

# **If not now, then when?**

## Radical reform for care experienced children and young people - Summary Report

May 2023



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## About the Committee

The Committee was established on 23 June 2021. Its remit can be found at: [www.senedd.wales/SeneddChildren](http://www.senedd.wales/SeneddChildren)

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Current Committee membership:



From left to right: James Evans MS (Welsh Conservatives); Sioned Williams MS (Plaid Cymru); Laura Anne Jones MS (Welsh Conservatives); Committee Chair: Jayne Bryant MS (Welsh Labour); Buffy Williams MS (Welsh Labour); Ken Skates MS (Welsh Labour).

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The following Member also contributed to this inquiry.



**Jayne Dodds MS**  
Liberal Democrats

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## Chair's foreword

Some people are said to be 'voiceless', or that they need to be 'given a voice' by someone in a position of power. But that isn't usually true. The problem is that their voices aren't always listened to.

During the past year, we have spoken to many young people from across Wales with direct experience of our care system. Those young people most certainly have a voice, and they had an awful lot to say.

And their collective voice is getting louder. The number of people with direct experience of the care system is growing. Shockingly, the number of children looked after in Wales has increased by 22.9% between 2013 and 2022.

The care experienced community is diverse. But everyone within that community shares the experience of their families being broken apart. Much of what we heard from young people was deeply personal, resonating with the pain and trauma they had experienced throughout their lives. As a result, some of this report makes for deeply uncomfortable reading.

We have listened to many young people with experience of the care system. But we could not speak to everyone. We do not claim that the views set out in this report are representative of all care experienced children and young people. We know that there may be many more positive experiences of care than we heard during our inquiry.

Nevertheless, we believe that what we heard from young people paints an accurate picture of the care system in Wales as a whole. We believe this because what we heard from young people is consistent with the other evidence we have gathered: from organisations working directly with care experienced people, from inspectors and regulators, and from whatever data that we could find, or that was submitted to us.

All this evidence told us that around a quarter of children in care will have had 2 or more placements in the last year alone. That fewer than 1 in 5 children looked after will achieve 5 or more A\* - C grades at GCSE, including English/Welsh and maths. That up to 1 in every 4 care experienced children will be homeless at the age of 18. And that around a quarter of care experienced parents will have at least one of their own children taken off them.

Anybody claiming that the state is doing its corporate parenting job well should consider whether they would be happy for their own child to be cared for by that system. Whether *any* good parent would want that for their own child.

We do not believe that they would. Corporate parents in Wales must do much, much better.

My fellow Committee members and I would like to place on record our most sincere and heartfelt thanks to everybody who engaged with this inquiry. Most of all, we would like to thank the care experienced children and young people who shared their views with us. It has been an honour and a pleasure to meet so many wonderful and impressive young people. What you told us will stay with us forever, and will drive us to push for improvements to the care system throughout the Senedd.

I hope that you feel that this report shows that we have listened to you. I hope you feel that it reflects the ambition that you have for yourselves and for your families.

And, more than anything, I hope that it leads to the radical reform that you deserve.

**Jayne Bryant MS**

Chair of the Children, Young People and Education Committee





## Cross-cutting reforms

**RADICAL REFORM #1:** Legislate to place a duty on local authorities to calculate **maximum safe caseloads for children's services social workers**, and to take all reasonable steps to maintain those maximum caseloads for all children's social workers, using the legislative approach of the Nurse Staffing Levels (Wales) Act 2016 as a template.

**RADICAL REFORM #2:** Make 'care experience' a **protected characteristic** under section 4 of the Equality Act 2010.

**RADICAL REFORM #3:** Give **corporate parenting** a strong legislative footing by giving a range of public bodies, including but not limited to local authorities, specific corporate parenting duties and expanding their duties in relation to care experienced children and young people by:

- amending the Social Services and Well-being (Wales) Act 2016 to specify which public bodies are corporate parents, and what specific duties all corporate parents are subject to;
- providing a statutory entitlement to trauma-informed therapeutic care for all care experienced children;
- giving care leavers priority in housing allocations and give care experienced people up to the age of 25 "priority need" status when homeless; and
- placing duties on the newly formed Commission for Tertiary Education to promote tertiary education to care experienced people.

**RADICAL REFORM #4:** Place formal **data collecting duties** on all relevant public bodies, third sector and independent providers to collect comprehensive data on at least an annual basis relating to the care system, and at least quarterly relating to the social care workforce.

The data should be verified and published by the Welsh Government - at least annually for data relating to the care system, and quarterly for data relating to the social care workforce - for policy development, implementation and evaluation purposes.

### **RADICAL REFORM #5:**

The statutory right to **intensive, wrap-around edge-of-care support for all care experienced birth parents** to reduce the risk of children being removed from their care, including specialist parental advocacy to navigate the social care and family courts systems.

The support should be modelled on evidence-based services such as NYAS' Project Unity, and should be available from the 12-week scan of pregnancy (or the earliest point after 12 weeks at which a viable pregnancy is confirmed).

If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to support the birth parents to come to terms with their loss.

**RADICAL REFORM #6:**

Extend across the country and on a universal basis successful **edge of care services**, such as Barnardo's Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents.

**RADICAL REFORM #7:**

Subject to a successful full evaluation, **roll out the problem solving court model** (The Family Drug and Alcohol Court model, or 'FDAC') across Wales.

**RADICAL REFORM #8:**

The statutory right to an 'active offer' of an **independent support worker when the child is placed on the child protection register** or made subject to pre-proceedings to support them to access early intervention services and navigate the social care and family court system.

If a child is ultimately removed from their birth parents, the support should continue beyond the child's removal to signpost the birth parents to services that can help them come to terms with their loss.

**RADICAL REFORM #9:**

Give children in care and care leavers **a statutory right to long-term advocacy support** via an assigned advocate on an 'opt-out' basis.

An advocate would be assigned to each child when they enter the care system to provide long-term advocacy support across a range of issues, and continue until the child ceases to be a 'care leaver'.

Children and young people could opt-out (and then opt back in later) if they wish.

**RADICAL REFORM #10:**

Mandate all foster carers to register directly with Social Care Wales, in line with other roles that have significant daily contact with children, and create **a national register of all fostering placements and approved foster carers** across both the local authority and independent sectors.

**RADICAL REFORM #11:**

**Extend the threshold for statutory support provided to all care leavers** by the local authority from 21 to 25, as is currently provided to care leavers in education or training.

**RADICAL REFORM #12:**

Amend the Social Services and Well-being (Wales) Act 2014, fostering regulations and codes of practice and guidance relating to **When I am Ready** to extend the age limit for all young people who wish to participate in the scheme to 25, and to remove the financial and operational barriers that foster carers face when providing When I am Ready services.

## 1. Background

This report summarises the evidence we received throughout our inquiry and the conclusions and recommendations we have made. Many young people helped with this work. We hope that this report summary helps to communicate our findings in a more accessible way. For more detail, references and other important information please see the main report.

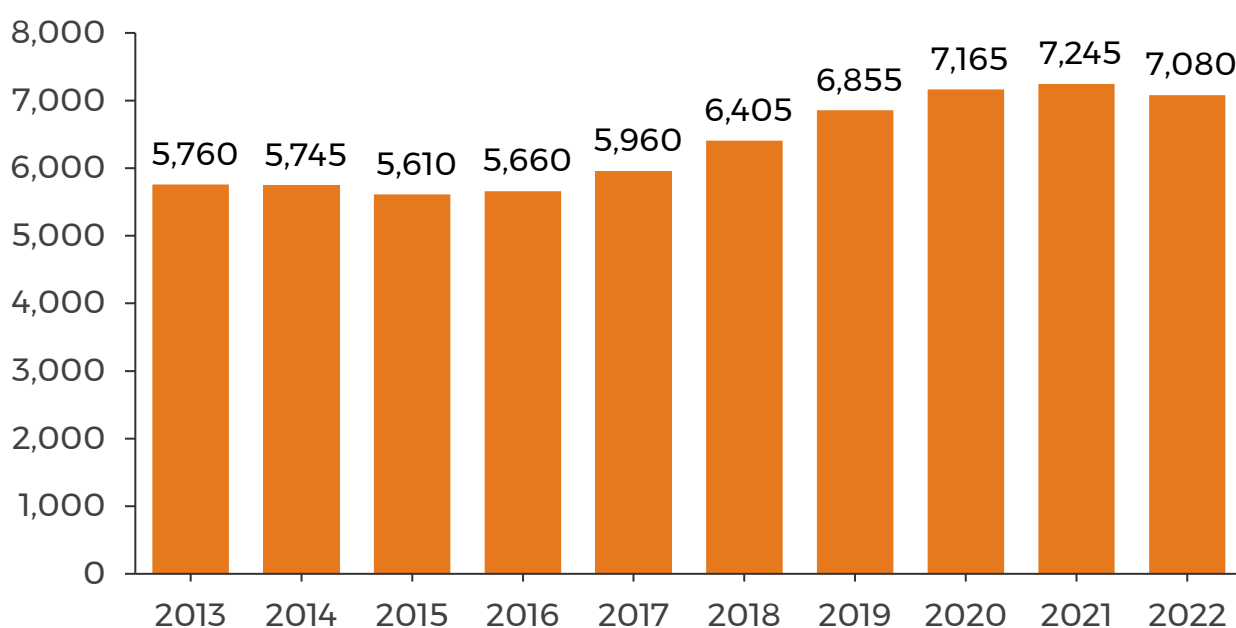
We have broken down our findings into 4 chapters: the three stages of the care system (before care, in care and after care), plus one 'cross-cutting' chapter. The cross-cutting chapter considers issues that are relevant to the care system as a whole.

We have agreed a series of 'radical reforms', which we believe will make a big difference to the lives of care experienced children and young people. These radical reforms are in bold in grey highlighted boxes. Our other recommendations are in bold.

### The care system at a glance

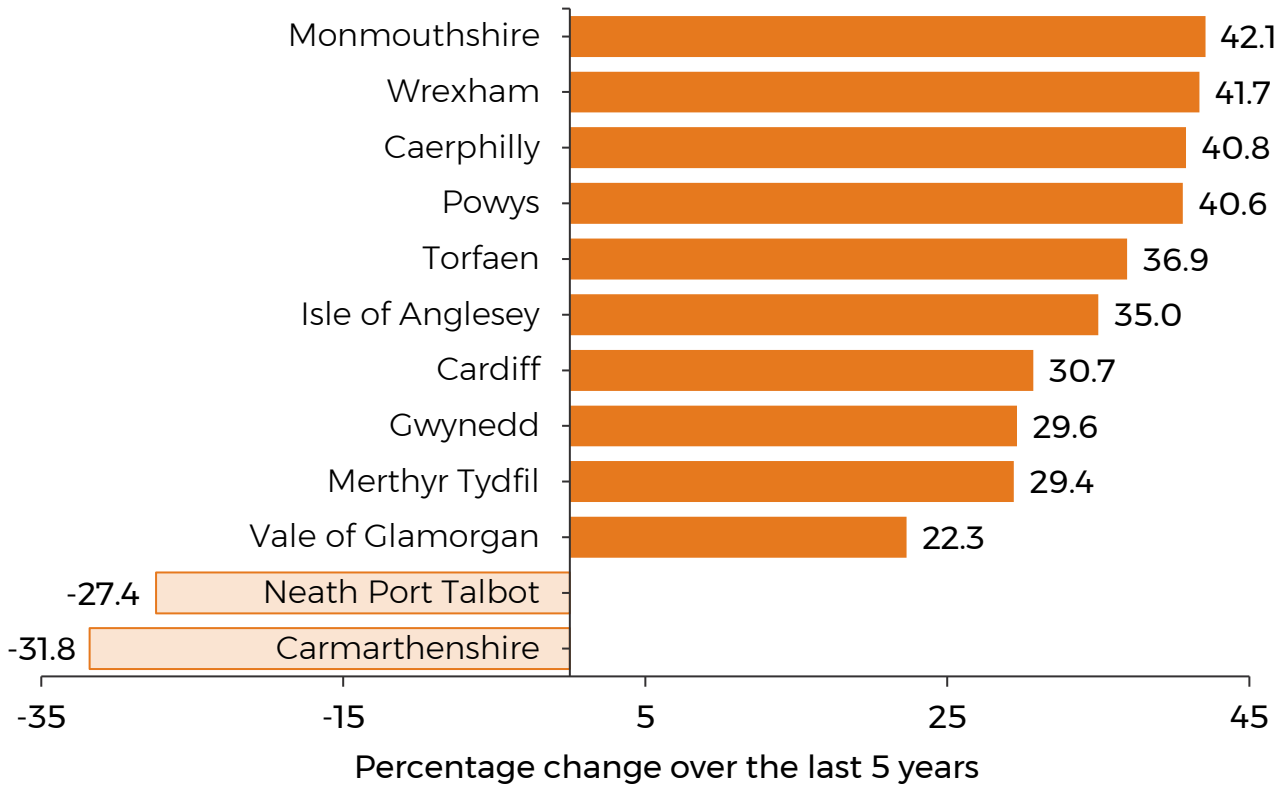
As at 31 March 2022 there were 7,080 children looked after in Wales. This has gone up by 22.9% since 31 March 2013.

**Figure 1.1 Number of children looked after at 31 March.**



Different local authorities have different rates of looked after children. Torfaen has the highest rate - 209 per 10,000 - and Carmarthenshire has the lowest: 45.

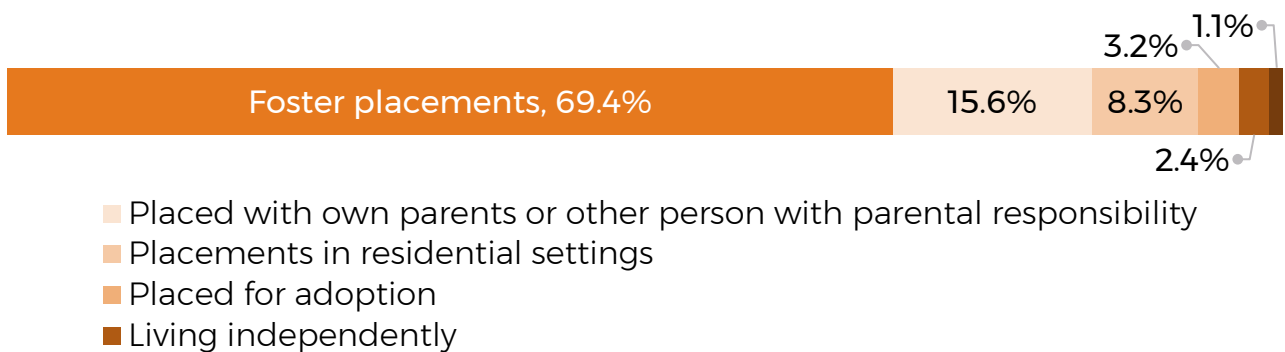
**Figure 1.2 Local authorities with increasing and decreasing rates of care selected for comparison.**



**Type of placement**

Of the 7,080 looked after children in 2022, the majority (69.4%) were in foster placements, followed by placed with own parents or other person with parental responsibilities (15.6%) and 8.3% were in placements in residential settings.

**Figure 1.3: Children looked after at 31 March 2022 by placement type**





## **Our inquiry**

Welsh Government's Programme for Government includes a series of important commitments, including to "Explore radical reform of current services for children looked after and care leavers." However, when we started our inquiry we didn't know very much about what that meant in practice.

In July 2022 we launched this inquiry to look at what the Welsh Government was doing to "explore radical reform". The aim of our inquiry was to set out top line priorities for policy areas where change is needed and which would make the biggest difference to the lives of children and young people.

To gather evidence, we:

- Launched a consultation (which received 47 responses + 7 additional pieces of evidence).
- Spoke to as many care experienced young people and birth parents as we could, and to professionals who work with them.
- Heard from 13 panels of witnesses during Committee meetings.

## 2. Cross-cutting

Reforms to the care system as a whole.

### **The social care workforce**

#### **Concerns about the workforce**

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We heard that children's services social workers' caseloads (the number of children and families they work with at the same time) is much too high. Many professionals and young people told us that high caseloads mean that social workers can't spend enough time with each individual child, young person or family. This means that some children and young people don't always get the support they need, when they need it.

To have lower caseloads, we need more social workers. But recruitment and retention of social workers is a major problem at the moment. It is hard to recruit social workers, and many social workers are leaving the profession too. We heard that this is for different reasons, including:

- Social workers can earn more working for agencies than working for local authorities, and some local authorities pay more than others.
- Social work doesn't offer much flexible working compared to other professions.
- Social work is a hard job. Social workers have to manage risks and stressful situations every day. Many experience verbal abuse, and some even receive threats of violence.
- How the public see social workers isn't always very positive.
- There are only a few ways that you can qualify as a social worker. And once you've qualified, if you want to progress in your career you often lose day-to-day contact with children and young people.

When local authorities don't have enough social workers in post, they have to use temporary staff, often using agencies. In 2022, almost half of all children's services staff were agency workers.

The use of agency workers can have a negative impact on the quality of services provided to children and young people and their families. Agency staff move

around more than permanent staff, so it's harder to build strong relationships with the people they work with. Agency staff are also very expensive, and can put a strain on local authorities' budgets.

We heard lots of support for a law that placed a limit on social workers' caseloads. Lower caseloads would mean that social workers would have more capacity to build relationships with families. Reducing social workers' workload could also make the profession more attractive. However, we also heard that it would be very difficult to set one maximum caseload for all children's services social workers. Not all families are the same; some need more time than others.

The Nurse Staffing Levels (Wales) Act 2016 is an example of a law that tries to improve workload without setting out a single maximum caseload. It places a legal duty on health bodies to work out safe nurse staffing levels, do what they can do keep those staffing levels, and tell patients what those staffing levels should be. We think this idea could be applied to social work.

### **The impact on children and young people**

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The problems with the social care workforce seem to be having a big impact on social workers' relationships with families. Some of the young people we spoke to told us that they were supported by so many different social workers that they couldn't remember the names of some of them. They told us that social workers came and went, meaning they had to re-tell their stories time and time again. Many of the care experienced young people and birth parents we spoke to felt that some social workers didn't have the right values or attitudes to form positive relationships with vulnerable people.

But we heard some positive stories about social services from care experienced young people, too. One young person said that whenever she rang her social worker when she was upset, the social worker would come round and meet her or go for a walk and a chat. Another told us about one social worker who took the time to get to know her as a person, rather than just judging her on what was written in her file. And one birth parent who had been able to keep her child living with her told us that social workers gave her a chance to prove herself.

### **What is being done to improve the situation**

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Health Education and Improvement Wales (HEIW) and Social Care Wales have launched strategies and plans for the health and social care workforce in Wales. The plans set out some actions to improve the system. For example, the social

work workforce plan says it will review the current terms and conditions for social workers.

The Deputy Minister for Social Services has acknowledged to us that the social care workforce is “under stress.” She told us that the Welsh Government is running an attraction and recruitment campaign; increasing social work bursaries; and giving local authorities £45 million in 2023-24 to address recruitment and retention challenges across the whole social service workforce, including children’s services.

## **Our view**

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### **RADICAL REFORM #1**

**Legislate to place a duty on local authorities to calculate maximum safe caseloads for children’s services social workers, and to take all reasonable steps to maintain those maximum caseloads for all children’s social workers, using the legislative approach of the Nurse Staffing Levels (Wales) Act 2016 as a template.**

Care experienced young people and birth parents told us about the damage that can be done when social workers are overstretched.

When their cases are so high that they forget to say goodbye when they have to hand over the case to a different worker..

When young people have to tell their life story over and over again to each new social worker who takes on their case.

When agency workers work with children in care, rather than local authority-employed professionals with the opportunity to build long-term, positive relationships with them.

When children are told that their social worker’s caseload is too high to give them the support they need, which makes them feel like they’re not a priority.

And when children self-harm to get their social workers to pay attention to them.

We know that there are many, many care experienced young people who we did not speak to who might have different views. But, unfortunately, these were the types of stories that we heard time and time again

We believe that the Welsh Government should acknowledge that high caseloads are unsafe, and are critically damaging children's social work. It should have high aspirations for the levels of care that we give our care experienced children and young people, and for the workplace conditions that social workers themselves need and deserve to do their work effectively.

We agree that setting one, fixed caseload limit isn't the right answer. But we believe that the Nurse Staffing Levels (Wales) Act 2016 provides a template for how to drive down caseloads effectively.

We call on the Welsh Government to introduce legislation to place a duty on local authorities to calculate safe and manageable maximum caseloads for different groups of social workers, and to do everything they can to maintain those maximum caseloads.

To make this legislation work, we will need more social workers and more stability in the social workforce.

**We therefore also recommend that the Welsh Government will need to create a new workforce sufficiency plan to identify and implement changes to improve the sufficiency and stability of the social care workforce, and to drive down caseloads.**

## **Discrimination, stigma and corporate parenting**

### **The experiences of care experienced children and young people**

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Time and time again, children and young people with care experience told us that they are treated differently, in a negative way, to other children. They feel this stigma at different stages of their lives:

- at school, in sport or other activities outside the school day,
- when staying over in a friend's house,
- when thinking about further or higher education,
- when finding work, or even
- when they need to travel.

Many care experienced birth parents felt that their experience of care was a main reason why their own children were removed from them.



The Deputy Minister acknowledged that many care experienced young people feel stigma. She told us about the Welsh Government's work with young people representing Voices From Care on a joint 'declaration'. She told us that the declaration will be signed by the First Minister and "will pledge to do our utmost as a Government to do what the young people want".

### **Making care experience a protected characteristic under the Equality Act 2010**

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Lots of people, and other reviews into the lives of care experienced children and young people, told us that the only way to stop the discrimination that people who have experienced the care system face is by making care experience a protected characteristic under the Equality Act 2010. This would give care experienced people a legal route to challenge their treatment in certain situations.

The Deputy Minister told us that the Welsh Government would not be able to change the Equality Act 2010 because it is reserved to UK Parliament. But she told us that she was interested in our views and would "like to look at it further".

### **Corporate parenting**

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The idea behind corporate parenting is that local authorities should try and make sure that children in their care get the same help and do as well as a 'good parent' would want for their own birth child. But, we heard that corporate parenting is not working as well as it should. Many young people feel let down, or failed, by services they received from their 'corporate parents':

- Some young people told us that school teachers made it really obvious that they were in care. This singled them out for bullying from other pupils.
- Some care leavers told us that they had very little support to help them move on from foster placements.
- Some care leavers told us that they lacked the basic skills they needed to live independently, such as cooking, cleaning, shopping, and budgeting.

Lots of professionals agreed. We heard that not all corporate parents actually understand what corporate parenting means in practice, and that sometimes a shortage of money gets in the way.

Some people called for corporate parenting to be set out in law. Others said that other public services should also be corporate parents too, like health boards, the Welsh Government and even Members of the Senedd.

The Deputy Minister also supported for strengthening corporate parenting. Her written evidence sets out that the Welsh Government is planning to develop a “corporate parenting charter”, which it expects organisations and senior leaders to sign up to.

## **Our view**

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### **RADICAL REFORM #2**

#### **Make ‘care experience’ a protected characteristic under section 4 of the Equality Act 2010.**

We were shocked by how being care experienced affects almost every aspect of the lives of many care experienced children and young people, affecting them in education, professionally, and even as parents. The discrimination and stigma that they experience on a day-to-day basis is clearly one of their most significant challenges. Removing that barrier for them should be an absolute priority.

We understand that neither the Welsh Government nor the Senedd can make care experience a protected characteristic under the Equality Act 2010. However, other people have also made this recommendation. Our hope is that calls for change from Wales, alongside the many others across the UK, will push the UK Government to take action.

### **RADICAL REFORM #3**

#### **Give corporate parenting a strong legislative footing by giving a range of public bodies, including but not limited to local authorities, specific corporate parenting duties and expanding their duties in relation to care experienced children and young people.**

We are convinced that there should be a legal basis for corporate parenting in Wales. The current system does not work, and we do not believe that the Welsh Government’s plans for a corporate parenting charter will deliver real and meaningful change. The changes that are needed are much too big.

Instead, we think the Welsh Government should introduce laws to extend corporate parenting to other public bodies, including - but not limited to - local

authorities, and to be really clear about the specific legal duties needed to improve the lives of care experienced children and young people.

Other radical reforms in this report fall under the umbrella of ‘corporate parenting’. They are: mental health (page 19), housing (page 49), and tertiary education (page 53).

## **Support for mental health**

We received lots of evidence telling us concerns about the mental health of care experienced children and young people. We spoke to many care experienced young people who have suffered with their mental health since early childhood. Some had been prescribed medication, others self-medicated with alcohol and drugs, some had self-harmed, and some had attempted suicide. Different organisations told us that mental health is one of the biggest challenges facing children and young people in the care system, and that care experienced children and young people have much higher rates of mental health needs than the general population.

We also heard that current mental health services do not meet the needs of care experienced children and young people. We heard that mental health services for care experienced people are “dire” and that the system is “broken”.

Lots of people said that care experienced children and young people should have a right to therapeutic support. Many of those were really clear that the support should be available from when they enter the care system into early adulthood. We were also told that the professionals who provide that support must have a deep understanding of the impact of trauma. Trauma can lead to some children displaying challenging behaviour and having problems with relationships with other people – know as ‘attachment difficulties’.

We asked the Deputy Minister what the Welsh Government is doing to support care experienced children and young people with their mental health. She told us that social services are focusing on giving young people support early so they don’t need to be on CAMHS waiting lists. She also told us about the Nurturing, Empowering, Safe and Trusted framework, which is a framework for creating a child-centred whole-system approach to mental health and well-being services for all ages.

## Our view

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### **RADICAL REFORM #3**

#### **As part of umbrella reforms to corporate parenting, provide a statutory entitlement to trauma-informed therapeutic care for all care experienced children.**

Our work as a Committee has highlighted to us that the mental health support needs of many young people in Wales are not being met. Care experienced children and young people may be four times more likely to have mental health support needs than other children. So it is no surprise that we received such high volumes of evidence calling for more to be done to help them.

We also note that the early trauma experienced by many care experienced children can lead to significant emotional, behavioural, educational and developmental difficulties. We understand that this type of early trauma is unique to care experienced children and young people.

We would expect any good parent to give as much therapeutic support as they are able to their own children. The state - which removed these children from their birth parents and in turn become their corporate parent - has a responsibility to do the same for care experienced children and young people.

We call for a legal entitlement to trauma-informed therapeutic care for all care experienced children and young people. That therapeutic care must be an independent and separate service to existing services, such as CAMHS. This support must be provided by professionals with a deep understanding of the lasting impact of trauma. It must be available to every single care experienced child from the moment they enter the system to - at the very least - when they cease to be defined as a care leaver.

### **Data collection**

When we started our inquiry, Senedd researchers looked at the information available about the care system, care experienced children, and social services. They found that there are big gaps in data in Wales. Some data is collected by different organisations but is not published. Other information is not collected at all.

Other organisations also told us that there are data gaps in Wales, which is causing Wales to lag a step behind some of the research in England. This is a

problem, because if we want the best for our care experienced population, we need to know what difference we are making, what's working well and what isn't, and what more we can do.

The gaps in data collection include:

- How many social workers there are, how many social worker vacancies there are and the average social worker's caseload.
- How many care experienced parents have children and how many of those children are removed from their care.
- How well care experienced children do in school and how many have additional needs.
- How many children and young people use advocacy services.
- How many children are deprived of their liberty, how many go missing, and how many are put in unsafe and inappropriate accommodation (like bed and breakfasts).

However, we also heard that some care experienced young people may not want to say that they have care experience. This might be because they feel that they have been treated like a statistic, or treated differently because of their care status.

We asked the Deputy Minister whether she felt that data collection in Wales was hiding problems and preventing us from developing solutions. The Deputy Minister told us that "I don't really think there is a lack of data in Wales, or that it's hiding poor experiences".

## **Our view**

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### **RADICAL REFORM #4**

**Place formal data collecting duties on all relevant public bodies, third sector and independent providers to collect comprehensive data on at least an annual basis relating to the care system, and at least quarterly relating to the social care workforce. The data should be verified and published by the Welsh Government - at least annually for data relating to the care system, and quarterly for data relating to the social care workforce - for policy development, implementation and evaluation purposes.**



Good, accurate and reliable data about the care system is essential to monitor and evaluate what is and isn't working well, and to help develop better policies.

There are clearly big gaps in the data routinely collected and reported in Wales. This lack of information about children's experience in our care is hiding how many people have very poor experiences in care. It may not be that the Welsh Government's is deliberately not publishing data to hide problems. But we believe that is the end result.

We understand the concerns of many care experienced children and young people about data being collected about them given the stigma they experience. But we believe that robust data has the power to improve children's care, and the lives of the many children and young people who experience it, if it is gathered and processed sensitively and anonymously.

### 3. Before care

Reforms to safely reduce the number of children in the care system.

#### **The cycle of care**

##### **The challenges facing care experienced birth parents**

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We heard that a very high number of care experienced young people have one or more of their own children taken into care. Often, the children of care experienced parents are placed on the child protection register as soon as social services find out that the mother is pregnant. One researcher told us about one study, which found that 26% of children of care leavers have been removed. In the general population, only 1% of all children are in care.

According to many care experienced birth parents and third sector organisations, this shows that corporate parents have failed to give care experienced children the skills they need to be good parents. Care experienced birth parents spoke to us angrily about cycles of care: where social services put them into care as children, then put their children into care too. They said that social services judge them to be 'unfit' parents because they hadn't had positive parenting role models, even though it wasn't their decision to be taken into care and even though it was social services that decided who their parenting role models were. Some believed that the care system was failing them and their children.

We also heard that the care system removes practical and emotional support from birth parents by making them move away from their family, move schools or housing. This can count against them during court proceedings. Others told us that once they became pregnant, the system turned its attention away from them and towards the child, despite the fact they still have legal duties to them as care experienced children and young people. They felt that in this situation, the courts, social services and other professionals do not care about their welfare.

##### **Support for care experienced birth parents**

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Almost all the care experienced birth parents we spoke to called for intensive wrap-around support services for all care experienced parents that starts early enough to help them keep their child. Third sector professionals agreed, and told us that projects like Project Unity, Jig-So, and Baby and Me are working well.

However, Project Unity, for example, only has five project workers across the whole of Wales to work with over 300 young women.

The Deputy Minister told us that these services are playing a valuable role in caring for care experienced mothers. She told us that the Welsh Government supported services like those being rolled out across Wales. The Welsh Government has signed a declaration saying that “Babies and children will never be subject to child protection action just because their mother or father is care experienced.”

## **Our view**

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### **RADICAL REFORM #5**

**The statutory right to intensive, wrap-around edge-of-care support for all care experienced birth parents to reduce the risk of children being removed from their care, including specialist parental advocacy to navigate the social care and family courts systems. The support should be modelled on evidence-based services such as NYAS’ Project Unity, and should be available from the 12-week scan of pregnancy (or the earliest point after 12 weeks at which a viable pregnancy is confirmed). If a child is ultimately removed from their birth parents, the support should continue beyond the child’s removal to support the birth parents to come to terms with their loss.**

Some of the stories that we have heard from care experienced birth parents have been the most harrowing and moving of our inquiry. We will always be grateful to those parents for sharing their stories with us. They will stay with us forever.

We are appalled that around 25% of all care experienced young people will have at least one child removed. The removal of so many children from care experienced birth parents is a very bad reflection of a care system that has failed children so terribly that, when those children grow up, the courts consider them to be ‘unfit parents’.

Services like NYAS’ Project Unity provide specialist advocacy support, which is very important for any parent finding their way through the care system. But they also provide holistic, intensive, family- and relationship-focused wrap-around support. It is *that* support that the parents we spoke to valued above all else.

We think it is really positive that the Welsh Government is for funding Project Unity across Wales. It was an ambitious step in the right direction. But it should go

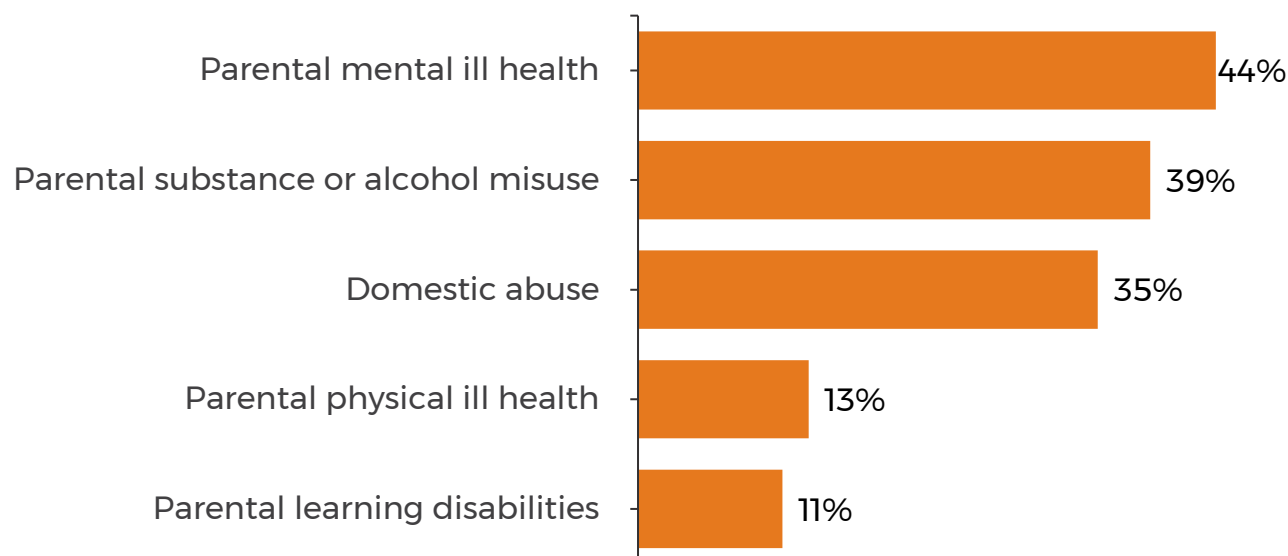
further, by making that type of support a legal right for all care experienced birth parents

## **Risk factors**

### **Common reasons why children are being taken into care**

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**Figure 3.1 Parental factors of children looked after as at 31 March 2021.**



Research shows that domestic violence, substance misuse, mental health and learning disabilities are all part of the complex picture of why children in Wales are going into care.

During our evidence gathering, poverty was the most common reason we heard that children were removed from their parents. Many organisations and academics argued that the Welsh Government should take action to reduce or end poverty to reduce rates of care.

Domestic abuse was also raised by many as a reason why children are taken into care. In a recent survey of social workers and leaders in Wales, 78.6% felt that domestic abuse was a reason for more children going into care in Wales, more than any other reason. Some of the women we spoke to had experienced domestic abuse, and felt that it had played a part in their children being taken into care.

We also heard that having a learning disability is often a reason why families are struggling to look after their children safely. One organisation told us that people

with a learning disability who have children often live in constant fear of losing their children.

### **Edge of care early intervention services**

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We heard support from all birth parents and professionals for services that work with families to provide help with problems like domestic violence, poor mental health, substance misuse and even to help with not having enough money. Some of the young women we met had their children returned to them after receiving support. Others had been able to keep other children in their care.

We were told that different organisations should work together to help each individual family. The support should start as early as possible, and it should include support for fathers, who often struggle to find the support they need. At the moment, these services are different across Wales, or not available at all in some areas.

There are barriers to providing effective edge of care early intervention services to families across Wales. Funding is one, even though we heard that prevention services are very cost-effective in the long run. Staff availability and training is another. We also heard that it is important to evaluate different intervention schemes to ensure that the right services are rolled out across Wales.

We asked the Deputy Minister whether the Welsh Government would take action to rollout successful early intervention projects across Wales. The Deputy Minister agreed that we need more of these projects and we need them across Wales. The Welsh Government is planning a best practice conference in May or June to consider how successful programmes could be expanded in future.

### **'FDAC' - the problem-solving court**

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Family Drug and Alcohol Courts (FDACs) are an alternative to traditional care proceedings. They use a problem-solving approach that tries to support birth parents with substance misuse and other risk factors to prevent their child being removed. Families going through FDACs are much more likely to keep their children and stop using substances compared to normal court proceedings.

The Welsh Government decided to run the first Welsh FDAC pilot in 2021 for two years in Cardiff and Vale of Glamorgan. It is still closely looking at how the FDAC pilot in Wales is working. But the early signs are positive. As well as potentially keeping families together, we also heard that families that go through FDAC tend to feel that the process is fair and respectful. This can mean that families may

have better relationship with the local authority and others, even if their child is ultimately placed into care.

FDAC staff and academics wanted to see the model rolled out across local authorities. However, there are barriers to national rollout, particularly funding. We also heard that FDACs depend on different professionals from different public services, like health professionals, and limits in levels of multi-agency support across Wales could be a problem in future.

The Deputy Minister told us that she is “absolutely convinced of the value of the problem-solving family court model” and that she would wait to see what the evaluation says before rolling it out across Wales.

## **Our view**

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### **RADICAL REFORM #6**

**Extend across the country and on a universal basis successful edge of care services, such as Barnardo’s Baby & Me, which have been shown to increase the chance of children being able to stay with their birth parents.**

We fully support calls for holistic, family-centred and multi-disciplinary early intervention to address the underlying trauma that can lead to children being taken into care. These edge of care services must be available to families across Wales as a key part of a national approach to keeping families together.

We believe that well-established services that have proved to work in keeping families together, such as Barnardo’s Baby & Me, are likely to be excellent value for money. They may not reduce the financial burden of children’s care in the very short term, but they will in the longer term, reducing the staggering financial cost - not to mention the emotional trauma - of placing children in care.

We urge the Welsh Government to develop an approach to funding these really important services that recognises the long-term savings that will be felt across different public services beyond children’s services.

### **RADICAL REFORM #7**

**Subject to a successful full evaluation, roll out the problem solving court model (The Family Drug and Alcohol Court model, or ‘FDAC’) across Wales.**

What we heard about the potential for the FDAC model to significantly reduce the rates of children entering the care system is extremely promising. If the full

evaluation shows that to be the case, the model should be rolled out for that reason alone.

But we were also convinced by the other benefits too: birth parents' thinking that the process is fair, that they are being listened to, and that they are being treated with respect and kindness. These values are at the heart of many of the radical reforms we set out in this report. The benefits of what's called 'procedural fairness' are likely to extend to families ongoing relationships with, and confidence in, statutory services

If the pilot in Cardiff and the Vale of Glamorgan works well, we urge the Welsh Government to extend the model across Wales. Unless there are good reasons not to, we believe that one model of FDAC should be rolled out so that we have a consistent approach across Wales.

## **Being heard and advocacy for birth parents in the child protection system**

One of the main messages from the birth parents we spoke to was that they are not listened to and that they are not involved in decision making throughout the child protection system. Many told us that care proceedings confused them. Others told us that they were excluded from some parts of the decision-making processes. We heard a number of stories about birth parents having to attend court proceedings remotely from the hospital just hours after giving birth, and often struggle to get support for their own wellbeing.

We heard universal support for parental advocacy services from birth parents. We heard that advocates helped birth parents we spoke to by:

- Helping birth parents understand their rights.
- Coming to court hearings and helping to interpret legal processes or terminology.
- Providing emotional and practical support to the young person.

Professionals agreed that birth parents at risk of having a child removed often need help them engage with social services or to access wider support services. Some told us that sometimes things escalate very quickly and before they knew it the birth parents are in care proceedings, at which point it may be too late to stop the child being taken into the care system.



At the moment, parental advocacy services are usually only provided to care experienced birth parents. Professionals working with birth parents told us this was a gap in advocacy support. We heard calls for an independent support service to be offered to all birth parents, and for that advocacy support to begin when a child is placed on the child protection register.

## **Our view**

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### **RADICAL REFORM #8**

**The statutory right to an ‘active offer’ of an independent support worker when the child is placed on the child protection register or made subject to pre-proceedings to support them to access early intervention services and navigate the social care and family court system. If a child is ultimately removed from their birth parents, the support should continue beyond the child’s removal to signpost the birth parents to services that can come to terms with their loss.**

Birth parents are painfully aware that they have much less power than the staff who work for local authorities and for the courts. They may not know what early help is available to them to give them every chance of keeping their children, and many struggle to understand and navigate child protection processes and the courts.

An independent support worker could help birth parents navigate that confusing environment, supporting them to understand their rights, what they need to do to give them every chance of keeping their child. These are important elements of a wider network of support for vulnerable families which, when considered in the whole, will help to prevent some children being taken into care.

We believe that independent support should be offered to all birth parents who are at risk of having a child removed. We believe that birth parents should be made aware of this support when their child is placed on the child protection register or made subject to pre-proceedings (whichever comes first), to give the parents some opportunity to address social services’ concerns before court proceedings. And it should extend to after a child is removed from their parents’ care, if that is the outcome, to ensure that the birth parent is signposted to support to help them grieve and come to terms with that loss.

## Other important issues

### Care proceedings

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Before any referral to the family courts, local authorities should follow what is known as the 'pre-proceedings' stage. The pre-proceedings stage provides an opportunity for targeted work with a family to try and stop the child being removed permanently by the court.

A really important part of pre-proceedings work is whether social workers feel confident recommending for children to remain at home rather than bringing cases to court. Overall, the birth parents we spoke to felt that the default position of many social services departments was to keep children away from their parents, rather to keep families together.

However, we also heard that managing risk is a very difficult part of social workers' jobs. There have been well-known, tragic such as the death of Peter Connelly (sometimes referred to as baby P), Logan Mwangi, Arthur Labinjo-Hughes, Star Hobson and Finley Boden where a stronger intervention from social services might have prevented the death of a child. Social workers are under pressure to protect children, and they can get a lot of strong criticism if it is seen that they aren't stepping in to remove a child from their birth parents early enough.

### The Family Court

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Once cases are referred to the family court, the case should be resolved within 26 weeks. But judges told us that cases are taking longer than that. We heard that the delays are primarily because of staffing shortages in local authorities and CAFCASS Cymru.

We didn't receive much evidence suggesting that the courts remove children unnecessarily. Some care experienced children and young people told us that some children couldn't stay with their birth parents, even with support, and it was right to remove them.

However, we did hear that the experience of attending court can be very difficult for some families. Some birth parents told us that they found it unnecessarily intimidating, and spoke about how difficult it can be to understand the jargon. We also heard about the challenges facing birth mothers in relationships where domestic violence was a big reason for the child's removal and where the person who was the cause of the violence had attended court with them so they felt under pressure not to tell the whole truth.

## **Residential parenting assessment placements and parent and child foster placements**

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Some birth parents are asked to attend a parenting assessment placement, usually for 12 weeks, in a residential unit. During the placement, the parent(s) are closely watched by independent professionals, who will then report on the standard of care provided to the child. The reports can be used as evidence in the courts.

Birth parents and third sector professionals raised concerns about some assessment placements. We heard that birth parents have very little privacy, and are watched by CCTV all day and all night. Some young women told us that they experienced conflict and bullying from other residents. Many felt that the placements gave them very little chance of keeping their child, and often took them away from their support networks, which then counted against them during court proceedings. We also heard that birth parents often have no choice but to give up their home accommodation when they move into a parenting assessment centre.

We heard more positive feedback about parent/baby foster placements, where a parent and a baby will stay with a foster parent, or vice versa, so that the parent can receive wrap-around help and advice on caring for their child. However, there are very few such placements in Wales.

### **Our view**

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#### **Care proceedings**

We acknowledge the really big challenges that social workers face when working with vulnerable families on the edge of care. There is a tension between trying to reduce safely the numbers of children in care and the reality faced by professionals who will live with the consequences if they do not try to remove a child from their birth parents and a child is harmed - or worse - as a result. Demonising social workers in the media and elsewhere can mean social workers are less willing to take positive risks to keep families together. Over time this can affect how many people want to be social workers or how many social workers want to stay in their jobs. .

#### **Residential parenting assessment placements and parent and child foster placements**

We are shocked by the experiences of many of the birth parents we spoke to who had been placed in a residential family assessment centre. We are not convinced

that these assessments need to be carried out in a way which takes away so much of birth parents' privacy. Based on what we heard, we are not surprised that some parents say these placements are deeply traumatising.

We also understand the concerns of some birth parents and professionals that residential family assessment centres may have unrealistic expectations of new parents. We don't think it's right that many birth parents will be sent to centres long distances from their home areas, either. It's clear this cuts them off from emotional and practical support, and which may then count against them during court proceedings. And as if the process isn't already difficult enough, we were shocked that birth parents may lose their social housing as a result of the placements.

**We recommend that Welsh Government should commission an independent review into the efficacy and availability of parenting assessment placements. The review should consider the ethics, utility and value for money of both residential placements and parent and child foster placements, and identify what changes can be made to improve the process for families, and any barriers that need to be overcome to take those steps. The independent review should report no later than December 2023.**

## 4. In care

Reforms to improve the quality of services and of support for children in care.

### **Being heard and advocacy for children in care and care leavers**

#### **Being heard and the ‘active offer’ of advocacy**

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Many young people told us that young people in care are not listened to, or given an opportunity to be involved in decisions about their lives. We most often heard this about foster placements or accommodation, from both young people themselves and from professionals who work with care experienced children.

Local authorities have a legal duty to provide issue-based advocacy services to ‘looked after children’, ‘children in need’ and ‘care leavers’. This is so there is someone to help them to be heard. This entitlement is supposed to be explained to children and young people through an ‘active offer’. This is where their social worker actively refers them to their local advocacy provider. Issue-based advocacy is a short-term advocacy service that is available to young people to help them with specific issues or situations.

We heard general support for independent advocacy services, including from young people themselves. However, we also heard that the current advocacy model isn’t working as well as it could. We heard that the active offer itself is often made just when a child has been removed from their birth parents, a traumatic time for children. Instead, people told us that the active offer should be made on a regular basis throughout the child’s time in care.

Different groups of young people and professionals told us it would be better if care experienced children had a more long term advocate, and ideally would have one named advocate with whom they could develop a long-term relationship - an ‘opt out’ model.

However, the Association of Directors of Social Services disagreed, and told us it would add “another layer of translation” to the process of working with children and young people.

## Residential visiting advocacy

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We heard specific concerns about advocacy services for children in residential care. Advocacy is particularly important for these children because they can be much more vulnerable and isolated, and therefore at risk of harm or abuse. Another complication is that up to 25% of children in residential homes in Wales are not from Welsh local authorities, so they would not necessarily have the same rights to advocacy as children from Wales.

To support these children, some residential homes have an assigned advocates for all children at the residential home. This form of advocacy is known as 'residential visiting advocacy'. The visiting advocate works to build a trusting relationship with the children and young people, answers any questions they may have about their care, helps to sort out disputes, and links with other advocacy services if that is needed. However, although all local authority run residential homes have residential visiting advocates, most independently run residential homes do not.

## Our view

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### **RADICAL REFORM #9**

**Give children in care and care leavers a statutory right to long-term advocacy support via an assigned advocate on an 'opt-out' basis. An advocate would be assigned to each child when they enter the care system to provide long-term advocacy support across a range of issues, and continue until the child ceases to be a 'care leaver'. Children and young people could opt-out (and then opt back in later) if they wish.**

Advocates can advise children, help to make sure their voices are heard, and provide emotional support. Children in the care system have told us they feel powerless, and that they have no say in decisions about their lives. Making sure this group of children is heard is very important.

We understand the Association of Directors of Social Services' are worried about bringing more professionals into a child's life. However, we have said we will prioritise the views of children and young people in our work. And they have told us, strongly, repeatedly, that on the whole, statutory services do not listen to them. They want at least one person with whom they can develop a long-term relationship, who is there to advocate for them, and to help them navigate a system over which they often have very little control. Until such time as social workers are able to do that for them, we must provide an alternative.

We therefore recommend that every child in care should have a statutory right to long-term advocacy on an opt-out basis via an assigned advocate at the point they enter the care system.

We are troubled by the concerns raised by stakeholders in relation to advocacy services for children in residential care, which includes some of our most vulnerable children.

**We therefore recommend that the Welsh Government make residential visiting advocacy a condition of registration for residential care homes for children in Wales. The Welsh Government should also work with UK governments to ensure that every child domiciled outside Wales but placed in a Welsh residential care home is offered an individual advocate too.**

## **Foster care**

### **The availability and quality of foster placements**

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As of 31 March 2022, 69.4% of children in care were in foster care. However, we heard that there are not enough good quality foster placements, and that local authorities are struggling to find suitable placements to meet the needs of children and young people. The costs of dealing with the pandemic, increasing costs of living, and the growing complexity and numbers of cases of children in care have all made the shortages worse.

Although we heard some positive experiences about foster placements from young people, a lot of what we heard from care experienced young people was less positive. Many care experienced people told us that at least one of their foster placements were of poor quality. Different people told us that one or more of their carers had been unprofessional, emotionally abusive, sexually abusive, or even violent.

Most people agreed that children should be placed as near as possible to where the child was taken into care unless there was a serious risk to the child's safety to do so. Unfortunately, a lot of the evidence that we received suggested that children were often placed far away from their home or previous placements because there weren't any quality placements in their local area. It can also cause safeguarding risks if local authorities do not follow guidance about out of area placements closely enough. It can make the placement much more expensive.

Professionals agreed that long-term placements offer the best stability for young people. However, we heard that children are often moved from one foster carer to



another. Most of the care experienced young people we spoke to had moved between at least 5 foster placements during their childhood. One told us they had been moved 21 times. Often these moves were at very short notice, or no notice at all. Changing foster placement often involves moving schools and leaving new friendship groups, which can be really unsettling and upsetting.

### **Proposals for a national register of foster carers**

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The Children's Commissioning Consortium Cymru (referred to as the 4Cs) is a Welsh national team working to support Welsh local authorities' commissioning teams. They have developed a database which is supposed to help to match children in care with suitable foster placements. However, some professionals told us that the database isn't working well because it doesn't show every available placement and that it is not always up to date.

Some stakeholders also called for a 'National Register of Foster Carers', which would:

1. **Improve safeguarding of children in care.** Foster carers approved by either local authorities or independent providers would have to register with Social Care Wales, the same as other roles that have significant daily contact with children such as social workers and professionals working in children's homes.
2. **Improve the national picture of foster placements in Wales.** Foster carers would be required to give certain information to Social Care Wales, including their location and the number of placements they can provide. This would help to give a national picture of all foster placements that are in Wales with registered foster carers.

The Deputy Minister told us that the Welsh Government was "keen to explore" the proposal for a national register of foster carers, but suggested that it may not be high up on the Welsh Government's list of priorities.

### **Our view**

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#### **RADICAL REFORM #10**

**Mandate all foster carers to register directly with Social Care Wales, in line with other roles that have significant daily contact with children, and create a national register of all fostering placements and approved foster carers across both the local authority and independent sectors.**

There is a national shortage of quality, foster care placements. Sometimes local authorities have no option but to send children outside their home area, which can carry additional safeguarding risks - or to placements they know aren't right for the child. This has huge consequences for children in care and places additional pressure on already stretched local authority finances.

We heard distressing evidence from some young people about trauma they experienced in foster care. We heard many cases of children who have been moved numerous times from one foster placement to another, and we heard about how destabilising those moves can be.

A Wales-wide register would provide a significant step forward to improve the national overview we have of foster placements. This alone will not give every child in care who needs one the high quality foster carer they deserve. But a national register would be a very big step in the right direction. We urge the Welsh Government to develop the register with the urgency it deserves.

We think the idea behind the online database of fostering placements provided by the '4Cs' is a really good one. However, the database is clearly not working as effectively as it could.

**We therefore also recommend that the Welsh Government carry out a review of the 4Cs' database with the input of front line practitioners as soon as possible and alongside the establishment of a national register for foster carers.**

## **Other important issues**

### **Schools**

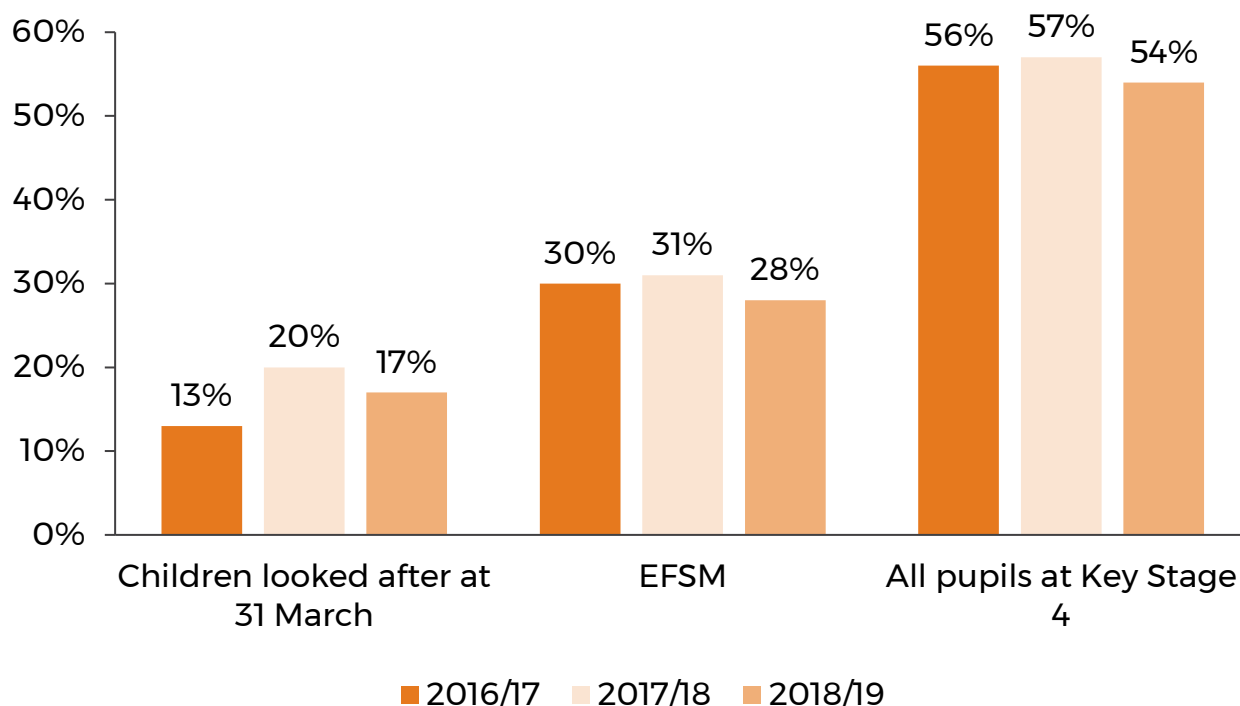
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#### **How well children do in tests and exams**

Education services are a corporate parent, and have a responsibility to promote educational achievement of children in care, to safeguard them and to promote their well-being.

The Welsh Government has had a number of high profile policies and strategies to support the educational attainment of looked after children, such as the Pupil Deprivation Grant. However, even though these policies and ambitions are in place, care experienced children have not done as well in exams compared to pupils eligible for free school meals and all pupils in 2017, 2018 and 2019.

**Figure 4.1: Percentage of children achieving the level 2 threshold including English/Welsh and Mathematics at key stage 4**



### Children and young people’s experiences of schools

The Welsh Government 2017 guidance ‘Making a Difference’ sets out the roles and responsibilities of the ‘designated person in schools for looked after children’.. However, what care experienced young people told us suggests that the best practice set out in that guidance is routinely being followed in schools.

We heard that social workers and other professionals regularly turn up at school wearing name badges or otherwise making it obvious that the child is in care, making the stigma and bullying that some care experienced learners face even worse. Some young people and professionals felt that schools don’t always support learners in the right way , and others told us that some schools aren’t ambitious enough for care experienced learners.

Local authorities should do everything possible to cut down the disruption to the child’s education, including doing what they can to keep a child in the same school, if that’s in their best interests. However, care experienced children regularly move schools, and we heard this can be a traumatic experience. Some care leavers told us they found it really hard to make long-term friends and to build a support network for themselves. Professionals agreed.

The Deputy Minister told us that the Minister for Education and Welsh Language was aware of young people’s concerns about schools, and would be taking forward those issues on behalf of the Welsh Government.

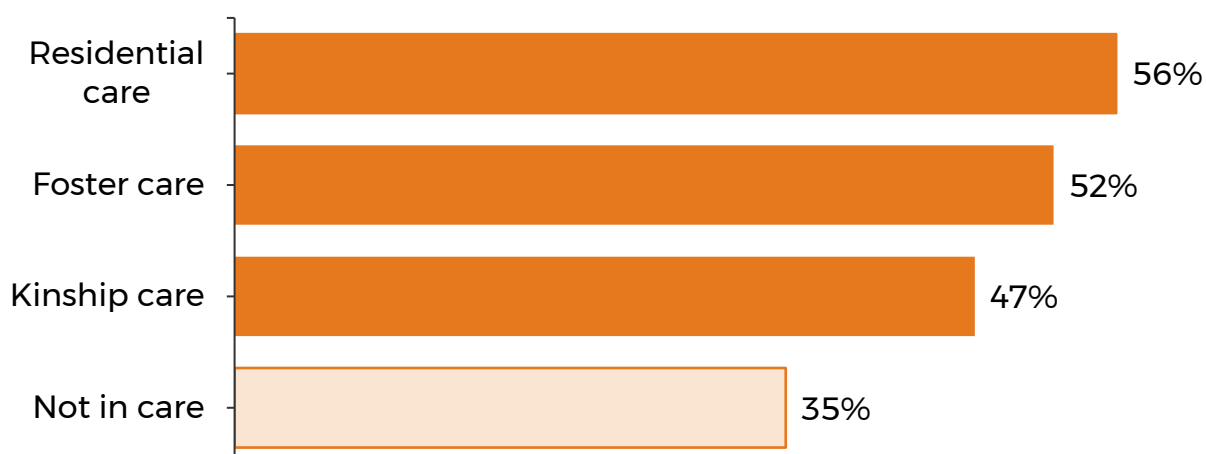
### **Sport and other extra-curricular activities**

Young people told us that sport and other extra-curricular activities were really important to them. They helped them make connections with other children, feel a sense of belonging, and release emotions. Professionals agreed. However, care experienced learners face barriers when taking part in extra-curricular activities including sport, such as cost or getting consent from social workers to go on trips or to be involved in activities.

### **Residential care**

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**Figure 4.2: Percentage of care experienced young people aged 11-16 exposed to bullying in the past couple of months by care status.**



As of 31 March 2022, 8.3% of children in the care of Welsh local authorities were placed in residential care. This will include some of the most vulnerable children in the care system.

We heard concerns about young people’s experiences in residential care, including about poor safeguarding practices, and about young people being treated less favourably than children in foster care. Others raised concerns about residential care staff not having the right values for work in the sector, or needing additional training.

We heard that the residential care workforce is facing very big challenges. Some professionals agreed that residential care staff need extra training, especially to

help them understand trauma and attachment issues. Others told us that some people don't appreciate the work carried out by residential care staff, and that this means lots of staff leave, which is distressing for young people.

## **Kinship care**

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Kinship care is when a child lives full-time or most of the time with a relative or close family friend. Kinship care arrangements can be informal (i.e. without the courts' involvement), or they can be formal. We heard from professionals that there has been an increase in kinship placements recently.

We heard calls for kinship carers to be given the same amount of support as foster carers. When a family member can't meet the very high standards that foster carers must meet to be 'approved', but it is still in the best interest of the child to be placed with that family member, the family member does not get the same levels of financial support as foster carers do.

However, we also heard concerns about kinship care arrangements. Some birth parents told us that social services look for potential kinship carers in a child's family, which can accidentally cause arguments between those family members. Other birth parents said that sometimes those family members aren't able to care for the child properly, and some professionals suggested that family members are sometimes pressured to care for children when they are not really able to do so.

## **Eliminating private profit from the care of children**

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The Welsh Government plans to stop independent companies making money out of caring for children in care. This is called the 'eliminate agenda'. All the care experienced young people we spoke to supported this policy. Professionals, academics and organisations were also generally supportive.

However, some professionals were worried about how the plans would work in practice. They thought that the eliminate agenda could make it even more challenging to find suitable placements for children. We heard that changes as big as this need to be put in place over 10 to 15 years, not over 5 years as set out in the current plans.

The Deputy Minister told us that eliminating profit from children's care is "one of the top commitments of the Government", calling the present market "unsustainable" and acknowledging the views of care-experienced young people on being opportunities for profit. The Deputy Minister accepted that there are concerns about the implementation of the policy, and said the Welsh

Government was providing funding of £68 million over the next three years to help grow local authority and not-for-profit provision.

## **Safety and rights issues**

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### **Unregistered accommodation**

‘Unregistered accommodation’ is what professionals usually call places to live where the provider is meant to be giving ‘care’ to a child under 18, but is not registered with Care Inspectorate Wales. Placing children in care in unregistered accommodation is illegal. Even so, there are more and more children living in unregistered placements in Wales.

We heard concerns about this increase and the impact this has on children and young people. The Association of Directors of Social Services told us that they were facing “unprecedented challenges around the use of unregistered placements”, and that “Nobody want to do this, it’s a last resort. The alternative is driving around with the child in the social worker’s car”. The Deputy Minister told us that unregistered placements happen because of a crisis and a shortage of good quality placements for children.

### **Unregulated accommodation**

Services that provide accommodation to a child or young person but do not provide them with ‘care’ are called ‘unregulated accommodation’. Unregulated accommodation is legal in Wales where the local authority believes that the young person needs *support*, but does not need *care*. Supported lodgings and supporting housing are types of unregulated accommodation. Less supportive environments, such as B&Bs, AirBnBs, and hostels, are also called ‘unregulated accommodation’.

We heard concerns about unregulated accommodation that does not provide support, particularly for children who are still in care. Some young people who spent time in unregulated accommodation such as hostels and B&Bs told us that they didn’t feel safe there. Some professionals were also worried, and told us that many children in unregulated accommodation are really vulnerable.

Some organisations called for all unregulated accommodation to be made illegal in Wales for children in care. However, others disagreed, and told us that there is a big difference between good quality supported accommodation and other unregulated, potentially unsafe accommodation like B&Bs.

The Deputy Minister stressed to us that she could see no circumstances in which a child under 16 should ever be placed in an unregulated accommodation. She added that the Welsh Government is aware that unregulated placements for children under 16 have been banned in England, and she told us she wanted to see whether there are any unintended consequences of doing that.

### **Secure accommodation and deprivation of liberty orders (DoLs)**

Children can be deprived of their liberty for welfare reasons or because there are risks to their safety. This is known as a deprivation of liberty order (DoL). There are more and more DoLs in Wales. This seems to be happening because there is not enough suitable secure accommodation.

We heard some strong concerns about the use of DoLs. Some legal professionals told us that we don't actually know much about how DoLs are being used, and how many children are being deprived of their liberty. One judge told us that DoLs are a crisis point in Wales. He said that "you don't put somebody under a deprivation of liberty order unless you are absolutely at the extreme end of trouble."

The Deputy Minister told us that DoLs are one of the most difficult issues she's had to deal with in her job. She said it is a sign of the severe shortage of secure accommodation in Wales. She added that the Welsh Government has provided £4.8m to develop alternative provision for children with particularly complex behaviours.

### **Missing children**

In 2020, 39% of all missing child incidents in Wales involved looked after children, even though looked after children make up less than 2% of the child population.

We heard concerns about children who go missing from care, and how much they are spoken to on their return to find out what happened. We heard calls for independent return interviews to be a legal requirement, for stronger guidance for practitioners on missing children, and for the Welsh Government to publish data about missing children every year.

### **Our view**

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#### **Schools**

School has the potential to be an anchor for many children in care, providing consistency and stability for children whose lives often have a lot of disruption and change. Sadly, what we heard from young people suggests that this is



not happening for many children : stories of professionals holding meetings about them in the school setting and wearing name badges, making it obvious to everyone that they are 'in care',. Stories about being treated differently: teachers walking on eggshells around them, afraid to talk to them about their care experience; being under-estimated, written-off, or misunderstood.

Alongside children's day-to-day experiences of school, it is not acceptable that care experienced don't do as well in exams as other children, even though this is not their fault . Many of the reasons for this are not the fault of individual schools either - like forcing children to move schools, the trauma that many care experienced children carry with them, or the quality of their care placements. Even so, there is clearly a big difference between young people's experiences and the Welsh Government's guidance about what schools should be doing to help care experienced pupils.

**We therefore recommend that the Welsh Government consults with Estyn and other key stakeholders to examine the most recent attainment results relating to care experienced children, find out how well schools are following the Welsh Government's guidance, and how the Welsh Government and others will improve the school experiences of care experienced children.**

### **Residential care**

We understand that children in residential care homes can be particularly vulnerable. We note the views of young people and professionals that those children can feel like they are not given the same opportunities as children in foster care. We can also see the point that not enough training is given to some residential care staff, and the quality of care provided to children being not as good as it could be. The Welsh Government's plans to eliminate profit from the care of children will have a very big impact on the residential care sector; we will keep a very close eye on how this very important policy change is working in practice throughout the Senedd.

### **Kinship care**

We understand the calls from some for kinship carers to be given the same levels of support - financial or otherwise - as foster carers. We believe that in most cases it is better for children to stay with family members who are willing and able - with support - to care for them, rather than be put in foster or residential care placements.

However, we are also wary that some kinship carers may not be able to provide the care that children deserve and in some instances may be placed under pressure to do so. More work is needed to better understand the experiences of children in kinship care, the challenges facing kinship carers and the support they need to provide quality care for children.

**We recommend that the Welsh Government consults care experienced children and young people, kinship carers, third sector organisations, local governments and others to better understand the extent to which kinship care is being increasingly used as an alternative to placing children in foster or residential care, the experiences of children in kinship care, and the support needs of kinship carers. As part of that work, the Welsh Government should explore the potential of amending by regulations the criteria that kinship carers are required to meet to be entitled to the same financial support as foster carers.**

### **Eliminating private profit from the care of children**

We fully support the principle of removing profit from the care of children. However, we have heard many urgent calls for more quality placements for children. The evidence we have received suggests that the plans to eliminate profit may make the situation even worse in the short-term, as private providers withdraw placements without third sector or local authority placements being available to replace them.

We urge the Welsh Government to pay close attention to the concerns raised to us during this inquiry, and no doubt in its own consultations, and to plan an implementation timetable taking into account those concerns.

### **Safety and rights issues**

We are very worried by the evidence we received about the use of unregistered accommodation, the use of some types of unregulated accommodation, the rise in deprivation of liberty orders, and the rates of children in care who go missing. The children and young people who are affected by these issues are likely to be some of the most vulnerable children in the country. Many will have experienced very high levels of trauma, neglect, and abuse.

The state is failing these children. It is failing them by placing them in illegal accommodation, or accommodation that is fundamentally unsuitable and inappropriate, with poor - or non-existent - levels of care. It is failing to meet the needs of children so much that they are deprived of their liberty. It is failing them

when they feel that they have no choice but to go missing, sometimes time and time again, and we don't always take the time to ask them or find out why.

The use of unregistered accommodation for children in care is illegal. Yet it is still happening and increasing.

**We therefore recommend that the Welsh Government and the Association of Directors of Social Services must jointly publish no later than December 2023 an action plan setting out how they will prevent the use of illegal, unregistered accommodation in Wales.**

We understand the calls for unregulated accommodation to be made illegal in Wales for children in care. However, we see a clear difference between supportive, high-quality unregulated accommodation and inappropriate and potentially dangerous accommodation such as bed and breakfasts, AirBnBs, and hostels.

One major problem is that data for children in care does not set out the differences between these two types of unregulated accommodation, so we don't know how big a problem unregulated accommodation is.

**We therefore recommend that the Welsh Government should carry out and publish an analysis of the use of unregulated accommodation across Wales for children in care and care leavers up to the age of 21. The analysis should identify the numbers of children and young people in unregulated accommodation, and clearly break that down between accommodation that it considers to provide quality accommodation and support and accommodation that does not. Once complete, the Welsh Government should set out its policy position in relation to unregulated accommodation.**

Any use of deprivation of liberty orders whatsoever means that there have been corporate parenting failures in relation to that young person. We are concerned by the lack of available data on the use of deprivation of liberty orders in Wales, and the lack of a clear strategy to reduce their usage in the short-term from either local authorities or the Welsh Government.

**We recommend that the Welsh Government should carry out an immediate analysis of the use of Deprivation of Liberty Orders across Wales for the past 24 months, broken down by local authority which has responsibility for the child, age of the child and the length of the order, and which should be published no later than December 2023. The Welsh Government and the Association of Directors of Social Services should jointly publish no later than December 2023 an action plan setting out how they will reduce the use of Deprivation of**

**Liberty Orders in Wales. The action plan must include clear timescales and funding allocations.**

We have heard that some care experienced children and young people feel that they have no choice but to use unhealthy, unsafe or dangerous behaviour to be listened to. Running away may be a call for help, a last resort, or something else entirely. But it is also dangerous, placing the child at risk of significant harm or exploitation. Children who run away will have taken those risks for a reason. It is clear that someone independent of the care system should talk to the young person to try to find out what that reason is, with the aim of supporting them with whatever they are going through, and making it less likely that they will run away again.

The Children's Society and NYAS in particular made some very strong arguments about why the situation with missing children is not good enough.

**We recommend that the Welsh Government should respond to the concerns raised by NYAS Cymru in oral evidence on 15 February 2023, and by the Children's Society in their written response to our consultation, in relation to incidents of children missing from care. It should set out clearly its expectations of local authorities, the police, and other statutory partners in their response to incidents of missing children, and its views on their calls for statutory return home interviews.**

## 5. After care

Reforms to the on-going support young people receive when they leave care

### The cliff edge

Eligible care leavers have a legal right to the following when they reach 18 and they are legally no longer a 'looked after child':

- **Housing:** Some young people in foster care can access the When I am Ready scheme until the age of 21 (and up to 25 if in a programme of education or training). Otherwise, the local authority must support care leavers to access suitable housing until they are 21. This does not mean they have a legal right to housing.
- **Personal advisors:** All care leavers must have a personal advisor to offer advice and support until the age of 21 (and up to 25 if in a programme of education or training).
- **Pathway plans:** Young people preparing to leave care and all care leavers up to the age of 21 (and up to 25 if in a programme of education or training) should have a pathway plan setting out the support and advice they need.
- **Education and training:** All care leavers up to the age of 25 are entitled to a Higher Education bursary grant, the maximum maintenance grant (the amount varies depending on where they live), and discretionary financial support to support care leavers to access further or higher education.

We were told that some young people have positive experiences of leaving care. They had learnt some life skills, and had been able to go to university or do apprenticeships. However, most of the things we heard show that young people in care in Wales face a cliff edge of support when they turn 18. We heard that, in reality, the level of support they receive after turning 18, and certainly after turning 21, is very low, or completely non-existent, and that many young people feel that they have nobody to turn to. We also heard that some very vulnerable young people are housed in accommodation without support, some turn to alcohol or drugs, or even become involved in unlawful activities.

We heard many times that care leavers should be supported for longer after they turn 18. Some said that all care leavers should be supported until they are 25. Others said that it should depend on the person.

The Deputy Minister acknowledge the “huge gap” for children when they leave care. The ‘Radical Reform declaration’, signed by both the First Minister and children in care in May 2023, includes the following ‘vision’:

*“All care experienced young people will be supported by their corporate parents until they are 25. There will be support available to those young people who want it after that age.”*

## **Our view**

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### **RADICAL REFORM #11**

**Extend the threshold for statutory support provided to all care leavers by the local authority from 21 to 25, as is currently provided to care leavers in education or training.**

We are really shocked by how abruptly the legal entitlement to support for many care experienced children is taken away at the age of 21. And from what we have heard, support for some young people leaving care is often taken away at a much earlier age. Many young people go through important, and often challenging changes between the ages of 16 and 21. Yet young people with experience of the care system are expected to go through those same changes having potentially experienced much more trauma, far less stability throughout their childhood and with much smaller support networks around them to turn to for help. No good parent would cut off support and contact with a child aged 21 or earlier, and no corporate parent should either.

We agree with the evidence that we heard suggesting that 21 is much too young for many care leavers to lose their entitlement to support. We heard convincing arguments that there should be no age limit at all, and that it should depend on the young person. But we are worried that, without an age set in law, there is the risk that some young people who need support most may slip through the net.

### **When I am Ready**

The When I am Ready scheme means young people in foster care can stay living with their foster carer after they turn 18 until they are aged 21, or 25 if they are in education or training. The Welsh Government’s code of practice states that When

I am Ready will be the “preferred option for the majority of care leavers who have been in foster care”. But recent statistics show that only 27.1% of care leavers stayed with their foster carers under the When I am Ready scheme, even though around 69.4% of all children looked after in Wales are in foster placements

We heard that foster carers may be put off from agreeing to a When I am Ready arrangement because of how the scheme works. Foster carers can lose their fostering approval status if the When I am Ready placement means that they no longer foster someone under 18 years old. Some foster carers also feel that they can’t enter into a When I am Ready arrangement because they get less money compared to fostering a child under 18. .

There are barriers for care leavers, too:

- Many care leavers don’t know the scheme exists.
- Young people who haven’t been in long-term placements are less likely to want to stay with their foster carer.
- When I am Ready doesn’t apply to young people in residential care.
- Young people have to sign a tenancy agreement with the foster carer to enter into a When I am Ready arrangement.

We heard calls for When I am Ready to be changed to help more young people stay in foster carers. We also heard that the age limit for leaving foster care under the scheme should be raised to 25 for all young people, not just those in education or training.

The Deputy Minister acknowledged the concerns about When I am Ready. She told us that it is “completely wrong to have a barrier at 18 years”. She committed to undertaking a review of When I am Ready.

## **Our view**

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### **RADICAL REFORM #12**

**Amend the Social Services and Well-being (Wales) Act 2014, fostering regulations and codes of practice and guidance relating to When I am Ready to extend the age limit for all young people who wish to participate in the scheme to 25, and to remove the financial and operational barriers that foster carers face when providing When I am Ready services.**



We fully support the policy ideas that are behind When I am Ready. However, there is clearly much that needs to be done to improve it.

There should be no barriers whatsoever for foster carers to enter into a When I am Ready arrangement. This means that foster carers should receive the same fees and allowances under When I am Ready as they do when they foster children under 18 in care. It also means that foster carers supporting young people under a When I am Ready placement should be recognised as foster carers for the purposes of approval by the fostering panel even if they have no other foster children at that time.

We also agree with the evidence calling for care leavers up to 25 to be eligible for the When I am Ready scheme. This is in line with our proposals to avoid the 'cliff edge', as discussed on page 47. We can see that making young people enter into a tenancy agreement with their foster carer seems cold and very official when it doesn't need to be. It is certainly a far cry from the nurturing and caring change to adulthood that we would hope to provide for our own children.

We believe that all children in care should be entitled to the same fundamental levels of support, including children in residential care. However, we acknowledge that extending When I am Ready to children in residential care will probably be complicated, and might have unintended consequences.

**We therefore recommend that the Welsh Government should carry out a review alongside care experienced young people and other key stakeholders to ascertain how When I am Ready can be extended to young people in residential care, the barriers to that extension and what actions can be taken to overcome those barriers. The review should report no later than December 2023.**

We recognise that any extension to the When I am Ready scheme will have consequences for the number of placements available at a time when there is already a general shortage of them. Even so we believe that we must move towards a system that can give our care experienced children the choices any good parent would want for their own children. This includes accommodation beyond the age of 18 if they need it.

## **Housing**

### **Accommodation for care leavers**

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We heard from lots of young people that finding safe, appropriate accommodation is a really big problem when they leave care. Some young people are put in accommodation which made them feel unsafe, such as emergency hostels, B&Bs and other accommodation with no on-site support. Professionals told us that there is a big shortage of good quality housing and some even called it a “major crisis”.

The Welsh Government’s code of practice says that it is “good practice” for local authorities to giving semi-independent living options for care leavers (i.e. supported accommodation) before moving care leavers directly into living on their own. We heard that supported accommodation offers a safe and supportive home environment for young people. But supported accommodation can be expensive, and if the young person is working they may not be able to afford paying such high rent by themselves. This can either push them out of the supported accommodation even though they may still need it, or mean its not always affordable to work.

We heard that there is a national shortage of affordable smaller properties suitable for care leavers, such as 1-bedroom/studio flats. Some care leavers told us that up to 500 people can be in competition for one property.

Care leavers do not have an automatic priority over other people when competing for social housing. They might even be at a disadvantage. At the moment, some local authorities’ housing allocation schemes give a priority to people with a local connection to the area. Many care experienced young people have moved around a lot through no fault of their own, so this might not be the case for them. And even when private rented accommodation is available and affordable, many care leavers can’t get a rental agreement because they don’t have a guarantor.

### **Homelessness**

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We heard that care experience is a “predictable route” into homeless. As many as 1 in 4 care leavers are homeless when they turn 18.

Welsh homeless legislation gives ‘priority need’ status to care leavers up to the age of 21, but not after. And the duty to help secure accommodation for a homeless person can be passed to another local authority if the person in question does not

have a local connection to the area in which they apply for help. This is more likely to be the case for care experienced young people.

The Deputy Minister told us that the Welsh Government will shortly be producing a “new version of the care leavers accommodation and support framework. She also said that care leavers need support from their corporate parents. The Welsh Government:

- will invest over £197 million this year in homelessness and housing support services, and £310 million in social housing;
- will continue to provide £3.7 million funding through the youth support grant for the prevention of youth homelessness; and
- has established an expert review panel to review existing homelessness and prevention legislation, and to develop recommendations for reforms, to report by August 2023.

## **Our view**

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### **RADICAL REFORM #3**

**As part of umbrella reforms to corporate parenting, give care leavers priority in housing allocations and give care experienced people up to the age of 25 “priority need” status when homeless.**

There is a big shortage of quality accommodation for care leavers. It is shocking that up to a quarter of care leavers are homeless at 18. Corporate parents must do more to protect those children, just as we would expect any good parent to do for their child.

There should be systems in place to avoid young people leaving care having to ‘present’ as homeless. Housing law should make sure that care experience is given the highest priority in both local authorities’ and Registered Social Landlords’ allocation policies.

Care experienced children usually have very little - if any - choice over where they are placed when they are in care. It will almost certainly not be the fault of the care leaver themselves if they do not have a connection to the local area they want to live in.

These are clear and very important first steps to improving accommodation options for care leavers.

However, in the short term at least, many care leavers will still face homelessness. Here, too, much more can be done to help those vulnerable young people. Priority need for care leavers, currently in place until care leavers are 21, should also be extended to care leavers to 25. And local authorities should not be able to pass their duty to help secure accommodation for a homeless care leaver to another local authority because the young person who has left care does not have a 'local connection' to the area in which they apply for help.

## **Other important issues**

### **Young Person's Advisors (YPAs) and Pathway Plans**

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By law, all care leavers should be assigned a Personal Advisor (YPA) between the ages of 16 and 18. The YPA should ensure that care leavers are provided with the right kind of personal support. All care leavers should be aware of who their YPA is and how to contact them, so that throughout their transition to adulthood they are able to rely on consistent support from their own key professional.

We heard concerns from a number of different sources about YPA caseload and how much time they have to help young people. Young people told us that they struggle to get hold of their YPA, or that they don't offer them the support they need. One young person told us she had been put on an 'unallocated list', and had to call the main office to ask for any YPA support on a duty rota basis. Some of the professionals we spoke to had similar views. They also said that the law isn't clear enough about what exactly YPAs are responsible for.

However, the Association of Directors of Social Services disagreed. They told us that, in their local authorities at least, YPAs are allocated to all young people and that young people largely have good relationships with them.

Pathway Plans are care plans that set out the services and support needed by a young person aged 16 to 21 years. They look at the individual support a young person will need to live independently and prepares them for the future. They should be completed by a social worker or a YPA with the young person.

However, we heard consistently from both young people and professionals that pathways plans are not clear or don't exist, that no one does what it says in the plans, and that decisions were often forced on young people, sometimes for financial reasons.

The Deputy Minister told us that there are very good examples of the great work that personal advisers are doing. But she acknowledged the “huge gap” for young people when they leave care.

## **Higher education**

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There are not as many young people with care experience at universities as there should be. A recent UCAS report found that care experienced students “are less likely to attend higher tariff providers, more likely to drop out, less likely to achieve a first or upper second degree, and take longer to complete their undergraduate studies than their non-care-experienced peers”.

We heard different reasons for why this might be. Young people told us that the stigma linked with care experience affects professionals’ expectations of what young people are able to achieve. Others said that care experienced students need extra support because they may not have people in their lives who can provide information and explain to them the opportunities about university life. Finding accommodation during holiday times can also be a problem for care experienced students. Academics told us that not all foster carers and social workers know enough about the support available to care experienced students, and that many care leavers choose to go to university at a later stage, and therefore the cut-off at 25 of support for care leavers in education or training can be a barrier.

Once students have secured a place at university, we heard they can expect some consistent basic levels of support, but the specifics will differ between universities. Some university professionals and academics have created a website, [classcymru.co.uk](http://classcymru.co.uk), which provides information and advice to help prospective and current care experienced students in Wales.

We heard that the creation of the Commission for Tertiary Education and Research could be an opportunity to make the support for care experienced students more strategic and consistent across Wales.

## **The basic income pilot**

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From 1 July 2022, more than 500 people leaving care in Wales who reach their 18th birthday between 1 July 2022 and 30 June 2023 have been offered £1,600 each month (before tax) for two years. Care leavers taking part in the pilot can also access financial advice and support. Around 98% of young people who are eligible have signed up for the pilot. The pilot will be reviewed and evaluated, and

recommendations will be made to the Welsh Government based on the findings of the review.

We heard very mixed views about the pilot. Arguments in favour of the pilot were generally about the fact that it could mean care leavers were less likely to have financial problems at a really important time in their lives. However, many people - including young people - had concerns about the pilot. We heard that:

- Many care leavers wouldn't know how to budget and spend so much money well, and are vulnerable to not using it in the right way or to exploitation.
- Young people getting the basic income may have to pay for supported accommodation themselves. This might mean that young people who receive the basic income will have to be out in the community alone and without support.
- It may be challenging for young people when the basic income payments stop.

We heard that the implementation of the scheme has been going well overall, but that there have been some specific challenges to overcome, such as eligibility for student finance, access to housing benefit, and access to legal aid.

The Deputy Minister told us that "It makes your heart sing that we've been able to do this to enable them to have some of the help and expectations that many children rely on their mothers and fathers to provide." She told us that the people who expressed reservations to us will soon change their minds when they see how well it is actually going.

## **Our view**

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### **Young Person's Advisors (YPAs) and Pathway Plans**

We are really concerned about the views of some young people and professionals about the levels of support provided to care leavers by their personal advisors. It is clear to us that something is going wrong if care leavers receive YPA support on a rota basis from an 'unallocated list. If the support that young people receive from their YPAs is patchy, it is hardly surprising that we heard evidence suggesting that some pathway plans are vague or don't work properly .

Some of the radical reforms in this report would lead to a big increase in the amount of workload for all YPAs, and therefore in the numbers of YPAs required

around the country. It will take time and planning to prepare for that change. Worryingly, we sense that this workforce may be facing some similar challenges to the social care workforce more widely, such as high caseloads and problems getting people into jobs and keeping them there .

**We therefore recommend that the Welsh Government carry out a review of Young Person’s Advisors in Wales, considering the concerns set out in our main report about YPAs and pathway plans, and the likely impacts of the reforms in the report for YPAs.**

## **Higher education**

### **RADICAL REFORM #3**

**As part of umbrella reforms to corporate parenting, place duties on the newly formed Commission for Tertiary Education to promote tertiary education to care experienced people.**

It is another sign of the failure of corporate parenting that fewer than a fifth of care experienced young people go to university, compared to almost half of all young people.

The evidence we received focused on higher education, and we know that there are many other tertiary education opportunities available to young people across tertiary education more widely, including further education and apprenticeships.

However, the evidence we received also suggests that the new Commission for Tertiary Education and Research should have a corporate parenting role for care experienced young people. We see no reason why the Commission’s duties as a corporate parent should not go further than higher education to tertiary education as a whole.

The Commission should have responsibilities to make sure tertiary education providers are really clear on exactly what they do to help care experienced people, move towards consistency of support for care experienced learners, encourage better monitoring and evaluation of that support, and to hold institutions to account for the steps they take to encourage care experienced people to participate - and succeed - in tertiary education.

## **Basic Income pilot**

The Basic Income pilot is a bold and ambitious policy. The evidence suggests that there are reasons to be optimistic about the pilot, and its long-term impact on the lives of the young people who are eligible for it. But the evidence also suggests that there are also real causes for concern. These concerns were shared with us by care leavers and people who work day-in and day-out with incredibly vulnerable care leavers. They were shared with us in the context of discussions around substance misuse and organised crime. We urge the Welsh Government not to take those concerns lightly.

At this point in time we do not have a view on the Basic Income pilot. We welcome the Welsh Government's commitments to a robust independent evaluation, which we will consider when it is released. In the meantime, we will continue to pay close attention to the pilot.