheme (March 2007). Each scheme covers children and young people as well as adults.

Specific measures to tackle discrimination and inequality amongst particular minority groups are dealt with throughout this report - for example, gypsy/traveller children (page 82), gay and lesbian young people (page 53), and disabled children (page 43). The Extending Entitlement ESF-funded project has a specific focus on harder to reach and special interest groups (page 4).

Two broad-based initiatives aimed at addressing racial discrimination are:

- **Minority Ethnic Youth Forum**

Launched in 2005, the Minority Ethnic Youth Forum seeks to improve the Assembly Government's understanding of the needs of minority ethnic young people, and foster racial harmony and tolerance between different racial groups in Wales. It is aimed at young people aged 15 - 25, and provides young people with an opportunity to voice their concerns and views on issues which concern them. A project to take this forward is in development, working closely with existing networks such as Funky Dragon. It also aims to enable young people from black and minority ethnic communities to play a full part in their local youth forums.

- **Croeso campaign**

Croeso is funded by the Assembly Government and builds on the Race Relations (Amendment) Act requirement to promote good relations. In 2005-06, Croeso worked closely with children and young people across Wales to foster good relationships across all communities.

## Best Interests of the child

Under Article 3 of the Convention, the principle of the best interests of the child should be the primary consideration in all legislation and policy affecting children. An example of how this principle has shaped policy and practice in Wales is through the work of CAFCASS CYMRU

The Children and Family Court Advisory and Support Service (CAFCASS) becomes involved with children, young people and families within family law proceedings, particularly in care cases and when parents go through separation or divorce. The main duties of CAFCASS CYMRU are to:

- safeguard and promote the welfare of children involved in family court proceedings;

- give advice to any court about any application made to it in such proceedings;
- make provision for the children to be represented in such proceedings; and
- provide information, advice and other support for the children and their families.

The work of CAF/CASS CYMRU contributes directly to implementation of Convention Articles 2 (non-discrimination), 3 (best interests and protection) and 12 (participation). Its practitioners, known as Family Court Advisors, are independent of the courts, social services and similar agencies, and are impartial. They are qualified in social work and experienced in working with children and families. Family Court Advisors frequently refer to and quote from the UNCRC in their assessments and reports to the courts. The main purpose of their intervention is to assist the court in reaching a decision made in the best interests of the child in line with Article 3.

Responsibility for CAF/CASS in Wales transferred to the Welsh Assembly Government in 2004, providing an opportunity for raised awareness within Wales of the impact of parental separation and family breakdown, and improved services for children and young people caught up in these circumstances.

### **Respect for the views of the child: Participation**

The UN Committee recommended that further steps be taken across the UK to promote participation of all groups of children in society, and to ensure that their views are taken fully into account. This section describes some of the considerable work undertaken by the Assembly Government and its partners to facilitate participation by children and young people.

The Assembly Government is committed to driving forward Article 12 of the UN Convention by setting an example of practice related to children and young people's participation (0-25) that other organisations will aspire to.

### **The Welsh Assembly Government Participation Project**

In 2003, the Assembly Government established its own participation project designed to build children and young people's participation into its own internal processes, setting an example which other organisations in Wales in the public, private and voluntary sectors might wish to follow.

The project focused initially on staff recruitment and public appointment to key posts with responsibility for children and young people; procurement and audit of relevant services; and involving children and young people aged 0-25 in all aspects of policy development, implementation and monitoring in relation to issues which impact on their lives.

The project has made significant progress since it was set up, and although it has yet to complete its original brief, it has nevertheless succeeded in raising awareness amongst national policy-makers of the importance and potential benefit to be derived from children and young people's involvement at an early stage.

Following a competition for children and young people, the Assembly Government has adopted a soundbite to explain what participation means. The winning sound bite was:

“Participation means that it is my right to be involved in making decisions, planning, and reviewing an action that might affect me. Having a voice, having a choice.”

### Funky Dragon

To facilitate participation, the Assembly Government helped to set up, and funds, the Children and Young People's Assembly for Wales (known as Funky Dragon). Funky Dragon is a peer-led organisation made up of a Grand Council of representatives from local children and young people's forums and national and local peer-led groups. It ensures that the views of children and young people aged 0-25 are heard and taken into account in the decision-making process, particularly by the Welsh Assembly Government. It has been in existence for 3 years and is one of the key mechanisms that the Assembly Government uses for obtaining the views of children and young people.

In recognition of the need to ensure greater diversity Funky Dragon also has seats on its Grand Council reserved for 8 specific interest networks, including disabled young people and black and ethnic minority networks. If the Grand Council members feel that Funky Dragon is not as representative as possible they can vote in “co-options”. Representation via local youth forums means that members come from a wide variety of socio-economic groups.

Funky Dragon has recently begun research with children and young people in Wales to report on the implementation of their rights. The report, *Our Rights Our Story*, will be based on the views of over 8000 11-18 year old young

people throughout Wales, and 2,000 7-10 year olds, on how they are able to access their rights. The final report will be launched at the Funky Dragon AGM in the summer of 2008.

### The Participation Consortium

Partnership working is key to ensuring children and young people's participation. In 2002, the Assembly Government asked Save the Children Wales to establish the Children and Young People's Consortium for Wales, and provided core funding for a Participation Unit to support the Consortium's work. The Consortium is a multi agency group made up of representatives from statutory and voluntary children and young people's organisations and from the Assembly Government. It shares ideas and good practice and supports a co-ordinated approach in Wales.

New national standards for involving children and young people in decision making were launched in January 2007.

The standards set out minimum expectations for how children and young people should be involved in decisions affecting their lives. These benchmarks provide a means for inspecting and assessing participatory practice. They advocate such things as giving all young people an opportunity to have their say whatever their circumstances, ensuring that young people benefit from taking part, and that their views are taken on board and affect decisions made. The standards also state that information should be provided in a format that is easy for children and young people to understand.

The National Standards are currently being piloted with different groups of children and young people to explore how to measure, collect evidence and to implement the standards successfully throughout Wales. It is expected that these standards will develop into a nationally recognised kite mark for participation by children and young people.

The Consortium recently mapped the extent of children and young people's participation in organisations throughout Wales, including the Assembly Government, and has developed multi-agency sub groups to drive forward the participation agenda in education and training services.



## Assembly Government ESF Participation Project

The Assembly Government's Participation Project has been awarded funding from the European Structural Fund (ESF), to take forward aspects of its work relating to 11-25 year olds more quickly than would otherwise be possible.

The project is also working to ensure that Assembly Government documents are produced in a way that makes them interesting and easily accessible to children and young people, and that show clearly the impact that children and young people have had on their production.

The ESF Project Team is also working with partners to pilot participation arrangements at Hillside local authority secure accommodation unit, initially concentrating on consultation and provision of information.

## Extending Entitlement ESF project

The ESF-funded project on Extending Entitlement (see Chapter 1) also has participation as one of its key themes, with a specific focus on the inclusion of harder to reach or special interest groups.

## Schools Councils

Wales is unique in the UK in having made school councils a statutory requirement from 1 November 2006. The considerable work being undertaken to ensure that school councils are a success is covered in Chapter 6, together with other measures to ensure pupil participation.

## Wales Youth Forum on Sustainable Development

The Wales Youth Forum for Sustainable Development, founded in September 2003, aims to spread information about sustainable development to young people in Wales. It also gives young people the opportunity to express their views to the relevant decision-makers. In addition, it contributes directly to sustainable development by empowering young people to alter their own lifestyles.

The Forum has received funding from the Assembly Government since 2003. Activity has included hosting a workshop and other events at a Cardiff conference; sending a delegate to a recent conference in Sumatra; organising a youth exchange with Libya; and participation in a number of conferences and events on sustainable development issues.

## Respect for the views of the child: Advocacy and complaints

Also relevant to the Article 12 right to have a say is the work undertaken to develop advocacy services and child-friendly complaints procedures across a variety of settings and services.

National minimum standards for advocacy services were introduced in 2002, and all local authorities now have service level agreements with advocacy providers that meet these standards. In 2004, regulations were made giving to every child and young person in need in social care settings a statutory right to an advocacy service.

The Assembly Government established a task group in 2002 to make recommendations on future provision of advocacy services for children and young people. This task group considered the recommendations of three major reports on child abuse and safeguarding children (the Utting, Waterhouse and Carlile reports), and those contained in the Children's Commissioner's report *Telling Concerns*. The group was also involved in a review of children's complaints procedures.

The advocacy review focused on support and safeguards for vulnerable groups, including those looked after (especially those placed out of their home area); children living away from home in residential schools or other settings; children in hospital or other settings under the care of the NHS; and children in the youth justice system.

Three exercises were held:

- a review of advocacy and complaints services for children and young people carried out by Cardiff University which found that current arrangements for the provision of advocacy across Wales are inconsistent and inequitable.
- a consultation in 2005 with over 1000 children and young people on complaints arrangements for children in health, social care and education settings, carried out through local Children and Young People's Partnerships. This has informed the development of complaints guidance.
- a consultation undertaken by Voices from Care, a national voluntary organisation, on the views of children in the care system.

The feedback underlined the need to improve advocacy services at local, regional and national level, supported by local Children and Young People's Partnerships.

The Advocacy Task Group delivered its recommendations in 2005. They included a tiered model of advocacy delivery across health, education and social care settings. This was intended to streamline processes and encourage greater collaboration among providers, in line with the aims of the Children Act 2004; to improve outcomes for vulnerable children and young people; and to ensure more effective use of resources. They proposed a collaborative regional model for delivery of children's advocacy services, which should allow greater independence for advocacy providers from service commissioners.

The Assembly Government is currently consulting on the proposed reforms, in particular how the proposed new service is to be developed, and on a framework for commissioning advocacy to assist any child or young person in making complaints.

Funding of over £1.2 million has been given to key children's advocacy providers in Wales: Barnardo's, Tros Gynnal, Voices from Care, and the National Youth Advocacy Service. Funding has also been given to local authorities through the Children First programme, to extend advocacy services to children in need.

New guidance on complaints systems for children in social care was published in April 2006, and includes a right for children to access an independent panel if they wish to make a complaint.

Guidance for school governing bodies on dealing with complaints involving pupils was issued in October 2006 (Circular 39/2006). This adds to existing guidance for governing bodies on dealing with complaints. The Assembly Government has also produced information sheets for primary and secondary school pupils making a complaint.

The Assembly Government is reviewing arrangements for children and young people to complain about any health service. Currently a complaint can only be made against treatment given in a hospital.

## CAFCASS CYMRU

Although having inherited participation arrangements, following its transfer into the Welsh Assembly Government, CAFCASS CYMRU is developing its own comprehensive Participation Strategy. Two pilot participation groups have been established (covering age 5 to 15). The groups are contributing to the development of information leaflets to inform young service users of the role of individual CAFCASS staff, of court proceedings, and the responsibilities of CAFCASS CYMRU. The groups are also helping to develop the CAFCASS CYMRU internet site. Following this pilot project, CAFCASS CYMRU aims to develop further local participation groups across Wales.

CAFCASS CYMRU is also developing protocols with independent advocacy groups in Wales to help children and young people understand how to proceed with complaints and how to make information requests under the Freedom of Information Act 2000 and Data Protection Act 1998. It is also consulting with children and young people on how to make its own complaints policy and procedures more accessible. Young people have also been involved in piloting an interactive computer program (Viewpoint), which gives users the opportunity to express their opinion about CAFCASS CYMRU services. Viewpoint was launched in January 2007.



# Chapter 3: Civil Rights and Freedoms

**Articles 7 and 8** All children have the right to a name and nationality, to know and (as far as possible) to be cared for by their parents, and to have their identity respected. **Article 13** Freedom of expression. **Article 14** Freedom of thought, conscience and religion. **Article 15** Right to meet together and to join groups and organisations. **Article 16** Right to privacy. **Article 17** The right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote material that could harm them. **Article 37(a)** Children have a right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

## Restraints and solitary confinement

The UN Committee had particular concerns about the use of restraint in custody, education, health and welfare institutions.

The principles that govern the use of restrictive physical intervention in health, education and social care settings were set out in the Assembly Government's *Framework for Restrictive Physical Intervention Policy and Practice (2005)*. This document is aimed at statutory agencies that work with children, young people and adults. It does not offer advice on restraint techniques for use in specific situations. It is for individual organisations to carry out a risk assessment and restraint avoidance strategy, to identify the likelihood of an individual young person exhibiting hazardous behaviour and how to respond to this effectively.

The Assembly Government is currently discussing with the UK Department for Education and Skills a joint consultation on a good practice document, *Permissible Restrictive Physical Interventions with Children who Live Away*

from Home. This has a focus on risk management and agreed intervention techniques, and will form the basis for definition of the use of “face down” restraint techniques.

## Physical punishment

The UN Committee welcomed the adoption by the Assembly Government of regulations prohibiting corporal punishment in all forms of day-care, including childminding. It recommended removing the defence of “reasonable chastisement”, and the promotion of positive, participatory and non-violent forms of discipline.

The Welsh Assembly Government has taken a principled stance against physical punishment of children, and agrees with the view of the UN Committee on the Rights of the Child that corporal punishment should be prohibited by law. In October 2002, in a Plenary Debate on the UN Committee’s Concluding Observations, a majority of Assembly Members from across political parties in Wales supported this view. The Assembly thus became the first legislature in the UK to take this clear line.

The National Assembly for Wales does not have the power to introduce legislation prohibiting physical discipline. This remains the responsibility of the UK Parliament. The Assembly Government has, however, made several representations to the UK Government on this issue, most notably during the passage of the Children Act in 2004. The Children’s Commissioner for Wales has also highlighted the issue in his Annual Reports.

As a practical sign of its commitment, the Assembly Government has funded the Children are Unbeatable! (CAU!) campaign’s project worker in Wales for three years from 2004. CAU! produces briefing and information to influence public policy and promote positive parenting, and publishes examples of good practice in the promotion of alternatives to smacking. In July 2006, it piloted a *Help at Hand* week within a local community in a Communities First area in South Wales, exploring ways of getting the no-hitting message across to parents and children. The Assembly Government provided funding to evaluate the pilot, and is working with CAU! to disseminate the lessons learnt.

The Assembly Government also actively promotes positive parenting, and has taken steps to inform parents about alternatives to physical discipline, including:

- a commitment in the All-Wales Domestic Abuse Strategy (March 2005) to policies that oppose the smacking of children and promote alternatives to physical discipline. The Strategy aims

to increase the safety of women, children and young people, and includes a recognition that physical punishment can be a feature in situations of domestic abuse;

- promotion of positive parenting through the Parenting Action Plan (December 2005), which includes an Action to publish a booklet on alternatives to physical discipline, to be given out to all new parents by health visitors from 2007 onwards;
- a key action in the National Service Framework (February 2006) requiring local Children and Young People's Partnerships to put in place joint working arrangements to deliver parenting education that supports non-violent ways of managing children's behaviour.





## Chapter 4: Family Environment and Alternative Care

**Article 5** *Respect for responsibilities, rights and duties of parents and guardians to give appropriate direction and guidance to the child. **Articles 9-11** Children separated from their parents; the right of children to enter or leave countries for the purpose of family reunification, and the illicit transfer and non-return of children abroad. **Article 18** Both parents have primary responsibility for children's upbringing and development. The State is to render appropriate assistance to parents in raising children, including childcare. **Articles 19-21** Protecting children from abuse, the protection and assistance provided to children who cannot be looked after by their own family, and adoption. **Article 25** Gives children who are being looked after by their local authority the right to have their situation reviewed regularly. **Article 27, paragraph 4** Measure to secure recovery of maintenance (Article 27 generally concerns the right to an adequate standard of living). **Article 39** Appropriate measures for recovery and reintegration of victims of neglect, abuse, torture and armed conflict.*

## Child protection

The UN Committee made several recommendations for reducing what it believes are high levels of violence, abuse and neglect of children in the UK. This section outlines the child protection measures that have been taken in Wales since 2002, when the All-Wales Child Protection Procedures were launched. It also summaries the Assembly Government's response to the Clywch inquiry undertaken by the Children's Commissioner for Wales.

Local authority social services departments across Wales are responsible for child protection, and their frontline staff are trained to recognise signs of abuse or neglect and act upon them without delay. Joint working between services is crucial to the successful implementation of child protection policies and procedures across local authorities, health authorities, the education sector, police and the voluntary sector.

The All Wales Child Protection Procedures were launched in 2002. The procedures were produced by Area Child Protection Committees across Wales. From 1 October 2006, Local Safeguarding Children Boards replaced Area Child Protection Committees. Revised guidance, *Safeguarding Children: Working Together under the Children Act 2004*, was issued in July 2006. The Assembly Government will continue to work with the new Safeguarding Boards, and with the partner agencies involved in them, to ensure that child protection policies and procedures are kept under review and remain robust, appropriate and effective.

The Assembly Government has a Children's Safeguards Officials' Group, which has general oversight of policy on safeguarding and relations with the Local Safeguarding Children Boards and other child protection agencies. It has also established a wider group (the Children's Safeguards Group), bringing together members of the officials' group and representatives of agencies which work with children. Through the Social Services Inspectorate for Wales, the Assembly Government makes a specific grant available annually to Local Safeguarding Children Boards, to assist the development of inter-agency working in child protection.

### Domestic Abuse

The *Safeguarding Children* guidance contains a section on domestic abuse. The guidance states that everyone working with women and children should be alert to the frequent inter-relationship between domestic abuse and the abuse

and neglect of children. They should also consider the implications for children in any household where there is evidence of domestic abuse. It will often be appropriate for such children to be regarded as children in need.

There is also guidance for the police, who are often the first point of contact with families in which domestic abuse takes place, about contacting social services if they have particular concerns about the safety or welfare of a child.

Children who are experiencing domestic abuse may benefit from a range of support and services, and some may need safeguarding from harm. Often, supporting a non-violent parent is likely to be the most effective way of promoting the child's welfare. The police and other agencies have defined powers in criminal and civil law that can be used to help those who are subject to domestic abuse.

*Tackling Domestic Abuse: The All Wales National Strategy* was launched in March 2005. The Strategy gives a clear message about protecting children and young people, especially those who witness violence. It provides an important framework for the development of local action and emphasises the need for joint agency working where information and best practice can be shared.

### Safeguarding Vulnerable Children Review

A major review of current policies and practices for safeguarding children in Wales was undertaken by the National Assembly for Wales in 2005-06. The review report, launched in May 2006, contained 48 'challenges' covering the following key areas:

- The children - building upon initiatives to place them at the centre of policy and service developments which affect them, and improving arrangements for listening to them and advocating on their behalf.
- The public - addressing the apparently confused and conflicting attitudes to children in our society.
- The workforce - improving the levels, stability, confidence, competency, support and job satisfaction of people who work with children.
- The formal systems - making them more child-friendly, better and more consistently resourced and fit for purpose.
- The vision and strategy - developing and implementing a secure long-term integrated vision and strategy for consistent services for vulnerable children.

- The finance - reviewing, evaluating and rationalising the balance of investment in services for children, and consolidating and stabilising funding streams.
- The new risks - developing a more effective capacity for identifying and responding to emerging risks to vulnerable children.

The Assembly Government has accepted all the report's recommendations, and has outlined how it will take forward implementation.

## Clywch

The Children's Commissioners for Wales' examination into allegations of child abuse in a school setting (the *Clywch* report) led to significant additional measures being put in place covering child protection in schools, the media and the performing arts. These include:

- new regulations requiring school governing bodies to appoint an independent investigator for all allegations against school staff involving child protection issues, and requiring an independent non-governor member with voting rights on governing body staff disciplinary/dismissal and staff disciplinary/dismissal appeal committees for cases involving child protection issues. To help governing bodies, the Assembly Government has set up an independent investigation service which is available free of charge to governing bodies;
- guidance on *The Role of Awarding Bodies in Child Protection* and on *Teaching Drama: Guidance on Safeguarding Children and Child Protection for Managers and Drama Teachers*. Both cover the whole of the UK, and follow extensive consultation with external partners and input from specialists in the field.

The Assembly Government has also issued updated guidance on *Reporting Cases of Misconduct or Professional Incompetence in the Education Service*. This outlines the statutory requirement for employers to make a report to the Assembly Government where they cease to use a person's services on grounds of unsuitability to work with children, misconduct or health (where that concerns the safety and welfare of children).

Funding has also been made available for the Child Safe in Sport Wales initiative. This has involved the preparation and distribution of a pack giving information for sports organisers and parents on child protection. The project sought to establish nationally consistent standards in areas such as coaching, awareness, monitoring, reporting and investigation.

CAFCASS CYMRU takes appropriate action to protect children from all forms of potential violent abusive, exploitative or neglectful behaviour from parents or carers. CAFCASS CYMRU has adopted a Domestic Abuse Toolkit and Policy and CAFCASS CYMRU practitioners now screen for issues of domestic abuse and conduct an appropriate Risk Assessment. CAFCASS CYMRU is fully committed to adhering to the All Wales Child Protection Procedures and *Working Together*. These are underpinned by the CAFCASS Cymru Child Protection Procedures and Guidance, which provides staff with additional information to ensure that they fulfil their duty and refer any unresolved child protection matter to the appropriate investigative agencies (Social Services Department or the Police).

## Parenting and childcare

Much has been done in Wales since devolution to further the requirement under Article 18 that government should provide appropriate assistance to parents in bringing up children. This section deals with childcare, parenting, the needs of looked after children, and disabled children and their families.

### The Childcare Strategy for Wales

*Childcare is for Children*, the Childcare Strategy for Wales, was published in November 2005. It built upon the work of a Childcare Working Group, which reviewed the arrangements for childcare in Wales.

The Childcare Strategy aims to:

- ensure that all childcare supports the developmental needs of children;
- ensure that childcare is widely available and affordable, to enable parents to train or work and thus raise levels of economic activity; and
- provide childcare so that parents can have flexibility and choice in how they balance family, work and other commitments, and in so doing promote gender equality in the workforce.

The Childcare Strategy contributes directly to the Seven Core Aims for Children and Young People, by giving them a flying start and supporting their learning and healthy development. It will lift families out of poverty by offering parents new opportunities to access training and work.

Responsibility for achieving these objectives is shared between the UK Government, the Welsh Assembly Government and local authorities.

The UK Government is responsible for the tax credit system and for benefits

support to parents, which are the main means of making childcare affordable for many parents who are in work. The Assembly Government provides a range of support to assist childcare providers with start-up and sustainability costs. Local authorities take the lead in developing childcare at the local level, working alongside a range of local partners.



The Assembly Government has worked with the UK Government on the Childcare Act 2006, which places statutory duties on local authorities to secure sufficient childcare within their areas, and to ensure that parents have access to information on childcare and other children's services. These duties come into effect in Wales in April 2008. The Assembly Government is also working with the UK Government on promotional materials to increase take-up of the Working Tax Credit.

Childcare in Wales has expanded considerably since the last report to the UN Committee. Since 1999, the number of registered childcare places has increased from 54,603 to over 67,711. The net number of registered childcare places for children aged under 8 increased by nearly 18,500 between March 1999 and March 2005. In addition, all three year olds in Wales whose parents want it now have a free half-time school place.

To further progress the Strategy the Assembly Government has:

- secured £12.5 million over three years from European Structural Funds for the **Genesis Wales** programme, delivering childcare in both Objective 1 and Objective 3 areas;
- committed substantial resources for a new **Flying Start** initiative for the youngest children in disadvantaged areas. Flying Start is based upon international and UK evidence on how best to support children in their earliest years, especially those facing poverty. It aims to provide free part-time good quality childcare for two year olds, generating additional provision with a budget of £31 million in 2007-08. Flying Start will also encourage additional health visiting and parenting support programmes;
- committed additional funding to **Cymorth** (the Children and Youth Support Fund), part of which has been ring-fenced for childcare. Since 2003, Cymorth has been the main channel for Assembly Government funding to local authorities to improve the life chances of children and young people from disadvantaged areas.

The Childcare Strategy also strengthens the framework of regulation and quality assurance for childminding in Wales. Regulation of childminding services was put on to a consistent all-Wales basis for the first time in 2002, when the Care Standards Inspectorate for Wales was set up. The regulation framework ensures that children are safe, that parents have clear contracts and recourse when problems arise, and that the experiences children enjoy in childcare satisfy a minimum standard of quality. Above all, the Care Standards Inspectorate has made the child's experience the central focus of regulation.

The Strategy specifically addresses the need for childcare provision through the medium of the Welsh language and within ethnic minority communities. Specific actions include establishing baselines and monitoring progress in the provision of Welsh language and bilingual childcare settings, and commissioning independent action research into the perceptions and take up of formal childcare by ethnic minority parents in Wales.

### Parenting Action Plan

The Assembly Government launched its first Parenting Action Plan in December 2005. It covers the three years up to March 2008, and aims to:

- raise the profile of parenting among policy makers and those who provide services in Wales;
- further the development of policies and services that support mothers, fathers and carers;
- identify key actions to be taken by the Assembly Government to support parenting in Wales.

The Action Plan contains the following key actions:

- establishment (during 2007) of a bilingual telephone helpline, based in Wales, offering free confidential advice to parents and referring them on to local sources of advice and support;
- provision of information booklets to new parents, emphasising positive parenting techniques. All parents in Wales receive two publications, *The Pregnancy Book* and *Birth to Five*, which give a complete guide to pregnancy and childbirth, parenthood and the first five years of a child's life. To supplement this, the Assembly Government, in conjunction with the leading children's voluntary organisation in Wales (Children in Wales), has produced two booklets

on positive parenting, one for parents of 0-5s and the other for parents of 5-10 year olds. A further booklet, dealing specifically with alternatives to physical punishment, will be available from April 2007;

- additional funding for local parenting services. Guidance to Children and Young People's Partnerships in 2006-07 made it clear that the Assembly Government expected them to allocate some of the additional Cymorth grant funding for parenting services. Partnerships allocated an additional £2.4 million to family support in their plans for 2006-07, an increase of 74 per cent over 2005-06;
- support for evidence-based parenting programmes. A literature review of parenting programmes has been produced in conjunction with Flying Start and made available to Children and Young People's Partnerships, to help inform their decisions about which programmes to invest in. The Assembly Government has also invested in 2006-07 in training in the Incredible Years Parent Training Programme, so that an increasing number of local Partnerships across Wales can deliver these successful evidence-based parenting programmes. Further investment will be made in 2007-08 in evaluating other parenting programmes currently running in Wales.

The Assembly Government is promoting opportunities for raising children through the medium of Welsh, in line with its target (set out in *laith Pawb*) to increase by 2011 the percentage of families where Welsh is the principle language of conversation/communication between adults and children at home. The Welsh Assembly Government, through the Welsh Language Board, funds two initiatives aimed at parents. The *Twf* project (Transmission of Welsh in Families) aims to encourage new parents to speak Welsh to their children and explains the benefits of bilingualism. *Cylchoedd Ti a Fi* (run by Mudiad Ysgolion Meithrin - the Welsh playgroup association) offers parents an opportunity to play with their children and socialise in an informal Welsh language atmosphere.

### Looked after Children

The health and wellbeing of children and young people looked after by their local authority remains a high priority, and an area of concern, for the Assembly Government. Evidence suggests that, for looked after children as a whole, the desired improvements in outcomes from health, social care and education interventions are still not being achieved.

Issues of concern include:

- the number of looked after children placed many miles from their families, friends and communities, often without adherence to statutory notification requirements or adequate care planning;
- high levels of placement disruption due to poor placement choice and/or matching;
- variable quality of care across children's homes (highlighted in the Care Standards Inspectorate Wales 2005 annual report) and value for money;
- greater health needs than their peers. Despite legal provisions since 1991 requiring a health assessment, looked after children are less likely to receive adequate care;
- educational outcomes remain unacceptably low, especially so for children placed in residential homes.

Through targeted objectives of the Children First programme since 1999 some improvements have been made, but outcomes remain poor. The appointment of nominated nurses for looked after children, and changes in practice to allow other health practitioners as well as General Medical Practitioners to undertake assessments, have improved the take up of health assessments and the willingness of children and young people to engage with specialist looked after children and general health services.

In March 2006, Assembly Members voted for a package of measures to address the holistic needs of looked after children and improve their health and wellbeing. The objective is, through legislation and statutory guidance, to strengthen local authority arrangements for placing children and subsequent review of cases, and to ensure that the child's health and wellbeing and educational needs are primary in any decisions made. The proposed changes place a greater obligation on statutory partners in health and education to promote the health and wellbeing and education of looked after children. The overriding aim is to ensure that decisions are made on the basis of the 'best interests' of the child, in line with Article 3 of the UN Convention. The proposals seek to ensure that placements are be as close as possible to the child's home (unless considerations of risk or welfare override), and are co-ordinated between agencies and delivered by identified key workers.

The Assembly Government consulted on the proposals outlined below in autumn 2006, in *Towards a Stable Life and Brighter Future*. These proposals will come into effect in July 2007.

Proposals include:

- Local authorities wishing to place a child outside their area must first consult a panel of key people with responsibility for the child's welfare. The panel will be required to consider if the placement is appropriate and in the child's best interest. The panel must consider prescribed conditions such as special education or health needs. In particular, guidance will emphasize that local authorities and health partners must take into account the need for Child and Adolescent Mental Health Services. Arrangements will also be made for better recording of placements.
- It is proposed to specify by regulations, minimum standards of qualification for staff and management in children's homes. Children's homes must register with the Care Standards Inspectorate for Wales, and when the proposed changes take effect, no children's home will be able to register unless the staff meet the required standards. Registered children's homes will be required to appoint a designated person to collaborate with the child's social worker and with the designated nurse and education co-ordinator, to ensure that the child's plan is being adhered to and to promote the child's health and education.
- The responsible commissioner arrangements for specialist health services for looked after children placed out of their authority area will be amended. Changes will require the Local Health Board in the area of the placing local authority to be responsible for funding the child's treatment identified within the care plan. Moreover, it will ensure that those children with the highest level of need will benefit from a funded service, and reduce conflict and delays between agencies in agreeing packages of care.
- A requirement for local authorities and Local Health Boards (in discharging their duties of co-operation) to nominate designated persons, who must be suitable professionals (nurse/teacher), to co-ordinate health and education provision across agencies and to support looked after children to achieve.
- Enhancements to existing provision for health assessment, so that initial assessments include a registered nurse acting under supervision of the Registered General Medical Practitioner, and to require more frequent assessment if the child's welfare requires it. In addition,

health partners will be required to ensure that looked after children from outside the local authority area are registered with a General Practitioner and that they have robust processes for notification and transfer of health records. Arrangements will also be strengthened to ensure that health and education needs are met when the child leaves care.

These proposals must be seen within the context of wider measures taken by the Assembly Government to improve outcomes for looked after children, and of a commitment to develop prevention strategies to allow early intervention to reduce the numbers of children coming into care. These include the establishment of the Children's Commissioning Support Resource, which will improve placement finding and enhance commissioning skills. The Welsh Local Government Association Social Services Improvement Agency will support performance improvement by local authorities, as will tighter performance monitoring and inspection of regulated services. The Assembly Government is currently consulting on a 10 year strategy for social services, to ensure that future services are predicated on addressing need at an early stage to prevent the need for later intensive interventions.

Measures to improve the educational attainment of looked after children are dealt with in Chapter 6.

### Disabled children and their families

Support for disabled children and their families has been a priority for the Children First programme, which aims to ensure that disabled children and those with long term health conditions are able to live with their families and use local services to meet their needs. The need to improve services for disabled children (particularly the transition from children to adult services) has been recognised in the Assembly Government's 10 year strategy for social services (*Fuller Lives, Supportive Communities*). Targeted standards for disabled children are also set in the National Service Framework for Children, Young People and Maternity Services (see Chapter 5 below), recognising that disabled children and their families have the same rights to access opportunities, life experiences, and mainstream and community services as other children and their families.

The Welsh Assembly Government also supports financially the work of voluntary organisations in the health and social care sectors that represent a range of disabled groups. In particular, the Assembly Government funds the work of the Family Fund Trust in Wales which helped over three thousand families with disabled children in 2005-06.

In September 2005, the Assembly Government brought in legislation effectively abolishing the means test for Disabled Facilities Grants for parents of disabled children. This change has been warmly welcomed by parents and campaigning groups, and will feature in updated guidance and publicity.

# Chapter 5: Basic Health and Welfare

*Article 6 Right to life, and ensuring to the maximum extent possible the survival and development of the child. Article 18, paragraph 3 Measures to ensure children of working parents have childcare and facilities. Article 23 The rights of disabled children. Article 24 Right to enjoyment of highest attainable standard of health. Article 26 Right to benefit from social security. Article 27, paragraphs 1-3 Right to adequate standard of living.*

## Access to health services

The UN Committee expressed concern at persistent inequalities in health and access to health services, including mental health services, particularly in relation to socio-economic status and ethnicity. It was also concerned that the child suicide rate remained high.

This section deals with the National Service Framework for Children, Young People and Maternity Services, the CAMHS Strategy, and other initiatives aimed at addressing health inequalities for children. It also deals with child suicides and infant mortality.

## National Service Framework

The National Service Framework (NSF) for Children, Young People and Maternity Services was launched in September 2005. It sets out the quality of services that children, young people and their families have a right to receive. The standards and the key actions which underpin them are based on the UN Convention and the Assembly Government's Seven Core Aims for children and young people. Delivering the NSF represents a major challenge to the Assembly Government over the next few years.

The NSF is a 10 year strategy, which sets national standards to improve quality and reduce variation in service delivery for children and young people. The Assembly Government believes that Wales can deliver on these standards through partnership and collaboration across organisations, enabling service planners and providers to work together effectively. The key actions encompass health, social care, education, environment and transport. This requires close co-operation between all the agencies involved in delivering high quality services for children. The document has been written so that services are built around the child/young person and his or her family, in a way that will encourage multi-agency working and planning.

The development of the NSF was an inclusive process involving professionals from all areas of children's services as well as children, young people and their families. A Young Person's version of the consultation document was also produced to enable young people to help shape the services they would like to receive.

Progress in implementing the standards will be monitored and evaluated at both local and national levels. Arrangements include the development of a web-based self assessment audit tool, for local partnerships to use in determining progress in implementing NSF actions. An Implementation Working Group has been set up, chaired jointly by the Assembly Government's Head of Health and Social Services and the Welsh Local Government Association. An Implementation Support Manager has been appointed to ensure that a strategic overview and direction is maintained in the implementation of the NSF and to encourage the change process required in the first 3-5 years.

The Assembly Government is committing resources to a number of strategies and policies that will contribute to delivery of the NSF. It expects local partners to deliver the NSF by identifying and making best use of all available resources, enabling front line staff and managers to work together to meet common objectives without duplication of effort.

### Children and Young People's Specialised Services Project

This project, which commenced in August 2003, seeks to ensure equity of access to, and the quality of, specialised services for children living in Wales (for example, critical care services, palliative care, plastic surgery and burns, respiratory services). It aims to develop standards for specialised services, by setting up Managed Clinical Networks and developing effective, high quality

and safe service models. Children, young people and their families have been involved in developing the standards, together with professionals and key stakeholders from the voluntary sector.

This work is now well advanced with standards and service models being developed by External Working Groups. Three consultation documents were launched in 2005. The responses are being reviewed, and the final standards will be launched in 2007. Consultation documents on a further four services were launched in July 2006, and work on the final ten services is underway.

### Child and adolescent mental health services

In 2001, the Assembly Government published *Everybody's Business*, its 10 year strategy for the improvement of child and adolescent mental health services (CAMHS) in Wales.

Mental health and psychological well being of children and young people is being addressed as one section of the National Service Framework for Children, Young People and Maternity Services. The NSF contains specific and measurable key actions for the delivery of multi-agency services across Tiers 1 to 4 that are closely linked to *Everybody's Business*.

Current policy is that the most vulnerable children and young people, including those who are looked after and young offenders, have access to high quality equitable and responsive services on the basis of their needs. Already, this policy has resulted in young offenders and children who are looked after receiving substantially higher levels of access to CAMHS than are available to the general population (evidence from Youth Justice Board, and from the ONS survey *The Mental Health of Children Looked After by Local Authorities in Wales, 2002-03*).

Funding of £1.2 million per annum has been made available for CAMHS services from 2004-05 for:

- providing beds for adolescents who require admission in emergencies;
- developing a new Forensic Adolescent Consultation Service (a new service in Wales has been initiated, developed with 2 teams commissioned by Health Commission Wales - one for South, Mid and West Wales and a second for North Wales);
- developing posts for Primary Mental Health Workers;

- assisting local specialist CAMHS to implement New Ways of Working in Mental Health. This allows them to improve services for children and young people in ways that they think are best for their area, to make the best use of resources, and relieve some of the pressures on senior staff in all disciplines.

£1.4 million of one-off waiting times funding was made available in 2005-06 to help develop Regional NHS CAMHS Commissioning Networks, and achieve the Assembly Government's Service and Financial Framework targets set for 2005-06 and 2006-07. £600,000 of non-recurrent funding has been allocated to the CAMHS Commissioning Networks in 2006-07, based on measurable outcomes.

The application of the Service and Financial Framework (SaFF) access monies is linked to:

- refining Local Health Boards' costed plans;
- developing the Regional CAMHS Commissioning Networks;
- achieving the first part of the SaFF by the end of March 2006, and
- achieving the second part of the SaFF in 2007.

Funding has also been provided to the University of Glamorgan and the University of Bangor (2003-04 to 2005-06) to develop a diploma level multi-disciplinary module to meet the needs of nurses and other disciplines working in the CAMHS field.

There are now at least 27 Primary Mental Health Workers (PMHW) in Wales working mainly with children and adolescents. This level is broadly comparable with the numbers of posts for PMHWs in England reported by the PMHW professional association. It is also above the ratio of posts to population proposed by the Children's Commissioner for Wales in his 2004-05 Annual Report.

The Assembly Government will be consulting in 2007 on a national strategy for school-based counselling services. This will aim to put in place a comprehensive service across Wales which pupils will be able to access. This will help fulfil many of the actions set-out in the National Service Framework as well as responding to a specific recommendation of the Clywch inquiry. It is also planned to provide schools, local authorities and their partners with good practice guidance on promoting emotional health in education settings.

A review of the implementation of *Everybody's Business* will take place during 2007. This will review progress and outcomes to date, and set the direction for the remaining years of the Strategy. The review will also enable the success of current policy relating to vulnerable children to be evaluated and adjusted as appropriate.

### Child suicides

The Assembly Government takes the death of a child or young person very seriously, and has been looking at the suicide rates among young people in Wales to see if there are any common factors and what further investigations may be helpful.

The Assembly Government has supported, developed or funded a number of services which can offer support to children, young people and their families/ carers including:

- a Community Advice and Listening Line (CALL) - a mental health help-line (and is currently considering whether this can be extended to parents worried about their children);
- guidance for schools, local authorities and other partners to promote the mental health and social well-being of pupils. Guidance is currently being developed to cover nursery settings;
- strengthening Child and Adolescent Mental Health (CAMHS) services in Wales by building a balanced range of services across health, education and social care provision.

### Infant mortality

The Assembly Government has a comprehensive range of programmes and policies to improve birth weight and infant mortality rates, which include:

- programmes to support vulnerable women, teenage and sexual health initiatives and help for minority ethnic communities;
- working closely with the National Public Health Service to manage and deliver smoking cessation services across Wales, paying particular attention to pregnant smokers;
- implementing *Investing in a Better Start: Promoting Breastfeeding in Wales* (see below).

- standards and key actions on maternity services within the National Service Framework, to minimise the risks for the mother and baby and to ensure safe and positive outcomes at all times. This includes pre-conceptual advice about developing healthy lifestyles, access to antenatal care, access to parent education, and support groups and access to information on smoking cessation and substance misuse;
- Healthy Start (a new scheme replacing the Welfare Food Scheme in November 2006). This will enable expectant mothers, and mothers of babies and young children under the age of 4, to access advice and guidance from NHS professionals - helping them to make good nutritional choices both before their babies are born and after. Although the scheme operates across the UK. The Assembly Government is contributing £9 million to the scheme in 2006-07.

### Promoting breastfeeding

The UN Committee recommended measures to promote breastfeeding, which the Assembly Government is taking forward by means of its Breastfeeding Strategy.

The Assembly Government is committed to improving the numbers of mothers in Wales who initiate breastfeeding, and extending the time that they breastfeed their babies.

In 2003, the Assembly Government appointed its first Breastfeeding Co-ordinator to support the implementation of its Breastfeeding Strategy *Investing in a Better Start: Promoting Breastfeeding in Wales*. A National Implementation Group has been set up to address the recommendations of the Strategy. These include data collection, information for parents, work with children and young people, improving professional skills and breastfeeding in public.

The five yearly UK Infant Feeding Survey (2005) First Results have provided data for Wales for the first time, revealing that 67 per cent of mothers initiate breastfeeding. The full report will be available in 2007.

Over 50 local Breastfeeding Support Groups have now been established with volunteer mothers providing peer support in their own communities. There is also an annual Breastfeeding Awareness Week to raise the profile of breastfeeding, with particular emphasis on those mothers least likely to do so, namely the youngest mothers who left school at an early age.

The Assembly Government has recently launched its Breastfeeding Welcome Scheme to support mothers wishing to breastfeed in public places such as restaurants, shops, libraries, community centres. The Scheme will be supported and monitored by volunteer breastfeeding support workers in their local areas.

Adoption of the International Code for Marketing of Breastmilk Substitutes (as recommended by the UN Committee) is a matter for the UK Government. However, NHS Trusts in Wales are participating in the UNICEF UK Baby Friendly Initiative, which bases its requirements upon the International Code. 9 Maternity Units have achieved the Full Accreditation and 4 more Maternity Units and 1 Health Visiting Service have the Certificate of Commitment. As more health care facilities participate in this Initiative, there will be increased adherence to the Code within Wales.

### Female genital mutilation

The UN Committee recommended that the State Party enforce measures to prohibit female genital mutilation.

Female genital mutilation has been illegal in the UK since 1985. The legal framework was strengthened in 2003, when the Female Genital Mutilation Act made it an offence for UK nationals or permanent UK residents to carry out or assist with female mutilation abroad, even in countries where the practice is legal. Updated and strengthened guidance on female genital mutilation is included in the Assembly Government's child protection guidance, *Safeguarding Children: Working Together under the Children Act 2004*.

In 2005 the All-Wales Child Protection Review Group (consisting of representatives from each of the Area Child Protection Committees) adopted a Protocol on Female Genital Mutilation, developed originally by the Cardiff Area Child Protection Committee. This document has since been adopted by local authorities in other parts of the UK.

## Sexual health, teenage pregnancy and parenting

The UN Committee recommended various measures to reduce the rate of teenage pregnancy, including sex education and free protection measures, and improving information, advice and support services. It was also concerned with parenting courses for young mothers under age 16.

### Sexual Health Framework

The Sexual Health Framework launched in 2000 committed the Assembly Government to promoting sexual health. Key objectives are to reduce rates of sexually transmitted infections (including HIV) and teenage conceptions, and ensure people have access to good quality sexual health advice.

Over £3 million has been allocated to support local sexual health initiatives since 2001, including development of accessible young people's clinics, community based sex and relationships education projects, and a scheme to support condom distribution projects across Wales. An all-Wales sexual health network has been established to provide a forum for the sharing of best practice in sexual health promotion.

A programme of public awareness campaigns on sexually transmitted infections has been run by the Assembly Government since 2001. Posters and information leaflets have been developed to target young people with safe sex messages and are being displayed in the toilets of pubs and clubs and universities and colleges throughout Wales. They have also been sent to youth clubs, GPs, sexual health clinics and pharmacies across Wales.

### Parenting courses for mothers under age 16

The National Service Framework for Children, Young People and Maternity Services highlighted the need for specialist services for young parents. They can include support groups such as "Young Mums R Us" and "Young Mums 2B R Us", which have been set up by Sure Start in Swansea. The Assembly Government's Parenting Action Plan encourages local Children and Young People's Partnerships to set up more services of this type, using the additional resources put into Cymorth (the Children and Youth Support Fund) in 2006-07 and 2007-08. Access for young parents to education and training is dealt with in Chapter 6 of this report.

## Information and support to gay, lesbian, bisexual and transgender young people

The UN Committee recommended the provision of adequate information and support to gay, lesbian and transgender young people. This section sets out the ways in which the Assembly Government has promoted equality of opportunity and support for the lesbian, gay, bisexual and transgender (LGBT) community in Wales.

The Assembly Government helped set up Stonewall Cymru in 2002, and continues to grant fund the organisation (currently £76,875 in 2006-07). Stonewall Cymru is a membership organisation with over 500 individual and group members across Wales. It is a standing member of the National Assembly for Wales' Equality of Opportunity Committee. It has produced two surveys *Counted Out* and *Count Us In!*, both of which have been presented to the Equality of Opportunity Committee and responded to by the Assembly Government.

Over the next three years, on behalf of the Assembly Government, Stonewall Cymru will be focusing on seven strategic areas of work which address many of the key issues in the *Counted Out and Count Us In!* surveys: community development, social inclusion, education, employment, fair life chances, changing attitudes, and community safety. All of these will benefit young LGBT people, but of particular concern will be the focus on education. This strand aims to make school a safer and fairer place for young LGBT people by reducing the number of LGBT people who suffer homophobic bullying and working to combat under-achievement by LGBT people.

The Extending Entitlement ESF project (see p. 4) has a particular focus on special interest groups, including young lesbian, gay, bisexual and transgender people. The aim is to ensure that this group is not excluded from accessing the 10 Entitlements. In addition, Funky Dragon is also undertaking development work with hard-to-reach groups of young people, including those who identify as LGBT, to ensure that they are appropriately represented in Funky Dragon activities.

The UN Committee specifically called for the abolition of Section 28 of the Local Government Act 1986. This was repealed in England and Wales on 18 September 2003. Prior to this, the Assembly Government's Guidance on Sex and Relationships Education clearly stated that this section did not prevent the objective discussion of sexual orientation in the classroom, and that schools

could provide counselling, guidance and support to pupils. The Respecting Others: Anti-Bullying Guidance (2003) specifically made reference to vulnerable groups, including those who are bullied because of their sexual orientation. The Assembly Government also supported the launch of the “Education for All” campaign in Wales in 2005. Organised by Stonewall, in partnership with Friends and Families of Lesbians and Gays (FFLAG), the campaign seeks to ensure that access to education is not limited by a person’s sexual orientation.

In schools, the Personal and Social Education framework has a key role in enabling pupils to discuss health and emotional issues, including those who are in the process of “coming out” as gay, lesbian, bisexual, or transgendered.

### Child poverty and youth homelessness

The UN Committee urged government to take measures to accelerate the elimination of child poverty, and to better co-ordinate and reinforce efforts to address the causes and consequences of youth homelessness. This section sets out the Welsh Assembly Government’s measures to tackle these issues.

#### Child Poverty Strategy

The Assembly Government believes that tackling child poverty is a fundamental component of its broader strategy to improve quality of life and extend opportunity to every community in Wales. Ensuring that children and young people are not disadvantaged by poverty is one of the Assembly Government’s Seven Core Aims for Children and Young People.

The latest Households Below Average Income report, published by the UK Department for Work and Pensions in March 2006, shows that for the three-year period 2002-03 to 2004-05, (after housing costs), on average 28 per cent of children in Wales were living in households in relative income poverty. Thanks to sizeable falls in recent years this is equal to the average for Great Britain. Wales has a lower rate of relative child poverty than London and other parts of England including the North East, the West Midlands, the North West and Merseyside, and Yorkshire and the Humber.

The Assembly Government’s Child Poverty Strategy, *A Fair Future for our Children*, was launched in February 2005. It sets out how the Assembly Government will play a full and active part in meeting its commitment to eradicate child poverty by 2020 and to halve child poverty by 2010, compared with 1997 figures. In developing its Child Poverty Strategy

the Assembly Government was guided by the UN Convention and by the findings of the 2004 Task Group on Child Poverty, which listened to the views and concerns of children and young people.

An Implementation Plan has been drawn up to drive forward the Strategy. It comprises a range of proposals, cross cutting targets and milestones to monitor and measure progress towards the aim of eradicating child poverty in Wales by 2020.

The first phase of the Plan incorporates those proposals to be taken forward during 2006-07. These include a number of general policy proposals such as child poverty proofing all new Assembly Government strategic initiatives and new spending commitments, as well as programme bending, where it is proposed that Assembly Government budgets and programmes will preferentially benefit the poorest children and their families. There are also a range of specific policy proposals including family income maximisation, children's review of planning law guidance, and recommendations on summer holiday activities and play provision.

The Plan identifies those major policy areas where the Assembly Government has committed to a range of medium term (2010) milestones and long term (2020) targets, so that progress in eradicating child poverty can be measured over time. Progress will be reported annually through the Social Justice Report.

Consideration will also be given to using new law-making powers, which will be available to the National Assembly for Wales from May 2007, to develop legislation to help eradicate child poverty in Wales.

Child Poverty, with a particular focus on lone parents, has been adopted as the third work theme of the British Irish Council's Group on Social Inclusion, chaired jointly by the Assembly Government and the Scottish Executive. This focuses on transition points in people's lives and how they are supported through these, bearing in mind how people move in and out of lone parenthood. The aim is to inform policy development within the various Administrations.

A number of Assembly Government initiatives support the Child Poverty Strategy and Implementation Plan. These include Communities First, Cymorth and the Flying Start programme. The Communities First programme aims to improve the living conditions and prospects of people in the most disadvantaged communities in Wales. The programme seeks to ensure that the funds and support available from the Assembly Government and other various publicly funded agencies are targeted at the poorest areas.

Cymorth (the Children and Youth Support Fund) currently supports around 1,000 projects which seek specifically to improve the life chances of children, young people and families from the most disadvantaged areas.

Flying Start is targeted at children aged 0-3 living in the most deprived communities in Wales, recognising the evidence that children within areas of multiple deprivation suffer additional effects of disadvantage. Delivery of services started in January 2007. Interventions include free, good quality childcare for 2 year olds, additional health visiting, and parenting programmes that support improved outcomes for children in the long term. The proposals are targeted initially at a limited number of school catchment areas, in order to invest intensively, but the programme may be widened in future years in the light of evaluation.

### Child and youth homelessness

The Assembly Government is committed to tackling and preventing youth homelessness and addressing the needs of homeless children. The National Homelessness Strategy for Wales 2006-08 sets out a range of measures, including requiring Young People's Partnerships to draw up strategies to address local youth housing needs, funding the design of a training package for youth workers, and developing a consultative mechanism to involve young people in the Strategy. The Assembly Government is supporting work with the youth sector to ensure that young people are aware of the risks of homelessness and how to avoid them.

Legislation has been passed to end the long term placement by local authorities of young homeless people in bed and breakfast accommodation, which will come in to effect in April 2007. The Homelessness (Suitability of Accommodation) (Wales) Order 2006 also sets higher standards for shared temporary housing for young people, and requires local authorities to take account of their personal, social and health needs when securing accommodation for them.

Legislation has also been passed to ensure that homeless families with children are provided with higher standard temporary accommodation when they become homeless, prior to permanent re-housing.

The Assembly Government is also promoting the education of homelessness amongst young people. It is funding Shelter Cymru to promote the use of a homelessness education pack, 'Housemate', in schools and youth clubs, and also to draw together a good practice website on promoting awareness of homelessness amongst young people from across Wales.

The National Assembly for Wales' Social Justice and Regeneration Committee has carried out a review of youth homelessness to ensure that everything is being done to reduce this problem. The Minister for Social Justice and Regeneration will respond to this report and its 29 recommendations in March 2007.

### Nutrition and physical activity

The Assembly Government is committed to promoting healthy lifestyles among children and young people. This section deals with food and fitness and other initiatives such as Safe Routes to Schools which also promote healthier lifestyles.

*Food and Fitness - Promoting healthy diets and physical activity for children and young people in Wales* (a five-year implementation plan) was launched in June 2006. It followed consultation on the recommendations of the Food and Fitness Task Group. The Plan aims to provide an environment in communities and schools that will encourage children and young people to access opportunities for physical activities and healthier foods. Community initiatives target action for children and young people particularly those in disadvantaged communities.

The consultation document, *Appetite for Life* specifically examined how to improve the quality and nutritional standards of school food and how to ensure consistency and coherence to driving forward improvements through a whole school approach. More than 300 responses were received from children and young people. The responses are being analysed and will help inform the development of an Action Plan.



School meals, and especially the provision of free school meals, are an important aspect of the Assembly Government's anti-poverty strategy. In deprived areas where the majority of meals served are free, these set the quality for the whole service.

The Primary School Free Breakfast Initiative is an integral part of the Assembly Government's whole school approach to improving children's health. This initiative aims to give the youngest children a flying start in life by providing the opportunity for them to have a free healthy breakfast at school. By December 2006 over 40% of primary schools had signed up to participate.

Other specific actions in schools include the encouragement of fruit tuck shops, water coolers, and healthy vending machines.

## Healthy Schools

The Assembly Government intends that by 2010 all schools in Wales should be involved in local healthy schools schemes as part of the Welsh Network of Healthy Schools Scheme. These schemes help promote the environment and ethos of schools, and build pupils' self-esteem by involving them in decision making about health-promoting activities in their schools.

School-based initiatives to promote physical activity include:

- The Class Moves! - a programme that enables children and teachers to enjoy the benefits of exercise based on activity calendars;
- Dragon Sport - run by the Sports Council for Wales, this focuses on developing extra-curricular and community opportunities in seven sports for 7-11 year olds; and
- Physical Education and School Sport programme - clusters of schools working together to raise standards and share good practice in school sports.

The inspectorate for education and training in Wales, Estyn, has been commissioned to examine the extent to which schools and Local Education Authorities are taking action to improve health, nutrition and fitness as an adjunct to lifting educational attainment overall.

## Safe Routes to Schools

£3.8 million has been awarded to 50 Safe Routes to Schools projects across Wales in 2006-07, taking the total funding for the scheme to over £22 million since the initiative began. Evidence from the schemes in Wales has shown that, given the opportunity, many children and young people would happily cycle or walk to school, provided they felt safe and had secure cycle facilities. Children and young people's feelings and experiences of school transport were also gathered by the Children's Commissioner for Wales in his report, *As long as I get there safe: towards better and safer journeys to school*.

The Assembly Government has commissioned an evaluation of the Safe Routes to Schools initiative. This will include reviewing all schemes funded to date, to find out what changes have been made in journeys to school, mode of

transport used, changes in traffic speed and/or volume, and changes in numbers of collisions related to the school journey. The results will be available later in 2007.

### Climbing Higher

In July 2006 the Assembly Government launched *Climbing Higher: Next Steps*, which provides a framework for action to increase participation in sport and physical activity in communities and across all age groups throughout Wales. The Assembly Government is investing £7.8 million of additional funding to complement integrated action across government and through partnerships to increase opportunities for sport and physical activity. Specific programmes such as the Assembly Government's £5 million Free Swimming scheme and its new £7.6 million secondary school sport '5 x 60' programme are providing children and young people with an entitlement to specific, targeted activities and are designed to attract and encourage increased participation in sport and physical activity.



## Chapter 6: Education, Leisure and Cultural Activities

**Articles 28 and 29** *Right to education.* **Article 31** *Right to play and leisure.*

In September 2001, the Assembly Government published *The Learning Country*, its strategic programme for education and lifelong learning under the new devolved government in Wales. *The Learning Country: Vision into Action*, published in October 2006, sets out the Assembly Government's proposals for developing The Learning Country agenda set in the light of the experience and successes of the past five years.

Strategies for advancing the right of children and young people in Wales to participate fully in a range of recreational opportunities include the *Climbing Higher* strategy for sport and physical activity, and the *Creative Future (Cymru Creadigol)* strategy to increase access to cultural experiences for children and young people.

Other Assembly Government policies, including those on transport and the environment, also have a major impact on children and young people's ability to participate in leisure activities. For example, affordable and accessible transport is often key to ensuring that children and young people from all backgrounds can join in a wide range of recreational activities. The Assembly Government is tackling this through initiatives such as a pilot scheme launched in 2006 to test the practicality and affordability of a half-fare scheme for 16 to 18 year olds on buses. The two year pilot is taking place in Bridgend and in North East Wales (Denbighshire, Flintshire and Wrexham).

Also significant is the Assembly Government's commitment to play. In 2002, Wales was one of the first countries in the world to develop a play policy, specifically to take forward the Article 31 right to play.

The Assembly Government's National Action Plan for a Bilingual Wales (*Iaith Pawb*, 2003) sets targets for 2011 to bring about increased use and visibility of the Welsh language in all aspects of everyday life, including education, leisure and cultural activities.

### Pupil participation

Promoting participation by children in all matters concerning their education, including discipline, was the first recommendation in this part of the Concluding Observations. This section deals with school councils, which were made statutory in Wales in 2006, and with children and young people's involvement in developing the curriculum.

The Education Act 2002 places a duty on local education authorities and governing bodies of maintained schools (except maintained nursery and infant schools) to have regard to any guidance issued by the National Assembly for Wales about consultation with pupils in connection with the taking of any decisions that affect them. The Assembly Government intends to issue guidance to local education authorities and school governing bodies on pupil participation in 2007.

See also the section on advocacy in Chapter 2 of this report, for information on advocacy and complaints in educational and other settings.

### School Councils

Wales is the first country in the UK to introduce a legal requirement for all maintained primary (apart from nursery and infant schools), secondary and special schools to have a school council (by 1 November 2006). Introduction of this requirement was an important part of the Assembly Government's commitment to ensuring that all children and young people have opportunities to contribute to decisions that affect them.



It is a measure of the importance placed on school councils that in secondary schools they can nominate two members from years 11-13 inclusive to be associate pupil governors on the school's governing body. The governing body must accept such nominations.

Making school councils work effectively, so that pupils are given real opportunities to influence their learning environment, is a key challenge. Feedback from children and young people, through Funky Dragon and other agencies, has indicated that getting this right is a major concern.

To address this, the Assembly Government has set up a dedicated School Councils Project working with a broad range of partners, including Funky Dragon and children and young people themselves, to provide practical information and support to schools to help them develop really effective school councils based on the legislative requirements.

- **Pilot Phase I**

The main focus of the School Councils Project so far has been to develop support and training materials to be used by adults and/or children and young people in schools in the process of setting up and developing school councils and participative processes. In Pilot Phase I the training materials were piloted in 12 sample schools across Wales. The response was overwhelmingly positive. Staff found the materials effective and adaptable, and appreciated the opportunity to network with other schools and learn about wider participation. Many expressed a desire to be involved in assisting other schools to develop more effective consultation and participation. An evaluation report on Pilot Phase I, completed in August 2006, raised the following issues:

- Sustainability - it was unclear at times whether the participating schools were reacting positively to the materials themselves or to the quality of the input by trainers. Future developments will include Training the Trainers courses and local experts who can provide advice and training to clusters of schools.
- The need to promote and develop whole-school approaches to participation covering the development of skills, curriculum, teaching and learning, whole-school policies and initiatives.
- The need to develop more materials for special schools and more children and young-people friendly materials - for example, peer training.

A one-day conference for school governors and local authorities was held in July 2006. Participants appreciated the opportunity to find out more about the national participation agenda; the training materials were well received; and there was an enthusiastic response to the very able facilitation of workshops by primary and secondary pupils supported by adults. Further events

are planned, concentrating on what makes an effective school council, and enabling people to network and share good practice. However it was also clear that a lot more work remains to be done to clarify the participation agenda in relation to the role of school governors, and to provide training and support for governors so that they can help to take the agenda forward.

- **The School Councils web-site:**

All the information, support and training materials so far developed are available on a designated web-site. [www.schoolcouncilswales.org.uk/](http://www.schoolcouncilswales.org.uk/) [www.cynghorauysgolcymru.org.uk](http://www.cynghorauysgolcymru.org.uk). The site contains sections for professionals, primary and secondary schools, and is fully bilingual. A section for special schools will also be developed. As well as providing information, advice and support, it is hoped that the site will be used and owned by children and young people, and that they and adults involved in developing school councils will use the site to ask questions, promote discussion, and share good practice by posting case studies and examples of young-people-friendly documents. The web site will be an evolving resource.

- **Pilot Phase II and beyond:**

Pilot Phase II of the project is taking place between September 2006 and March 2007. It includes a further roll-out of the training activities in schools from the 15 local authorities not covered by Pilot Phase 1. Schools taking part in this second pilot phase will be asked to link the development of their school council to whole-school approaches to participation - looking, for example, at the development of skills, teaching and learning, specific curriculum areas, and whole-school initiatives such as Healthy Schools and Eco-schools. A base-line evaluation will be carried out so that the impact of increased participation can be measured.

Other initiatives envisaged as part of Pilot Phase II and beyond are:

- the development of a Training the Trainers course - to be piloted in North and South Wales;
- the planning of events for children and young people - in particular for Associate Pupil Governors to look at their role and the opportunities and challenges it presents;
- a conference in conjunction with NASEN (National Association for Special Educational Needs) around participation in special schools and other settings;

- work to strengthen the links between school councils and participation at the local and national levels.
- the creation and co-ordination of sustainable local networks so that schools, children and young people can be supported locally to develop participation and to link in with the local and national agenda.

## Curriculum and assessment arrangements

The Assembly Government aims to deliver a learner-centred curriculum running from the Foundation Phase (3-7) to 14-19 Learning Pathways. This section focuses on how children and young people have been involved in shaping the curriculum and assessment arrangements in Wales.

The curriculum in Wales consists of three main phases:

- An early years curriculum based on active learning and including elements of play and assessment for learning, capable of increasing the engagement, enjoyment and achievement of the youngest children. A new Foundation Phase for 3-7 year olds is currently being piloted, and will be implemented fully across Wales by 2011.
- A skills-based curriculum for 7-14 year olds that builds upon the philosophy of the Foundation Phase and prepares for the diversified learning pathways young people will follow in their 14-19 year old education and training.
- A Learning Pathways programme for 14-19 year olds, providing enhanced choice and flexibility, including attractive vocational offers for all abilities and participation in a wide variety of experiences with accreditation of learning wherever possible.

Consultation with children and young people has been an essential element in helping shape arrangements for curriculum and assessment in Wales.

Consultation with young people was undertaken by ACCAC (Qualifications, Curriculum and Assessment Authority for Wales) during the spring and summer terms of 2004, as part of a wider review of the curriculum.

The consultation sought to identify the experiences and views of young people in relation to the following aspects of the school curriculum: enjoyment, breadth and balance, manageability, relevance, continuity and coherence, progression, values in education, and assessment methods and qualifications.

The consultation process was undertaken in schools selected to provide a representative linguistic and geographic range. In the primary phase a total of 177 Year Six (10-11 year old) pupils were consulted by questionnaire, 84 boys and 93 girls, and a further 80 Year Six pupils were consulted in focus group sessions. In the secondary phase a total of 167 Year Nine (13-14 year olds) pupils were consulted, 78 boys and 89 girls and a further 60 Year Nine pupils were consulted in focus group sessions. Consultation regarding curriculum and assessment arrangements in Wales was also undertaken with forty 14-19 year old learners from the Secondary Schools Student Forum in Cardiff, during the summer term 2004.

Materials from these consultations have since been developed into curriculum-focused consultation toolkits for use with pupils in primary, secondary and special settings. The toolkits will be launched and distributed to schools early in 2007. The Assembly Government is encouraging schools to use the toolkits to consult young people over revisions to National Curriculum Subject Orders and revised frameworks for Religious Education, Personal and Social Education, and Careers and the World of Work.

The place of the UN Convention and of human rights education in the curriculum is dealt with below (p.77).

### Pupil inclusion

The UN Committee recommended that appropriate measures be undertaken to reduce permanent and temporary exclusions from school, and to ensure that excluded pupils continued to have access to full-time education. It also recommended action to reduce exclusions among specific groups.

This section outlines the Assembly Government's action to promote inclusion, tackle barriers to learning, and narrow the gap in inequalities of achievement between advantaged and disadvantaged areas, groups and individuals.

### Children excluded from school

The Education Act 2002 allowed Wales, for the first time, to develop legislation on exclusions from schools and pupil referral units and introduce provisions unique to Wales. Statutory guidance on *Exclusion from Schools and Pupil Referral Units* was issued in 2004, dealing with the processes that need to be followed when excluding pupils, and the subsequent education and support that should be available to them. The Education Act requires head teachers, teachers in charge of pupil referral units, governing bodies, Local Education

Authorities and independent appeal panels to have regard to the guidance when making decisions on exclusion and administering the exclusion procedures and appeals.

The guidance addresses a number of the issues raised in the UN Committee's Concluding Observations:

- before a decision to exclude, either permanently or for a fixed-period, the head teacher should allow the pupil to give his or her version of events;
- all excluded pupils aged 11 and above have the right to be notified formally of their exclusion and are able to appeal;
- pupils of all ages have the right to have their views heard at both the Governing Body's Pupil Discipline Committee meeting and the Independent Appeal Panel hearing. This may be in person, writing or any other practical format;
- where pupils of compulsory school age are not accompanied by their parents, the Local Education Authority should endeavour to obtain the services of an advocate to speak on behalf of the pupil.

There is also clear guidance on the provision of education for excluded pupils. The school's obligation to provide education continues while the pupil is on the school roll, so in all cases of more than a day's exclusion, work should be set and marked. Where a head teacher is considering excluding a pupil for more than 15 school days in any one term, whether permanently or for a fixed-period, they should put in place plans to address the pupil's problems and secure their continuing education. The Assembly Government expects that all pupils should receive full time and appropriate provision 15 days after being excluded, either at another school or, where necessary, making use of a Pupil Referral Unit or other alternative provision. Some pupils may have become so disengaged from education that a rapid reintroduction to full-time education is unlikely to prove successful. For these pupils the plans for future education should cover specifically how the move to full-time education is to be achieved.

The Assembly Government collects and publishes information on the number of permanent and fixed period exclusions in Wales each year. Exclusions relate to occurrences rather than pupils - that is, a pupil excluded from two schools within one year would be recorded twice. The information also covers the education provision made for permanently excluded pupils, the reason for exclusion, reference to ethnicity and to special educational needs.

In 2004-05 there were 465 permanent exclusions, an exclusion rate of 1.0 per 1,000 pupils in Wales, which represented the first increase in permanent exclusions in Wales since the 2001-02 academic year. There was also a rise in fixed period exclusions, with the average number of days lost for all fixed period exclusions being 3.5 days, and the majority of fixed period exclusions (87.25 per cent) lasting one week or less.

The statistics also highlight concerns over differing exclusion rates by gender and special educational needs:

- there continues to be a higher rate of exclusions amongst boys than girls. Boys accounted for over 8 out of 10 of all permanent exclusions in 2004-05;
- in 2004-05 pupils with a statement of special educational needs (SEN) were almost four times more likely to be permanently excluded than the rest of the school population;
- a similar situation is faced for those pupils with school-actioned SEN, who are twice as likely to be permanently excluded than the rest of the school population

Investigating the causes and solutions for these differing exclusions rates, along with the educational provision for excluded pupils, will form a key element of a National Behaviour and Attendance Review due to report in Autumn 2007. This review is intended to balance practitioner experience and research evidence, leading to a report on which future policy development in this area can be based.

### Tacking inequality and barriers to inclusion

The Assembly Government is committed to the principles of Inclusive Education. Inclusive Education is an ongoing process by which schools, local authorities and their partners develop their cultures, policies and practices to include all children and young people. It requires the commitment of schools and local education authorities to develop policies and practices that ensure equality of educational opportunity and access, focused on raising the achievement of all learners. The Assembly Government made a clear commitment in *The Learning Country* to tackle inequality and barriers to inclusion.

Guidance on *Inclusion and Pupil Support* was issued in November 2005. It provides advice to schools and local education authorities to address pupil disaffection, and to challenge behaviour difficulties and poor attendance that

can often result in young people failing to make the most of their education opportunities. It also detailed an overall approach to Inclusive Education, including the principles for an inclusive education service and planning for inclusion. A young person's consultation document *Inclusion and Pupil Support - Helping everyone to get the best from school* was also produced, with input from Funky Dragon.

### Narrowing the Gap in the Performance of Schools Project

Raising standards of achievement is a key aim of the Assembly Government's education policy. Though standards of attainment have risen in all schools over the past decade, the gap between the best and the least well performing has not changed. The Assembly Government is also keenly aware of a strong correlation between low performance and disadvantage.

The Assembly/Local Government Partnership Council established a Task Group in October 2000, to look at these issues and make recommendations. Membership included the Assembly Government, the Welsh Local Government Association and other key organisations, including the teacher unions.

Phase One focused on secondary schools. It looked particularly at secondary schools which have demonstrated that deprivation and poor performance do not have to go together, and sought to identify what worked for those schools and how that good practice could be shared. The key themes to emerge from this work were that successful schools have key personnel who are able to drive forward school improvement, reflect on the ways that pupils learn, and make effective use of assessment data to improve teaching and learning. There were also messages about schools needing to work with their local communities to raise the status of learning and, in some instances, to work as agents for change in the local community. The report was published in October 2002, and the findings disseminated at conferences in North and South Wales.

Phase Two focused particularly on primary schools. It included transition between early years and primary schools, narrowing the gap in primary years, the place of the primary school within the wider community, and how primary/secondary clusters and groups of primary schools can work effectively together. Its findings mirrored those of the Phase One report. The Phase Two report was published in November 2005 and was followed by six dissemination events across Wales early in 2006, at which schools were asked to consider how they might apply the report findings in their own settings.

A grant of £3 million a year has provided for the three years 2003-05 and 2005-06 to low performing schools, many of them serving deprived areas. From 2006-07 this funding - and an additional £13 million consequent on the Chancellor of the Exchequer's March 2006 Budget statement - has been brought together under the RAISE programme. RAISE supports disadvantaged pupils in schools where 20 per cent or more of compulsory school age pupils are eligible for free school meals; and provides learning support for looked after children. The funding will run for two years.

### Counselling and promotion of emotional health

In response to the Clywch Inquiry and to take forward elements of the National Service Framework, the Assembly Government is committed to develop a national strategy for counselling in schools. The intention is to develop a framework of practice and standards, and to expand the level of counselling available to pupils when they are experiencing mental health difficulties.

An initial scoping exercise of current provision of counselling in Welsh schools was undertaken from November to December 2005 to inform the development of the strategy.

The Assembly Government has also commissioned research to evaluate current school based counselling provision in Wales. The results of this research will inform the implementation of the strategy.

The draft strategy was published for consultation in February 2007. Funding of £200,000 has been set aside for each year from 2006-07 to 2008-09 for local authorities to implement the strategy.

Work is also currently underway to develop guidance for schools, local education authorities and other partners to promote the mental health and social well-being of pupils, including those in nursery settings. The guidance will cover aspects such as whole-school approaches to promoting positive mental health, recognising early signs of mental health problems and distinguishing between different types of mental health problems and use of appropriate referral systems. The guidance will be issued for consultation early in 2007.

### Education and training through the medium of Welsh

The Assembly Government's education policy acknowledges the crucial role that education has in achieving its vision of a bilingual Wales.

Solid foundations need to be laid in the home and in pre-school settings, which is why a key target in Iaith Pawb, the national action plan for a bilingual Wales, is to increase the percentage of children receiving Welsh medium pre-school education by 2011. As well as the Twf and Cylchoedd Ti a Fi initiatives (page 40) the Assembly Government is working with Mudiad Ysgolion Meithrin and Trinity College Carmarthen to train early years practitioners to deliver the new Foundation Phase through the medium of Welsh.

Local authorities are required to assess demand for Welsh medium schools places in order to ensure that provision matches need, and that all children and young people who wish to receive their education through the medium of Welsh can do so. Other specific measures to promote the Welsh language include:

- piloting late immersion and intensive language teaching projects which will give pupils access to a greater range of subjects through the medium of Welsh;
- supporting the development of Welsh-medium and bilingual classroom resources;
- working with awarding bodies to extend the range of qualification (especially vocational qualifications) available through the medium of Welsh;
- targeted measures to address the challenges associated with issues of linguistic continuity; and
- addressing the drift from Welsh first language to Welsh second language in the transition from primary to secondary school.

### Special Educational Needs and Additional Learning Needs

All learners have individual learning requirements and need access to a range of approaches to meet their needs. The Assembly Government recognises that the health, emotional and social needs of learners are significant factors in supporting access to learning. Where learners have additional learning needs there is need to identify these at the earliest possible stage, so that they have access to a range of high quality services and can reach their full potential.

Maintaining a range of services for pupils with Special Educational Needs can be difficult for some local authorities. To address this, the Assembly Government has actively promoted regional collaboration for goods and

services, including peripatetic teachers, to meet the needs of these learners. This has included the development of regional provision for children and young people with low incidence complex needs.

Joint commissioning of services for children and young people with speech, language and communication difficulties is currently being piloted in Wales, with health and education professionals working as parts of integrated teams to deliver support for learners.

### Tackling racism in schools

Schools which take a firm stand against racism, and communicate their stand to pupils, parents and staff, create a positive climate for learning which underpins and contributes to their success. To ensure the continued development of good practice to combat racism in education, the Assembly Government is preparing guidance for teachers and schools in identifying, recording and dealing with racist incidents.

As part of its Minority Ethnic Achievement Strategy, currently under development, the Assembly Government expects all local education authorities and schools to work towards the highest standards in:

- establishing a positive school culture and ethos;
- maintaining high expectations of all pupils;
- adapting the curriculum to promote respect for diverse cultures, languages and identities;
- developing a sense of belonging to a diverse and multi-ethnic Welsh identity;
- preparing all children for life in a diverse, interdependent world;
- providing appropriate academic and language support for all pupils according to need;
- taking a firm stance against prejudice, stereotyping and discrimination in all forms including racism;
- working closely with the community, seeking to encourage greater involvement of parents from all backgrounds; and
- striving to ensure that the school workforce and the governing body reflects the diversity of both the local community and wider Welsh society.

Head teachers and school governing bodies need to satisfy themselves that their policies comply with the Human Rights Act 1998 and the Race Relations Amendment Act 2000. The latter requires schools to draw up a race equality policy and ensure that policies do not discriminate against racial groups. It also places a duty on schools to promote race equality and good race relations.

### Education of children in detention and in care

The UN Committee was particularly concerned to see evidence of an equal statutory right to education for children in detention, and improvements in education for children in care.

This section should be read in conjunction with Chapter 4 on the health and wellbeing of looked-after children, and Chapter 7 on the All-Wales Youth Offending Strategy.

### Education and training of looked after children

Educational outcomes for looked after children remain unacceptably low, especially so for children placed in residential homes. The basic entitlements set out for all children and young people in Extending Entitlement are particularly relevant for looked after children given the disadvantages they face. In particular they have an entitlement to education, training and work experience which is tailored to their needs, and to basic skills which open doors to a full life and promote social inclusion.

A number of measures are targeted at improving their education, including the introduction of Personal Education Plans and the appointment of looked after children education co-ordinators. Evidence (*Analysis of Children First Management Action Plans (1999-2004)* by Cardiff University and Keele University) shows the co-ordinators having a positive impact in securing access to schools, brokering packages of additional education support for the child and supporting foster carers. Continuity in education and contact with family and friends is also imperative to the child's development, capacity to learn and sense of wellbeing. To maintain stability of education, a specific performance measure has been agreed with local authorities. Research shows that placing children close to home provides the best outcome on all fronts.

The Children Act 2004 introduced a duty on local authorities to promote the education of looked after children. The Assembly Government has established a stakeholder group to develop a programme of action to take this work forward. The group is focusing initially on the following areas:

- strengthening arrangements for the promotion of education of looked after children using powers under the Children Act 2004;
- support for foster carers and social workers to help them support the educational achievement of looked after children;
- widening access to further and higher education for care leavers.

A Feasibility Report was debated and unanimously agreed by the National Assembly for Wales in June 2006. The report recommended strengthening statutory duties of local authorities and the NHS in relation to placement and review arrangements and health and education provision for looked after children. The Assembly Government has carried out consultation, and regulations and statutory guidance will follow in 2007.

In addition, the Assembly Government has set aside an element of the RAISE grant scheme - totalling £1 million in each of 2006-07 and 2007-08 - to enable local authorities to support the education of looked after children. The grant is aimed particularly at Year 10 and 11 pupils to help them to move on to further and higher education or work based training.

### Young Offenders' Learning project

The Young Offenders Learning project seeks to improve the education and training provision available for all young people ages 11-25 in (and from) Wales who are known to Youth Offending Teams or who are otherwise clients of the criminal justice system.

The project commissioned the National Foundation for Educational Research (2006) to conduct research which examined the perceptions of children and young people in custody.

Information was collected from the young people on a range of issues including access to their entitlements, their perceived education and training needs, ways in which their needs could be met, and the effectiveness of existing provision in community and custody settings. This information is informing further activity.

The innovative Personal Support Worker in Custody pilot project is now in place at Stoke Heath and Ashfield HMP Young Offenders Institutions, working collaboratively with local Young People's Partnerships and Youth Offending

Teams in Denbighshire (North Wales) and Bridgend (South Wales). The project uses youth work methodology to support young people in the transition from custody back into the community.

A new protocol has been put in place as part of the project. It includes a commitment to the timely sharing of information between partners, within the legal constraints of the Data Protection Act. This should help to promote the development of continuous learning and avoid unnecessary duplication of support services to young offenders, thereby minimising the gap between custodial and community engagement in learning, skills and employment, particularly on release from custody. The Protocol focuses on Welsh young people and the secure estate, particularly those institutions in England to which Welsh young offenders are sent.

### Educational programmes for teenage mothers

The UN Committee was also concerned with furthering the education of teenage parents, especially mothers.

The Assembly Government's document *Inclusion and Pupil Support* (November 2006) provides advice to schools and local education authorities on ensuring that young parents (including fathers) have access to education, training and employment, to reduce their risks of long-term social exclusion. It sets out the duties of the local education authorities and schools, from the time when they first become aware that a pupil is pregnant until that pupil returns to school after a period of maternity leave. It also provides advice on working with other agencies, education outside the school setting, childcare, home-school transport and the need to recognise the needs of school-age fathers.

### Bullying

The UN Committee expressed concern about widespread bullying in schools, and recommended that further anti-bullying measures be developed in partnership with children and young people. The Assembly Government has undertaken considerable work to address this issue.

The Assembly Government recognises that there is bullying in all schools in Wales to varying degrees, and is committed to working with schools, local education authorities, other partners such as the Children's Commissioner, and with children and young people themselves, in tackling the issue.

Anti-bullying guidance for schools in Wales (*Respecting Others*, Circular 23/2003) was issued in September 2003. This required all schools to have bullying policies, drawn up in consultation with staff, pupils, parents and governors. The guidance gives examples of practical methods which have been used to tackle bullying throughout the world. It encourages schools to use the most suitable methods for their own circumstances, and to use both preventative and reactive strategies. An assessment of school anti-bullying policies was undertaken by Cardiff University, on behalf of the Assembly Government. Their report (published in April 2006) identified what made for a good or poor anti-bullying policy, and gave examples for use by Local Education Authorities and schools in assessing the effectiveness of their own policies. A self-evaluation toolkit is currently being developed to aid schools in revising and developing their anti-bullying policies.

The Assembly Government sponsored the first All-Wales anti-bullying week (*Respecting Others Week*), in October 2005. The aim of the week was to promote anti-bullying work in schools and to celebrate good practice. This has now become an annual event.



The Welsh Anti-Bullying Network was launched during anti-bullying week in 2005. This is an advisory body which aims to further links between the Assembly Government and its partners in tackling bullying through sharing best practice, planning and delivering anti-bullying measures, and co-ordinating anti-bullying activities. There are also close links with other UK administrations through meetings of the Anti-Bullying Forum.

The theme of the 2006 anti-bullying week was 'bystanders'. This was an important theme since bullying cannot be tackled solely by targeting the victim and the bully. There are many pupils/staff/parents who know that bullying takes place, but do not do anything to help the victim. The week promoted issues surrounding the bystander, the reasons why they do not take action and how to encourage them to step forward and support the victim.

Children and young people have been actively engaged in anti-bullying work in Wales, particularly in the development of information on what to do if you are being bullied, who to turn to, and how to help others who are being bullied. A consultation was carried out with a number of children and young people in primary and secondary schools and disability groups. A key outcome was a competition for primary and secondary school pupils to design a poster and a classroom charter.

The posters provide advice and contact details for children and young people who are being bullied, or who wish to help someone who is being bullied. The classroom charters identify rules and/or types of behaviours that promote respect and a sense of responsibility to others. The winning posters have been distributed to schools, youth clubs, doctor's surgeries and leisure centres across Wales, and the winning classroom charters are available from the Assembly Government website where they can be printed off by schools who wish to adopt them or customise them for their own use.

### The UNCRC in the school curriculum

The UN Committee recommended that the UN Convention and human rights education should be included in school curricula.

In September 2003, the Assembly Government amended the legislation so that Personal and Social Education (PSE) became part of the basic curriculum for all registered pupils at maintained schools who are of compulsory school age. It is the responsibility of schools to plan and deliver a broad, balanced programme of PSE to meet the specific needs of learners. This would include citizenship and children and young people's rights. The Framework for PSE for Key Stages 1 to 4 was updated and revised in April 2005, to strengthen references to the UNCRC and human rights. Within the active citizenship theme, there is a specific reference to young people's rights:

"Learners should explore their rights and responsibilities in a democratic society as underpinned by the United Nations Convention on the Rights of the Child, and should develop a practical understanding of their rights."

The review of the curriculum also recommended that the PSE Framework should be extended to include provision for 16 -19 year old learners.

There has been active involvement by Non-Governmental Organisations (NGOs) in revising the PSE Framework through the participation of the Education Adviser, NSPCC Cymru (National Society for the Prevention of Cruelty to Children, Cymru) in the PSE Advisory Group. NSPCC Cymru is also involved in the development of PSE supplementary guidance materials for schools and colleges. The revised curriculum was issued for consultation in January 2007 with the intention that it will be implemented from the start of the 2008 academic year. NGOs in Wales are being consulted regarding the Foundation Phase Framework for Children's Learning, the revision to National Curriculum Subject Orders, revised frameworks for Religious Education, PSE and Careers and the World of Work.

Child rights and human rights have also been made explicit within guidance for Sustainable Development and Global Citizenship. The guidance was developed jointly by ACCAC (Qualifications, Curriculum and Assessment Authority for Wales), Estyn, the Welsh Assembly Government and the UK Department for International Development, and was published in 2002. One of the key concepts was identified as 'Needs and Rights' which covered "understanding our own basic needs and about human rights and the implications for the needs of future generations of actions taken today". The guidance included case studies of good practice from schools.

## Play

Article 31 of the UN Convention concerns the right to play. In 2002, Wales was one of the first countries in the world to develop a Play Policy, specifically to take forward this right.

The impact of modern society on children's lives has significantly restricted their opportunity to play freely, and has resulted in a poverty of play opportunities in the general environment. To address this, the Assembly Government published a ground-breaking play policy in October 2002. The policy was based upon Article 31 of the UN Convention, recognizing the vital importance of play and aiming to create an environment that fostered it. A detailed Play Policy Implementation Plan was published in February 2006.

Play was included as a specific duty in the Children Act 2004, and the Assembly Government's guidance on planning under the Children Act will require Children and Young People's Partnerships to co-operate in addressing the play needs of local children and young people. Play is also a key theme within the Cymorth grant scheme, and every local authority in Wales continues to use Cymorth to support play. The National Service Framework for Children, Young People and Maternity Services emphasizes the importance of play and leisure to children and young people's mental health and psychological well-being.

The Assembly Government has also worked with the Big Lottery Fund to develop proposals for at least one Integrated Centre in each local authority area. The centres are required to include open access play facilities within their network of services. 38 Integrated Centres and satellites have been established in Wales.

Schools can play a key role in creating and improving opportunities for play and informal recreation. The Foundation Phase for children from 3-7 years recognizes the international evidence that children learn best through play and being actively involved. The Assembly Government has also supported the development of training resources on play for teaching and non-teaching staff in schools, and is preparing guidance on how play facilities might be developed effectively by Community Focused Schools.

More generally, the Assembly Government is developing new guidance for local authorities on appropriate community play provision, and is working with Play Wales and other partners to develop a playwork profession in Wales. Many local authorities are now reviewing their play strategies in the light of the Play Policy Implementation Plan.

### Youth Service

Each local authority in Wales is required by law to provide or secure a high quality Youth Service. The Youth Service was instrumental in shaping Extending Entitlement, the Assembly Government's flagship programme for 11-25 year olds, and has a key role to play in its delivery.

The Youth Service works through local Young People's Partnerships to form a network of provision to enable young people to access the 10 Entitlements. Its aims are to:

- build the capacity of young people, through promoting their skills, self worth, creativity and enterprise;
- promote social inclusion through supporting more disadvantaged young people, re-engaging them in learning and thereby enhancing their employability;
- encourage active citizenship and develop in young people an awareness of their rights and responsibilities to the wider community.

Links are made with young people through a range of contact points, including youth clubs; uniformed organisations; faith-based groups; street work; counselling; information and advice centres; and specialist centres focused on, for example, art or sport. The overall outcome of Youth Service programmes is to increase the numbers of young people in the social, political, economic and educational mainstream.

The Assembly Government is currently consulting on a Youth Service Strategy, which aims to:

- identify the scope, range and purpose of the Youth Service in Wales;
- emphasise the importance of youth work and non-formal education, and clarify the important contribution the Youth Service can provide to the education, learning and development of all young people;
- identify the resources, staff and structure currently available to the Youth Service to fulfil its contribution to non-formal education;
- set out priorities for developing a National Youth Service Strategy; and
- develop an outline Action Plan to deliver these priorities.

# Chapter 7: Special Protection Measures

**Article 22** *Rights of refugee and asylum-seeking children.*  
**Article 30** *Rights of children from ethnic, religious and linguistic minorities.* **Article 32** *Protection from work that is dangerous, or harmful to their health or education.* **Article 33** *Appropriate measures to protect children from drugs.* **Articles 34-36** *Protection from sexual exploitation and abuse, trafficking of children, and other forms of exploitation.* **Article 37 (b)-(d)** *Appropriate treatment of children who break the law.* **Article 39** *Recovery and integration of children who have been abused or neglected.* **Article 40** *Treatment of children accused of breaking the law.*

## Asylum-seeker/refugee children

The UN Committee had a number of specific concerns about the way in which asylum-seeking and refugee children and young people are treated in the UK.

Immigration and asylum are non-devolved areas, and most of the issues of concern to the UN Committee are the responsibility of the UK Home Office. This includes the detention, dispersal and accommodation of asylum seekers, and procedures for considering asylum and immigration applications. The Assembly Government does, however, have responsibility for services such as health, education, and housing which are used by refugees and asylum seekers living in Wales.

The Assembly Government has made a number of representations to the UK Government about aspects of asylum issues, including concerns about the lack of advocacy services for asylum seeking and unaccompanied children, and the detention of asylum seekers (especially those under the age of 18).

There is some evidence of discrimination against refugees, and that affects children and young people. The Save the Children report *Uncertain Futures* highlighted the views of refugee children who faced racism. The Assembly Government has issued guidance to schools on tackling discrimination as well as developing equality training for teachers and governors. Whilst there is more work to be done, the Assembly Government's Refugee Inclusion Strategy makes a number of recommendations to address these issues.

Asylum seeker children may arrive in Wales as a result of Home Office dispersal arrangements or may become the responsibility of a particular local authority because it covers the area in which the child first arrived in the UK. Once in Wales, refugee and asylum seeker children have the same right and access to



education as citizen children and the same rule applies that every child must attend school between the ages of 5 and 16 unless suitable alternative arrangements have been put in place for their education otherwise than in school. The Assembly Government recognises the distinct learning and support needs of these pupils and provides a grant for Asylum Seeker Education (£2.4 million) which assists those local education authorities (LEAs) which

have to provide additional school places and support mechanisms for asylum seeker pupils. The grant can be used for teachers, language support assistants, interpreters, uniform, transport and meals and is increased if the child has special educational needs. A further significant Assembly fund, the Ethnic Minority Achievement Grant, currently £5 million assists LEAs in promoting achievement amongst all minority ethnic pupils, particularly those for whom English is an additional language, and including pupils with established refugee status.

**Traveller children**

The UN Committee recommended that there should be a plan of action targeting the enjoyment of rights by children belonging to Traveller communities.

The Assembly Government is striving to create the sort of learning environment where children of all minority groups, including Gypsy/Roma and Traveller children, feel valued and motivated, and is committed to tackling the under-achievement that tends to characterise their schooling at the moment.

A recent survey by Estyn - the inspectorate for education and training in Wales - found that many local education authorities provide very good support to schools through Traveller Education Services and that most of the teaching of Gypsy/Traveller children was good, particularly in primary schools. The Assembly Government supports a number of local education authorities in this work with an annual grant scheme worth almost £1 million, and is also planning to provide new advice to schools on the principles of raising minority ethnic achievement (including that of Gypsy/Traveller pupils). The guidance will draw on research into these children's experience of learning in Wales.

A great deal is being done across the field of education to ensure equality of opportunity, to celebrate diversity and to maximise the achievement of minority ethnic pupils from which Gypsy/Traveller children will benefit. For example, the current Single Education Plan regulations require local education authorities to provide for children with additional learning needs including Gypsy/Traveller children. New standards for trainee teachers require a thorough understanding of diversity issues and how best to enrich teaching by drawing on the multi-cultural backgrounds of pupils.

Similarly, the revised school curriculum on which the Assembly Government is about to consult will feature an 'Including all Learners' statement at the beginning of each subject order. The statement highlights every school's responsibility to develop opportunities which support the ethnic and cultural identities of all pupils and to work to remove social barriers. Suggestions include using art, music and dance from different cultures as the basis for lessons, and encouraging children to learn how to respect each others' views and backgrounds as part of their personal and social education.

One of the most crucial issues facing Gypsies and Travellers in Wales today is poor accommodation provision. Lack of suitable accommodation is something that impacts upon adults, but is particularly detrimental to Gypsy and Traveller children. In December 2004, the Assembly Government commissioned a study on the accommodation needs of Gypsies and Travellers in Wales, including information on the number, location and condition of Gypsy and Traveller sites in Wales. The report, published in May 2006, will inform the development of Assembly Government policy on Gypsies and Travellers.

The report provided an analysis of the obstacles to new site provision, the contribution of the planning system to the promotion of Gypsy and Traveller accommodation, and good practice in site provision. In response to the report's recommendations, the Assembly Government is working to address Gypsy and Traveller accommodation needs, and has allocated £5 million to refurbish sites over the next 5 years. A dedicated Gypsy and Traveller team is being set up within the Assembly Government to take forward work in this area.

## Sexual exploitation and trafficking

The UN Committee expressed continuing concern at the problem of sexual exploitation and trafficking of children and young people in the UK.

The Assembly Government has worked closely with the UK Government, local agencies and other bodies such as the Children's Commissioner for Wales, to safeguard the rights of children who are, or are at risk of, being sexually exploited. Key actions at an all-Wales level since 2000 have included:

- guidance on safeguarding children involved in prostitution (May 2000). This required Area Child Protection Committees to enquire actively into the extent of child prostitution in their areas, and to develop protocols for dealing with these children. It also required provision of a local resource for people who are concerned about a child who is involved or at risk of being involved in prostitution;
- joint Assembly Government/other Government Department guidance on *Achieving Best Evidence in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, including Children* (2002). This was followed up in 2004 with a training pack to assist implementation of the guidance in England and Wales (issued in Wales by the Assembly Government on behalf of the other Government Departments). The guidance and the training pack are addressed not only to social workers but also to the police and any other practitioners preparing young witnesses or supporting them throughout the criminal justice process;
- establishment of an Advisory Group on Child Sexual Exploitation in Wales (2004) to promote a co-ordinated response to the needs of children and young people who are at risk of being sexually exploited. The Group is chaired by the Children's Commissioner.

Measures to tackle sexual exploitation in Wales were given a further impetus by the publication in November 2005 of a report by Barnardo's Cymru into the extent of the problem. The report, *Out of Sight, Out of Mind*, was launched at a conference hosted jointly with the British Association of Social Workers. It was based on research which found 184 separate cases in Wales (but which is almost certainly an underestimate). The research and general policy issues relating to sexual exploitation were considered by the Assembly Government Cabinet Sub-Committee on Children and Young People in March 2006, and various actions agreed to take this work forward.

These include:

- Assembly Government funding for Barnardo's to develop guidance for agencies dealing with instances of sexual exploitation. This will be issued early in 2007;
- work to extend throughout Wales a protocol developed by Dyfed-Powys Child Protection Forum on "Safeguarding Children who are At Risk of Abuse through Sexual Exploitation, including Prostitution, Pornography and Grooming, or through Other Activities";
- a major all-Wales conference in December 2006, which examined child sexual exploitation in the Welsh context, as well as consultation and feedback on the protocol review.

Measures to tackle trafficking are dealt with at a UK level. A range of new offences were introduced by the Sexual Offences Act 2003, which came into force on 1 May 2004, reflecting increased knowledge about the sexual exploitation of children. Particular provisions of the Act address the issues of trafficking into, within and out of the UK for purposes of sexual exploitation. A new, wider offence of "trafficking people for exploitation" is included in the Asylum and Immigration (Treatment of Claimants etc) Act 2004. This offence specifically includes the trafficking of vulnerable people, including children.

## Youth justice

The UN Committee made a lengthy recommendation about the administration of juvenile justice, aimed at ensuring that the youth justice system fully incorporates the principles of the UN Convention. The Assembly Government and the Youth Justice Board for England and Wales published the All-Wales Youth Offending Strategy in July 2004.

It is a key principle of the All-Wales Youth Offending Strategy that young people should be treated as children first and offenders second, and this is explicitly linked to the UN Convention - the first time the UN Convention was mentioned in a youth justice document.

Legislation governing the youth justice system in Wales remains the responsibility of the UK Government and the Westminster Parliament. This covers several issues of concern raised by the UN Committee in its Concluding Observations 2002. The Assembly Government has a right to be consulted on proposed changes to the youth justice framework, and a right

to make representations to the UK Government. It has made representations about the use of Anti-Social Behaviour Disorders, which it believes should be used only as a last resort, after all other measures have been tried.

The All-Wales Youth Offending Strategy aims to provide a national framework for preventing offending and re-offending among children and young people in Wales. It recognises that the framework for youth justice services in Wales is significantly different from that in England, especially in relation to funding arrangements, and in the configuration of adjacent services vital to the prevention of youth offending. Objectives and targets covering all aspects of the Strategy are developed by the Implementation Group on an annual basis.

Key points in the Strategy include:

- action to identify children and young people at risk of offending and to provide programmes to divert them away from offending behaviour;
- having effective community-based alternatives to custody where this is in the best interests of the child, in line with Article 37 (b) of the Convention. The Strategy identifies five stages of intervention: preventative, early intervention, community sentence, custody and resettlement. The Strategy recognises that the most effective way of avoiding young people being committed to custody is to retain as many as possible at the earlier stages;
- ensuring that children and young people from Wales who are entering custodial facilities in England have the same rights as their English counterparts, and as other children and young people in Wales. The Assembly Government is particularly concerned that full account should be taken of identity and cultural issues, including use of the Welsh language, in respect of children and young people held in custodial facilities in England.

Primary responsibility for the provision of youth justice services locally rests with Youth Offending Teams. There are eighteen of these in Wales, bringing together the staff and wider resources of a range of local agencies - social services, education, the police, probation service and health. The aim of Youth Offending Teams is to reduce and prevent youth offending by close inter-agency co-operation, leading to the effective rehabilitation of the young person into society. In this they are central to implementation of Article 40 in Wales.

An important principle of the All-Wales Youth Offending Strategy is that young people sentenced or remanded in custody should be held in local facilities, wherever possible, so that they can retain regular contact with their communities and families. Children and young people under the age of 18 are separated from adults in all secure provision within England and Wales, including the two juvenile secure units in Wales, at Hillside (Neath Port Talbot) and Parc (Bridgend). A recent joint Welsh Assembly Government/Youth Justice Board Working Group recommended a number of options for further expansion of secure facilities for young people within Wales, in order to lessen the number of young people who have to be placed in establishments in England. These included proposals for secure facilities in North Wales and expansion of the facilities at the Hillside Secure Children's Home. Officials are currently considering the detail of how the proposals can be taken forward.

A key principle in the Strategy is that all children and young people at risk of offending and those who offend (including those in custody) have access to the universal entitlements set out in Extending Entitlement. This includes an equal entitlement to services such as education, health and child protection as other children. The provision of independent advocacy and independent, child-friendly complaint procedures have been identified as an area for continued development in the Strategy.

## Further Copies

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