



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

Y Pwyllgor Iechyd a Gofal Cymdeithasol **The Health and Social Care Committee**

Dydd Mercher, 8 Mai 2013
Wednesday, 8 May 2013

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Rebecca Evans	Llafur Labour
Vaughan Gething	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Elin Jones	Plaid Cymru The Party of Wales
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives
Lynne Neagle	Llafur Labour
Gwyn R. Price	Llafur Labour
Kenneth Skates	Llafur Labour
Lindsay Whittle	Plaid Cymru The Party of Wales
Kirsty Williams	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Zoe Chandler	Defnyddiwr gwasanaethau cymdeithasol, fel cynhaliwr Social services user, as a carer
Abbie Eveleigh-Williams	Defnyddiwr gwasanaethau cymdeithasol, fel cynhaliwr Social services user, as a carer
Neeve Hallett	Defnyddiwr gwasanaethau cymdeithasol, fel cynhaliwr Social services user, as a carer
Charlotte Henry	Defnyddiwr gwasanaethau cymdeithasol Social services user
Vivienne Laing	Rheolwr Polisi a Materion Cyhoeddus, NSPCC Cymru Policy and Public Affairs Manager, NSPCC Wales
Charlie Lavender	Defnyddiwr gwasanaethau cymdeithasol Social services user
Jan Leightley	Cyfarwyddwr Gwasanaethau Plant, Gweithredu dros Blant Director of Children's Services, Action for Children
Des Mannion	Pennaeth Gwasanaeth Cenedlaethol, NSPCC Cymru National Head of Service, NSPCC Wales
Meredith Morris	Defnyddiwr gwasanaethau cymdeithasol, fel cynhaliwr Social services user, as a carer
Kate Mulley	Pennaeth Polisi ac Ymchwil, Gweithredu dros Blant Head of Policy and Research, Action for Children
Liam Nocivelli	Defnyddiwr gwasanaethau cymdeithasol, fel cynhaliwr Social services user, as a carer
Yvonne Rodgers	Cyfarwyddwr, Barnardo's Cymru Director, Barnardo's Cymru
Tim Ruscoe	Swyddog Datblygu, Barnardo's Cymru Development Officer, Barnardo's Cymru

Caia Stewart	Defnyddiwr gwasanaethau cymdeithasol Social services user
Kirsten Stone	Defnyddiwr gwasanaethau cymdeithasol, fel cynhaliwr Social services user, as a carer

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

Stephen Boyce	Y Gwasanaeth Ymchwil Research Service
Fay Buckle	Clerc Clerk
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Joanest Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser

Dechreuodd y cyfarfod am 9.48 a.m.

The meeting began at 9.48 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

[1] **Vaughan Gething:** Good morning, one and all. Welcome to today's meeting of the Health and Social Care Committee.

9.49 a.m.

Y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru): Sesiwn Dystiolaeth 3
Social Services and Well-being (Wales) Bill: Evidence Session 3

[2] **Vaughan Gething:** The first panel that we have today in continuing our consideration of the Social Services and Well-being (Wales) Bill represents a range of children's charities and non-governmental organisations. We have Vivienne Laing and Des Mannion from NSPCC Cymru; Tim Ruscoe and Yvonne Rodgers from Barnardo's Cymru; and Kate Mulley and Jan Leightley from Action for Children. Thank you very much for your written evidence, which Members have had a chance to read and consider. We will move straight to questions. I will ask the first question, and then we will move around the table for further questions and comments.

[3] I note what you have to say in your papers, particularly the point that was made to us last week by the children's commissioner. Do you think that the Bill, as drafted, contravenes the best interest principle set out in article 3 of the United Nations Convention on the Rights of the Child? I would be interested to hear the view of each organisation and whether you think that that is the case, and, if so, how do you think that the Bill should be changed or altered to make it compliant? Shall we start with NSPCC Cymru, and then move along?

[4] **Mr Mannion:** Thank you very much, Vaughan. We welcome the Bill and its potential to improve the lives of vulnerable children and young people and their carers. However, we call for the rights of children to be clearly stated on the face of the Bill and for stronger provisions for the delivery of the spectrum of preventative and targeted services and structures to safeguard children effectively. Children are people, but they are vulnerable and have particular developmental needs and rights and so need our protection. We are content to have a people approach, but we need to ensure that the rights and needs of children and

improving their outcomes are the clear policy intentions of the Bill. We think that the National Assembly has led the way in the UK in enshrining the United Nations Convention on the Rights of the Child in domestic law, and the Deputy Minister for Social Services and the Government have been strong advocates for children's rights. So, we would request that the UNCRC should be more clearly stated in the policy objectives and the long title of the Bill. We are concerned about the fact that the due regard duty assessment against the UNCRC is not published. We think that the definition of wellbeing does contain references to securing rights and entitlements, but, given the people focus of the Bill, we would expect to see the rights of children expressed even more clearly. That would give strength to article 3 of the UNCRC, the best interests of the child.

[5] **Ms Laing:** We do share the children's commissioner's concern. We feel that certain provisions must be strengthened to ensure that the best interests of the child permeates the Bill more effectively. The Children Act 1989 has resulted in significant gains being made for children in recent decades, and we feel a genuine nervousness about losing those. So, we would basically like to see the best interests of the child permeating and the paramountcy principle on the face of this Bill.

[6] **Vaughan Gething:** So, how does that relate to how you think the Bill is drafted? I am not clear from your answer whether you think that the Bill is compliant with the best-interest principle or not, or whether you have concerns that it may not be.

[7] **Ms Laing:** We think that that needs strengthening.

[8] **Vaughan Gething:** Okay.

[9] **Mr Ruscoe:** The point of your question is whether it contravenes the best interests, is it?

[10] **Vaughan Gething:** Yes.

[11] **Mr Ruscoe:** This is where we have a point of slight disagreement with the Commission. We do not think that it necessarily contravenes, but it certainly does not go far enough to promote and protect the underpinning principle of best interests of the United Nations Convention on the Rights of the Child throughout the Bill. If we look at such things as the definition of wellbeing and preventative services, that requires a person to have been assessed in terms of care and support need. However, it should include the best interests of the child, that is, in terms of what is available to truly prevent a child from requiring services except in those extraordinary circumstances. That is an example where the Bill could be far more explicit in terms of best interests. Another example might be in relation to direct payments where that does not relate specifically to the best interests of the child. So, there could be a position where a parent is not looking to have their child supported through direct payments, but it might be in the best interests of the child that that is the case. So, there are lots of examples throughout the Bill of where best interests could be better promoted and protected through this piece of legislation

[12] **Vaughan Gething:** That is helpful. What about Action for Children?

[13] **Ms Leightley:** I think that our view is similar. We do not necessarily agree that the Bill contravenes it, but there are not sufficient opportunities to really be clear about what 'best interests' means in terms of children specifically. I do not have a great deal to add really to what has been said by the other two charities.

[14] **Vaughan Gething:** We will have more detail on that element of the Bill, so you will have an opportunity to say something, I am sure. I am going to start with Lindsay Whittle and

then William Graham, then Kirsty Williams and I will move to the other side of the table as well.

[15] **Lindsay Whittle:** Good morning. We have heard concerns about aligning arrangements for children and adults in the Bill and the practical implications of that. I would be interested to hear your views on that. Do you think that there is a need for a separate children's Bill? It is quite clear from the evidence that we have heard that many organisations that look after children only are extremely concerned that, once that is subsumed, the main focus will be on adult services and not those for children.

[16] **Ms Leightley:** We need to take the opportunity that we have and, although you are right that there was a lot of discussion about a separate children's Bill, I think that I speak for all the charities in saying that we are broadly in support of this Bill. This is the legislation that we have in front of us and we want to make it work, so, at this stage, we would not want to do anything that would diminish the power of this Bill. However, there are a number of areas, which we will hear about during this morning, where the position of children needs to be strengthened. In terms of the alignment, the intention was for far more integrated services and we would all welcome that. The concerns are around the definition of 'people' and what that means for children. However, on your specific question, at this stage, we want to use this legislation as best we can, rather than lobby for a separate children's Bill.

[17] **Vaughan Gething:** Is there any difference of view on that point?

[18] **Ms Rodgers:** No, there is no difference on that point, but the issue is that this is the only vehicle that we have. We are broadly in support of the legislation in how it attempts to streamline all the legislation in relation to people generally. However, from a children's organisation perspective, there have been many gains in Wales over the years in children's matters generally—not just in primary legislation, of course; until now, we have not had that opportunity. I think that the Welsh Government can be proud of what it has achieved with regard to the children's agenda over the years. So, for children's organisations, the issue is more about that, while we accept that there are gains here for adults, particularly vulnerable adults, we would not want to see that at the expense of what is available for children and young people. However, we accept that this is the vehicle that we have to work with, and our job is to make sure that the Bill is as robust as it can be for children and young people.

[19] **Vaughan Gething:** Is that view shared by NSPCC?

[20] **Mr Mannion:** Yes.

[21] **Lindsay Whittle:** I have other questions, but I think that they come later.

[22] **Vaughan Gething:** You may ask your questions now.

[23] **Lindsay Whittle:** Right. I have a passion about this Bill including provision for not smacking children. Do you share that passion and do you think that should be included in this Bill?

[24] **Vaughan Gething:** Shall we start with NSPCC and work backwards?

[25] **Ms Laing:** Okay. This Bill is about safeguarding and wellbeing. We know that the Welsh Government, on successive occasions, has wanted to pass this, but has not had the power. So, we think that this Bill is the vehicle to remove the defence of reasonable punishment.

[26] **Ms Rodgers:** We think that this Bill gives us the first realistic opportunity to make

sure that we remove the defence of reasonable punishment from the legislation. We also accept that there is cross-party support for this, but also a great deal of concern about a challenge to this Bill as it moves forward. So, we are pragmatic enough to accept that, on the one hand, we will continue to campaign for the removal of the reasonable punishment defence, and, on the other hand, to recognise that we are hearing arguments about a danger to this Bill's being passed should it include that particular clause or section. However, we remain committed to this and we will not give up the fight. I know that this is a promise that the Welsh Government has made over many years and this is the first realistic opportunity to make that promise good.

[27] **Ms Leightley:** We would agree with that view.

[28] **Vaughan Gething:** While we are on this point, are there any other Members who want to ask a question about a possible amendment on reasonable punishment? I do not want Members to lose the opportunity to do so now. If not, I will move on to William.

[29] **William Graham:** You will know that it is a popular misconception that social services intervene too late. Therefore, the Bill is helpful in terms of preventative services and an emphasis on that. Could you tell the committee what detail could be included to provide a better definition of preventative services?

10.00 a.m.

[30] **Ms Leightley:** I am not sure that we would have something specific to say about that, because the whole point of preventative services is that they are wide-ranging and they are provided by a number of agencies, not just social services. In a way, we would not want to restrict something being defined as a preventative service that can be used to intervene with families early on. However, there is a range of interventions that sit under that, and some of them, whether they are referenced as examples or not, would probably be some of the evidence-based parenting programmes, for instance, which flourished throughout Flying Start, and other programmes in Wales and elsewhere. Access to assessment generally for preventative services is really important, because we feel that that is probably not clear enough—it is weaker, so for us it is as much about how you get access to what is a very broad range of services. Other issues would include helping to identify communication needs for children early on, because we know from research that, if they are unable to communicate, they often cannot access other things, such as assertive outreach, because the most vulnerable families are sometimes the most challenged families. Assertive outreach services would physically go out and spend the time to bring families in to the more universal services. It is a wide spectrum, so I guess my anxiety would be that, if we define them as a list, we might find that it becomes an exclusive list.

[31] This might come in later, but there is also the issue about the ability of a parent to refuse an assessment. We think that that needs to be considered at the early intervention stage as well as at the acute stage. It is quite clear that Bill says that, if you are really worried about this child, you can go in and do something. That has been around for a long time. However, there is a view that, sometimes, professionals might want to intervene where there are the early signs that parents themselves do not recognise as neglect or abuse. In the voluntary sector, in particular, we are very good at getting parents on board. We do not have the problems of our statutory colleagues, so, very often, it is not a problem for us to engage in an assessment with them. However, there is a view that, if we do perceive things where we think if we could intervene early enough it would make a difference for a child, there might be circumstances in which we might want to override without it being that the child is physically at direct risk there and then.

[32] **Vaughan Gething:** This question is also for Barnardo's, covering both points.

Should sections 13 and 14 be amended, and, if so, how?

[33] **Ms Rodgers:** In terms of prevention to begin with, concern has been expressed by the Welsh Local Government Association about the resource implications. If you were to have such a list, it would be a very long list on the face of the Bill. We need more clarity on what we mean by prevention. We need to have that information, whether it is on the face of the Bill or in accompanying regulation. If we do invest in a preventative service it is an investment, and that is why I query whether this can actually be cost-neutral. Prevention does cost money, and, when you are moving from one way of delivering a service to another, and investing in prevention, that will be costly. There is research available that mentions savings in the long term, but they are in the medium to long term rather than initially. Wales itself has invested a lot in preventative services and early intervention. Jan mentioned Flying Start. The Families First initiative and other work that we do really do pay dividends for children and families. So, we would advocate strongly for prevention, but, in terms of children's organisations and local authorities, there is a nervousness from local authorities about what prevention could cost us. So, a lot more work needs to be done on what we would define as prevention within that, and we need some clarity and a definition of it.

[34] **Vaughan Gething:** Tim is next, briefly, and then the NSPCC.

[35] **Mr Ruscoe:** How the Bill achieves the aims of delivering preventative services in a unified way is a real challenge, and it is not actually clarified through the Bill. It requires a significant change from a reactive process to a proactive process, which, in itself, needs additional resourcing. In establishing through section 5 the local need, there is no responsibility to include community members, which we would see as a significant weakness in ensuring that the preventative services that are developed are appropriate for the population in that local area.

[36] The final point is that we are talking about the implications against a social services budget, but with preventative services being delivered by a social care workforce. That is a significant challenge that has not been addressed on the face of the Bill.

[37] **Mr Mannion:** I guess part of the answer goes back to the issue of prevention by whom. As it stands, it seems to us that there is a range of stakeholders and partners that deliver preventative services; it is not just social services, to echo Tim's point. We think that it is important that consideration is given to recognising that. We also share a concern around the fact that, as we understand it, section 17 of the Children Act 1989 is repealed, and that gives us a definition of children in need. We are concerned about how a person-in-need definition will translate into something that is useable for children.

[38] **Vaughan Gething:** Do you have a follow-up on this point? I see that you do not. Rebecca Evans is next on this, before we move around.

[39] **Rebecca Evans:** You mentioned in your question sections 13 and 14 of the Bill regarding the right to refuse an assessment. I just wondered whether the panel agrees with the children's commissioner, for example, who says that section 13, regarding the refusal of an assessment by a child, is the

[40] 'clearest breach of the best interest principle'

[41] within the Bill, and that section 14, which says that parents can refuse assessment, would be running counter to the notion of prevention that runs throughout the Bill. Finally, are you satisfied with the ages specified within sections 13 and 14, which give children or young people aged 16 or 17 more rights to refuse than those who are younger? Is that an appropriate acknowledgement of the right of children to make different decisions as they

grow older?

[42] **Mr Mannion:** It is an unfortunate fact that a small minority of parents will refuse assessments for reasons that are not necessarily that acceptable. If we look at section 14 first of all, which relates to the refusal by a parent of the needs assessment for a child, we will see that it builds in a safety mechanism in that a parent's refusal can be overridden in certain circumstances. So, actually, professionals can make a judgment call on the best-interest principle there. Section 13 refers to a refusal by a child, and we think that sub-section (3) is the issue—that is what needs some amendment. It says that if a child under the age of 16 refuses an assessment, and the local authority is satisfied that the child understands sufficiently to make an informed decision, then the duty to assess does not apply. That is where we feel the concern is. It might be that we apply the same principle, but with the caveat that, if there are certain circumstances that we could agree in terms of the best-interest principle, then we could actually override that. In a sense, it seems to us that practitioners struggle with these sorts of issues now. They have to make informed judgments about where the best interests of children lie in terms of intervening, not intervening, and which services they offer—all of this is conducted in trying to work in partnership with parents. That is our approach.

[43] **Vaughan Gething:** I just want to check something—section 13(3) is where a competent child can refuse a needs assessment, and sub-section (4) is where there is a potential catch-all. Are you saying that, as a point of principle, section 13(3) is wrong, which appeared to be the children's commissioner's submission, or are you saying that sub-section (4) is not sufficiently clearly or broadly drawn to satisfy you that there is a catch-all for that intervention if it is in the best interests of a child?

[44] **Mr Mannion:** It is the latter for me. We need a catch-all clause that enables professionals to intervene if they make a judgment about the best interests of a child. It is about strengthening that, really.

[45] **Ms Laing:** We see sub-section (3) as a potential barrier to local authorities, and that is why we think it needs strengthening.

[46] **Vaughan Gething:** So, it is sub-section (4) that needs to be amended, in your view.

[47] **Mr Ruscoe:** Broadly, we do not agree with the commissioner's strong position. We think that there is a great deal in the Bill, as was stated in the evidence session with the commissioner, about thinking that, actually, most of the bases are covered. The right to refuse is an important rights position, and the duty remains with the authority when the refusal is made. The reason a refusal is made really bears investigation. What is it about that refusal? Does it say something about the quality of service and does it say something about how people believe that the intervention will be made and what it will mean to their family? It probably suggests an implication about the quality of the services that they will receive.

[48] In relation to the parental refusal of assessment, it would be better to include the words 'best interest of the child' in that section also, rather than risk neglect.

[49] **Vaughan Gething:** That is interesting and helpful.

[50] **Ms Mulley:** Our concern is about section 14. We would agree with the concerns about that running counter to effective early intervention services in particular. That might well be around parents understanding the need for those services being presented early and an understanding of the usefulness of those services. If you miss the child's best interest at that stage, you miss a big opportunity to be able to provide supportive services early.

[51] **Ms Rodgers:** In the drafting of the Bill it is quite clear that the local authority is not discharged from its duty in making that assessment and making sure that the right assessment is made in the best interests of the child.

[52] **Vaughan Gething:** Okay. That is helpful. Do you have any further questions on this point, Rebecca?

[53] **Rebecca Evans:** No.

[54] **Vaughan Gething:** I will therefore move to Kirsty Williams, then to Gwyn Price and Darren Millar.

[55] **Kirsty Williams:** At a rather late stage, the Deputy Minister has confirmed her intention to repeal section 17 of the Children Act 1989, and concerns have been expressed about what the consequences of that repeal would be. Could you outline whether you share the concerns that we have previously heard, and what you believe that the consequences of such a repeal would be?

[56] **Ms Leightley:** We do share the concerns. Section 17 has been around for a long time and it is well understood by professionals. If there is a repeal, I think that the anxiety would be that whatever appears in the Bill needs to at least be as clear as what was in the Children Act 1989, and that there should not be any watering down of it. The particular area of concern for Action for Children, and possibly for others, is the removal of a specific reference to disabled children, who are clearly understood by most professionals to be, by definition, children in need. Although we may have had issues about that definition, it was well understood. So, yes, unless the Bill strengthens and makes equally explicit what a child in need, as opposed to a person in need, is, then I think that we would share those concerns.

[57] **Ms Mulley:** Section 17 provides the right: you have to do something; you do not just wait for something to get worse. It is difficult to comment without the eligibility criteria being published at this stage, but there are concerns about automatic rights, particularly for children with a disability that may not fall within other definitions. They will not have entitlements, and that, taken with the other sections in the Bill, particularly around direct payments or the ability to charge for services, could mean that some vulnerable children will miss out.

[58] **Ms Rodgers:** As you say, we have only become aware at this late stage that section 17 will be repealed. Our biggest concern, as currently expressed, is for those disabled children who will be affected by that. I think that my view, which is possibly shared by others, is that there should be an additional section on disabled children within the Bill to make sure that those rights are preserved.

[59] **Vaughan Gething:** Okay. That is interesting.

[60] **Mr Mannion:** What we would ask for is a definition of 'in need' that builds on what was in the Children Act 1989.

[61] **Ms Laing:** We are concerned that there is not a definition of a person in need on the face of the Bill. We would like that old definition of children in need built on so that we preserve the services and the obligation to provide those services.

[62] **Kirsty Williams:** I have listened carefully to what you have been saying this morning, and I take your point that this is the only Bill that you have on offer and, therefore, you have to work with it. However, that is a pretty low base on which to start, is it not, in terms of your expectations for a legal basis for children in Wales? We have a job here to recommend whether the Bill is fit for purpose and whether we are serving the children of

Wales best by proceeding with this legislation. I know that this is where we are, but if we were starting from scratch, can you tell me with your hand on your heart that this would be the best way in which the Welsh Government and the National Assembly could enshrine, protect and enhance the rights of children and services for children? If we were starting from a blank sheet, if it were not a case of our having to work with it because it is here and because the Deputy Minister has told us that this is our only chance, is this Bill fit for purpose as currently drafted or are we going to regret pursuing this route?

10.15 a.m.

[63] **Mr Mannion:** We stand by what we said in our opening points, which is that all our comments are made with the intention of strengthening this piece of legislation, because we think that it is the only vehicle for children's services that, realistically, we will see for a number of years. That is the way in which I choose to answer that question.

[64] **Ms Rodgers:** If it has taken two years to get to this point and that, in the original legislative programme, there was mention of a children's Bill, Members have clearly had long, hard discussions about this over the last two years. It has taken two years to get to a point where you have one Bill that is for all our people, which is why we feel duty-bound to welcome it as our first opportunity for primary legislation for Wales that has all our people at its heart. Our concern would be more about ensuring that the gains that we have made in respect of children and young people are not eroded, hence our comments about section 17 and, particularly, the needs of disabled children.

[65] **Ms Mulley:** We would want to reiterate our strong support for the policy aims of the Bill. Our comments are about strengthening those aims rather than looking for something different.

[66] **Ms Leightley:** You are right that it sounds pragmatic, but we have to consider the time frame for children's lives. In terms of some of their early developmental needs, that is a very short time frame. So, I suppose that we are being pragmatic. We want to make this as good as it can be, because we think that, given the sort of time frames involved with children, this is the vehicle for meeting their needs.

[67] **Mr Ruscoe:** The policy aims are great, but the Bill as drafted does not deliver the implementation of those aims. In our opinion, significant amendment needs to be made. We are committed to supporting that process so that the Bill that is before us is as good as it can be for the children of Wales now.

[68] **Kirsty Williams:** That is clear, thank you.

[69] **Gwyn R. Price:** I know that you have touched on the charging element of the Bill for 16 and 17-year-olds, but can you give me a fuller explanation of why you think that charging should be taken out of the Bill?

[70] **Ms Rodgers:** We were surprised/disappointed to see that there was charging for 16 and 17-year-olds. We could think of no circumstances in which charging would appear appropriate for that age group, which is one of the most vulnerable age groups. In terms of some of the young people whom we work with, who are sometimes living independently outside of their families at that age, we were concerned to see that charging them was in there. Barnardo's does not have an issue with charging per se being across the piece in the Bill. We know that, in some circumstances, particularly for older people with means, it would be quite appropriate to try to stretch a budget as far as you can. However, we were surprised to see it in relation to 16 and 17-year-olds, who are still children, after all, and we think that that needs to be amended or looked at in far more detail.

[71] **Ms Leightley:** I endorse that. It is also quite important not to have too much of a distinction about what is charged for in terms of preventive and acute services, as I would describe them, because if we do that, the chances are, yet again, that things will only kick in at a later stage, because people will be put off some of the early interventions because they have to pay for them. So, that is part of that discussion, but we support Barnardo's position on charges for 16 and 17-year-olds.

[72] **Ms Laing:** We agree with those points.

[73] **Mr Ruscoe:** On charging in relation to 16 and 17-year-olds, if they are still living with their family, there may be a more sustainable argument, because there may well be an income coming into the family that will support the charges for those children. When 16 and 17-year-olds are living independently, when they are starting out in life and accruing an income, then the probability is that it would be a severe and detrimental step in terms of their ability to access necessary services.

[74] We do have a specific issue about charging for information, however. Information is the critical point of initial service access, and charging may well be the first barrier to people's ability to access services. So, should there be charging per se? No, but for some particular elements, and that goes for charging for information across the population, not just children.

[75] **Vaughan Gething:** On the point that you raised about charging for information, is that something that you would like to see on the face of the Bill—a change—or is it something that you would be content to see dealt with in regulations?

[76] **Mr Ruscoe:** We would prefer to see it as a change on the face of the Bill.

[77] **Vaughan Gething:** The other point, while we are on charging, is: do you think that the Bill makes it sufficiently clear how charging arrangements would work if you have integrated services between health and social care?

[78] **Mr Ruscoe:** I did not hear the end of the question, sorry.

[79] **Vaughan Gething:** Do you think that the Bill is sufficiently clear as to whether you would or would not be able to make charges where you have integrated care services provided by the NHS and other agencies, given that NHS services are, of course, free at the point of use?

[80] **Mr Ruscoe:** No, it is not clear. That is the short answer.

[81] **Vaughan Gething:** How would you like to see the Bill amended if you—

[82] **Mr Ruscoe:** I was waiting for that. [*Laughter.*]

[83] Unlike some of our colleagues from the WLGA and ADSS, we would like to see more direction and more prescription on the face of the Bill, particularly around the arrangements for charging, along with responsibility for leadership of integrated services, and accountability structures within integrated services, so that we can ensure that they are monitored, evaluated and delivered in the best interests of the population. We feel that there should be more direction to enable that process to be open and understandable, so that people therefore know what their relationships within partnerships are, as I think that this is a real problem that is not addressed. As we say, we are talking about social care provision, not social services provision.

[84] There is the point—and I do not know how to address it—of NHS services needing to be free at the point of access. I do not know how to address that through this legislation; I am not that skilled.

[85] **Vaughan Gething:** Okay, that is a challenge. Does anyone else have a point of view on that point about the line between charging for health services and anything else, or are you content with the challenge and the comments that we need to sort that out?

[86] **Ms Leightley:** It has in my experience—which, for a long time, was in local government—always been an area of great contestability: that is, who is going to pay, basically. So, the more clarity that is available, the better, and certainly in the straitened times that we are facing. It is probably not sufficiently clear to avoid what could be some very debilitating discussions for individuals around that area.

[87] **Ms Mulley:** That is particularly so if you are coming to preventative services. There is an intention here to make savings in, we would say, the medium to longer term. So, you need to have clarity about who is paying for what, because expenditure in one area will lead to a saving in a different agency, and if you do not have that clarity now, you will not have the pooled effort that you need to make the change.

[88] **Ms Rodgers:** I think that there is a greater focus in the Bill on co-operation and partnership working. However, we know that there has always been that issue of contestability about who will pay. Our concern is that that dilemma should not be left with the service user, because people do argue about who should be paying, when they should do that and how they should do it. I think that we need greater clarity and greater direction. We need much more of a push, and this may be outside the legislation, towards pooled budgets and resources for some of the delegated authority that needs to be held, so that assessments can be held appropriately at that point of user need.

[89] **Mr Ruscoe:** The final point is that we are talking about a larger footprint. We are talking about areas of multiple political responsibility, which are not really enabled through the clarity of how those larger partnerships might be administrated.

[90] **Vaughan Gething:** We will go next to comrade Millar, and then we will have Lynne Neagle and Rebecca Evans.

[91] **Darren Millar:** Thank you, comrade.

[92] **Vaughan Gething:** You are welcome.

[93] **Darren Millar:** I have two areas I want to touch on. The first is in relation to section 8 of the Bill about the provision of information, advice and assistance. There is no provision on the face of the Bill for independent advocacy services. I know that that is an issue you have expressed some concern about in the past. Do you think that there ought to be an explicit provision on the face of the Bill for independent advocacy services, whether for children or anybody else?

[94] **Mr Ruscoe:** The short answer is ‘yes’.

[95] **Ms Rodgers:** Yes.

[96] **Ms Laing:** Yes.

[97] **Darren Millar:** That is all I need.

[98] **Mr Ruscoe:** The Children Act 1989 has a specific section—section 25 or 26—on advocacy and the provision of advocacy, but, with the repeal of that, even that is going. We had some hope that that might be supported as a piece of the Act that might exist, but it is not going to be.

[99] **Darren Millar:** Would you like to see independent advocacy, rather than advocacy provided by one of the service providers that was supposed to be providing the service?

[100] **Mr Ruscoe:** Yes.

[101] **Mr Rodgers:** Independent advocacy has to be key to this and it should be explicitly referenced within the Bill. We have an additional concern in relation to section 26 of the Children Act 1989, where it is referenced, but it is not referenced in this Bill. Much more work needs to be done to ensure that advocacy is in there and it has to be independent.

[102] **Darren Millar:** There is a resource implication for independent advocacy. Do you have any thoughts about how the cost of advocacy might be met?

[103] **Mr Ruscoe:** I have some thoughts about how it may be justified, particularly in the light of the re-emergence of the Waterhouse considerations and operation Pallial, which is currently ongoing. They emphasise the need for independent advocacy early in children's lives, not just for those who are looked after but for those who have any degree of vulnerability that were previously identified by section 17. We know that early access to advocacy services and placing children at the heart of safeguarding process means that they will demand less of services in the future and that they will not be hurt and harmed, or they stand less chance of being hurt and harmed and of therefore needing additional support later on, which might be many years later on.

[104] **Darren Millar:** I am glad that you have drawn the link into safeguarding, because—

[105] **Vaughan Gething:** Sorry, Darren, may I stop you there? Lindsay has a point on advocacy, and then we will come back to you on safeguarding.

[106] **Lindsay Whittle:** I am a strong believer in independent advocacy—I was going to say an advocate for independent advocacy, but that is too much of a mouthful—so do you think that independent advocates should be registered and inspected, and, if so, by whom? Anybody can set up as an independent advocate and they can prey on vulnerable people, not just young people, but vulnerable people full stop.

[107] **Mr Ruscoe:** Advocacy provisions for children under section 17 come under, or should be serviced by, the advocacy standards issued in 2003 under section 7 of the local authority Act. They should provide for a particular quality of advocate. Within that, it provides for who might be considered to be an advocate. The developing models around advocacy identify that specialist advocates need the support of other advocates. Children, young people and vulnerable adults need the support of other people who may be considered advocates. It is looking at the development of what might be called formal advocates—those people who are already in your life who may be professionals. Informal advocates might be members of your family. There are also peer advocates, who are usually trained and have quite a degree of support and qualification in becoming peer advocates. The issue is around the formal and the informal advocates and the role of the specialist independent advocate in supporting them to be the best advocate a person needs. There is a role for independent advocates to support the development of other advocacy processes to ensure quality across the piece.

10.30 a.m.

[108] **Lindsay Whittle:** I am not quite sure that you have answered my question, although I agree with everything that you say. It is a difficult issue. If a parent is an advocate for, say, a young adult, how do you suggest to that parent that they should receive training? Their natural reaction will be to say, 'Well, I am the parent, I know what is best for my own son or daughter.' I appreciate the difficulties. I just have concern about people setting up as an advocacy business in an office in a town, city or village and preying on vulnerable people. I think that, for professional advocates, there should be proper registration and proper inspection, maybe by the Care and Social Services Inspectorate Wales?

[109] **Mr Ruscoe:** The majority, or all, of the formal advocacy services that are provided for children are contracted through local authorities. So, they are regulated to an extent through that and should actually be regulated in terms of their standards. There could be a mechanism for providing that there should be a system of registration for other people that might be promoted through other sections of the Bill, from third sector organisations to co-operatives or non-profit organisations. Regulation might be conceivable, but there should be registration as a minimum.

[110] **Ms Leightley:** I was going to make a point about commissioning. As it stands, it needs to be specific about the role of the advocate, and that will then lead to it being clearly the responsibility of the local authority, having decided that the child is a child in need, a looked-after child or a disabled child, to know that the advocacy is a formal role, as opposed to a parental role. I think that it should come through the commissioning of services. If local authorities do that, as with all of the commissioning of their services, they are commissioning a certain service that is clearly a formalised one.

[111] **Lindsay Whittle:** Okay, thank you.

[112] **Darren Millar:** I just wanted to touch on other aspects of safeguarding, in relation to section 117 of the Bill. This refers to the potential for safeguarding arrangements for children and adults to come together, effectively, and for the establishment of a national safeguarding organisation—the national safeguarding board—which would, again, address adults and children collectively rather than separating the functions. What are your thoughts on that? Do you think that they need to be separated? Do you think that one board looking at everybody is appropriate? I would be interested to hear your views.

[113] **Mr Mannion:** We remain opposed to the merger of children and adults safeguarding boards. We note that the most recent SSIW inspection into local safeguarding boards made comments then about their effectiveness and the robustness of their existing arrangements. So, we are concerned about any new arrangements that would pile on additional responsibilities. We are also aware that the ADSS and the WLGA are commissioning workshops for local safeguarding boards in order to look at their effectiveness in terms of being local safeguarding boards just for children in respect of the expanded areas of control. We think that a need clearly has been identified about the effectiveness of the arrangements, as they stand now, in relation to safeguarding children. If those arrangements for safeguarding children just combined with those for safeguarding adults, even though there would be some benefits, we are concerned that the focus on children will get lost. The benefits of this are largely around efficiency and effectiveness, which are, of course, vitally important, in order, for example, to avoid duplication, but I have a concern that there could be a loss of practice. If we focus too much on structure, we will lose the focus on what makes effective safeguarding happen and what makes good practice. That is our concern.

[114] **Ms Laing:** We would recommend that section 117 is removed from the Bill. Alternatively, if it remains, we recommend that there are conditions that need to be met

before boards can be safely merged.

[115] **Ms Leightley:** We would agree with that. Also, in practical terms, I am not sure about the efficiency and effectiveness, because the vulnerable adults who will be focus of the safeguarding will be older people, as they are now, rather than young adults, as that would allow for some flow through from the children's safeguarding to the adults' safeguarding. They would tend, in my experience, to be older people. So, we certainly do not think that it should be one. Area child protection committees previously, and local safeguarding boards, have stood children in quite good stead over the years. Anything that might diminish that is not welcomed.

[116] **Ms Rodgers:** We agree that adult and children's safeguarding boards should not be merged. There is a great deal of concern around the funding of safeguarding boards and that must be addressed and resolved. It is not strong enough to say, as it does in the Bill,

[117] 'Regulations may—

a. require payments to be made by a Safeguarding Board partner towards expenditure incurred'.

[118] We think that should be a duty and that partners on the safeguarding board should be contributing to that. 'May' must become 'must' in some of these regulations. The Bill should take this opportunity to strengthen the governance arrangements of safeguarding boards, ensure that agencies are held to account over their safeguarding responsibilities and, finally, as I said, devise a funding formula to cover expenditure and pay for specialist chairs. I know that there is a dispute as to whether those chairs should be independent. The view of Barnardo's is that it would be better if the chairs of safeguarding boards were independent, but if they were not, they would at least need to be specialists.

[119] **Darren Millar:** I will just ask a follow-up question. You have made clear your opposition to the local boards effectively having a dual responsibility. However, to pick up on the issue to which Jan referred, which is that of transition from children's services into adults' services, do you think that there is a role for a national safeguarding board that looks at both children's and adults' needs, and which may be able to bring some support to getting the transition stuff right? I am just interested in other views.

[120] **Mr Mannion:** I think that the comments we made earlier in relation to keeping those two bodies separate at a regional level relate also to a national board. There may be opportunities for collaboration and co-operation that grow out of some of the shared interests and shared areas of responsibility, potentially in working with adults with mental health problems, or where there is domestic abuse or substance abuse. There may be some crossover with those sorts of issues. It would be useful to encourage that, but we still think that should grow out of the roles of those two separate bodies rather than just assume that if you stick them together, you will somehow get an integrated approach to working with adults.

[121] **Darren Millar:** In terms of this transition issue, how should that be best addressed? Do you think we need something on the face of the Bill in order to provide for that, to promote good practice, and to address the safeguarding issue that might arise and the risk that might arise in transition? How do you think that should be dealt with? You are looking intently at me there.

[122] **Ms Rodgers:** It is quite fascinating in some respects. When we think of children's safeguarding boards and adult safeguarding boards, the fact of the matter is that adult safeguarding boards largely deal with vulnerable older people, as Jan mentioned earlier. We are very rarely looking at those young people in transition because they are either still

children by virtue of being under 18, or they are involved in those services anyway, maybe as young parents of children we may have concerns about because the parents are extremely vulnerable themselves. So, the transition issue has not come up in our discussions in relation to adult and children's safeguarding boards.

[123] Going back to your point about a national board, if there was at a national level some value in having a specialist chair who understood all the issues around safeguarding for children and adults, there may be some advantage to having something combined at that national level.

[124] **Ms Laing:** However, we feel that the agendas are generally huge and the NSPCC would support a separate national board for children.

[125] **Ms Leightley:** We would support separation. They have very different needs, and there is some anxiety about the loss of focus on protecting children, even with the safeguarding agenda.

[126] **Mr Mannion:** Part of the question touched on funding formulas. We think that section 115 is not strong enough and that there should be a funding formula on the face of the Bill. Issues around the funding of local safeguarding boards have gone on for a very long time. Those of us who remember ACPCs would say that funding issues bedevilled those bodies as well.

[127] **Darren Millar:** You will, however, recognise that some of the partner agencies around the table are not devolved, so how can we prescribe, as the National Assembly for Wales, what their contributions might be toward the safeguarding arrangements? The reality is that we cannot, so while I accept the point that everyone must make a contribution—perhaps something could go on the face of the Bill around that—I think that prescribing the percentages and the type of contribution is quite difficult.

[128] **Mr Mannion:** I take the point about non-devolved bodies and criminal justice bodies. However, while I accept that, I also know that all of those bodies are present around the table for local safeguarding boards right now—they want to play a very active part and are committed to making this work.

[129] **Vaughan Gething:** We have 10 minutes left for questions from Lynne Neagle, Ken Skates and Rebecca Evans.

[130] **Lynne Neagle:** I want to ask about safeguarding as well. The Deputy Minister for Social Services has made it clear that she has no plans to merge the boards for adults and children at the moment. The NSPCC was very clear that it would like to see section 117 out of the Bill. Is that specifically something that Barnardo's and Action for Children would also like to see happening?

[131] To follow up on that, if section 117 remains in the Bill, you mentioned, Viv, that you would like see some conditions being put on it as a safeguard. Can the organisations say a little more about what kind of safeguards—excuse the play on words—you would like to see there?

[132] On a slightly different issue, we do not have much detail at all on what the national eligibility framework is going to look like, which has been causing some concern. What do you feel that the concerns are there in relation to children's services? What kind of clarity would you like to see before we go forward?

[133] **Vaughan Gething:** Do witnesses want to deal with the safeguarding point first? We

will then go for another round of responses to deal with the point about the eligibility criteria. Barnardo's, do you want to start? We will then turn to Action for Children.

[134] **Mr Ruscoe:** On section 117, we would like to see it go, or at the very least for it to be conditional. On the pragmatic nature of safeguarding boards as they work now, as Viv said, the agendas are huge. The boards work; they have a result. Adult safeguarding boards will be equally huge, and they are populated by people who have other work to do—they are not paid specifically to be there. Merging those boards will mean that they will become full-time posts or that prioritisation has to happen; somebody will lose out somewhere.

[135] There is also the degree of development needed for adult boards to bring them up to the same position as those for children. If section 117 remains, the condition needs to be that there is a time and a place where the boards are evidently going to be better able to join and that that will be in the best interest of children and vulnerable adults. If we cannot show evidence for that, they should remain separate.

[136] **Lynne Neagle:** Are there any safeguards that you would like to see being included in terms of the Assembly having a say?

[137] **Ms Laing:** If section 117 were not to be removed, we would want a superaffirmative resolution.

[138] **Ms Leightley:** I think that the removal of the section is the best option, as it does not leave any room for doubt or confusion.

[139] **Vaughan Gething:** The second section of Lynne's question is about the eligibility criteria; does the NSPCC want to start on that?

[140] **Mr Mannion:** Again, because we have not seen the eligibility criteria, it is very difficult for us to meaningfully comment on them. It goes back to what we have previously been talking about in relation to the whole children-in-need or person-in-need agenda and understanding the relationship between those two things. The other issue is that, with all eligibility criteria, there is an obvious issue about where you set the bar. In some ways, although I understand the need for eligibility criteria, it feels a bit counterintuitive in terms of the broad policy aims of the Bill of universality of service provision and early intervention. The only effect of eligibility criteria is to set a bar, which means that some people are not eligible while some people are and will, therefore, get some services.

10.45 a.m.

[141] **Ms Laing:** We are concerned that there will be children and families who will not receive a service because they fall outside the criteria. There is a gap between the universal and preventative services and, potentially, those that have an eligible need. We are concerned about the gap between those two things.

[142] **Ms Mulley:** Without seeing the eligibility criteria, it is very hard to make the link to the outcomes that you want to achieve for different children. You also cannot do scenario planning with children in different circumstances to see what their pathway to support might be, because you need to look at children's lives in the round. What you do not want is a set of eligibility criteria that creates a cliff face between receiving services and receiving nothing, when the point of the Bill is to try to encourage the integration of services with different agencies working together. So, without being able to scrutinise that at this stage, there is a difficulty that you are going to be setting up barriers to support.

[143] **Vaughan Gething:** Does anyone have something different to say? We have just a

few minutes, so if you are happy with the answers, do not feel the need to say anything.

[144] **Ms Rodgers:** I have just one point to make and that is that support is often resource-led. The concern that we have is that without greater clarification we cannot make a proper judgment on whether we think it is appropriate or not. All the issues that my colleagues have mentioned around the possibility of falling between two stools or falling off a cliff face are our concerns as well.

[145] **Kenneth Skates:** Do you think that Part 6 of the Bill provides sufficient clarity about the provision for looked-after and accommodated children? In addition, what changes do you believe should be made to address the current shortcomings within legislation?

[146] **Ms Rodgers:** Looking at Part 6, it is very similar to Part 3 of the Children Act 2004. There are not huge areas of difference between the Bill and the Children Act Part 3. We have given evidence in other sessions to the Children and Young People Committee about the concern that we have about the section on adoption. We were proposing that issues around concurrent planning should come more to the fore because, in the Bill, there are issues around fostering to adopt. We share the British Association for Adoption and Fostering's view that that can add delay to the process, rather than reduce delay, whereas concurrent planning is a more proactive way of moving that issue of delay forward in terms of adoption.

[147] **Ms Leightly:** In terms of Part 6 itself, we have a view that it may need to be strengthened in order to recognise the role of the care system per se in addressing the emotional health and wellbeing needs of young people in the system. Just coming into care of itself does not meet the full range of needs. Very often, they have a very high level of needs, as we know. Therefore, therapeutic care needs to be considered as part of that. There is a danger that once a child has been taken into care, the view is, 'Oh, they're in care now'. Without something a little bit more strengthened, particularly around emotional health and wellbeing as opposed to education and physical health, it still might not meet all the needs of some of those children. The other thing generally about the care system is that it does not exist in a vacuum. We have heard a lot about the journey that children's lives take. Good early intervention is not necessarily always about children not going into care. It is about the right ones going into care at the right time. That is an important function of early intervention as well as stopping children from going in. There is also the need to make sure that when children exit the care system, the due level of support is given either to their families or their independent living system to recognise that it is part of the holistic view of children's lives. For some, the care system is a large bit of their lives, for others it is a small bit of it. So, the bits that sit either side of it are equally important.

[148] **Vaughan Gething:** If you could make your next point brief, Des, then we need to come back and have to try to fit in two more questions.

[149] **Mr Mannion:** What we would like to see is a requirement to assess and provide services to children and young people at the point when they enter the care system, as Jan said, and equally at the point of departure, similarly. We are also concerned about improved services for care leavers. That is something that I know that you are interested in. We talked about advocacy earlier, but I will just remind everyone that advocacy services for children in the looked-after system need to be something that is given attention by this committee.

[150] **Kirsty Williams:** As you quite rightly say, Part 6 does not represent a massive departure from where we already are but, as we know, there are already issues around deliverability in the current system. Could you give us an assessment as to whether the aspirations set out in Part 6 are deliverable and whether the costs associated with providing infrastructure to deliver Part 6 are adequately represented in the figures that the Government has brought forward at this stage?

[151] **Ms Rodgers:** I would say that we face a huge challenge with regard to Part 6 because of the rise in the looked-after children population, which has risen by 24% in the last five years. I do not believe that this is resource-neutral; I stand by that. I think that there has to be investment to make all of the Bill work and this section in particular. There is also an absence of any mention of short breaks and respite care within the section, which concerns us greatly and leads back to our concerns around services for disabled children, as mentioned earlier.

[152] **Ms Leightley:** On that last point, in terms of service delivery, we are noting within our short-break services—we run quite a few of those across Wales—that, although we always deal with high-level need, children with high-level needs are becoming the bulk of the children receiving the respite. The need is higher and, therefore, that means that early intervention with children and families that may be just starting to struggle with some of those issues are not necessarily being met in the same way. There are certainly cost needs to Part 6, but those of us who have been in children’s social care for a long while know where all the money goes: it very often goes into the looked-after system and to children not necessarily being placed within their own local authority. Until we can do something to deal with that, to release that, it is going to stay the same. It has not improved in my 30 years, so there has to be some step-change that allows for that transition. We have some examples of services that help to do that, but you need the money upfront to do that, until children gradually start to be released from the more expensive places.

[153] **Mr Mannion:** I will just echo those comments and make the point that, compared with England, Wales has a higher proportion of children in the looked-after system—I think that it is something like 59 per 10,000, compared with 37 per 10,000 in England. We are putting proportionately more young people into the looked-after system, which is a reflection of the extent to which our preventative and family support services are able to hold the line. The whole thrust of the Bill is about early intervention, and we think that that is important, but there is something here about understanding the resource implications of a piece of legislation that seeks to promote early intervention and, possibly, reduce the rate of inappropriate entry into the looked-after system. It is not resource-neutral, but it is also important to remember that, for some children, entry into the looked-after system and becoming looked after is a good and positive intervention in their lives. Despite all the valid criticisms around the impact of the looked-after system, in terms of promoting or not promoting children’s life chances, for some children it is a very positive step; we need to remember that.

[154] **Vaughan Gething:** We are out of time. Thank you for your written and oral evidence. We will send you a transcript, as is normal, so that you can see that you are happy that it is accurate. We may write to you with some follow-up questions that we have not reached this morning. We will take into account everything that you have said today and anything that you say in follow-up evidence when we come to consider our Stage 1 report. Thank you all very much.

[155] We now have a short break until 11 a.m. We will set up a video-conference before our next panel debate.

*Gohiriwyd y cyfarfod rhwng 10.54 a.m. a 11.06 a.m.
The meeting adjourned between 10.54 a.m. and 11.06 a.m.*

Y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru): Sesiwn Dystiolaeth 3 Social Services and Well-being (Wales) Bill: Evidence Session 3

[156] **Vaughan Gething:** Welcome back; thank you for returning. This session includes a

panel of young people who have joined us to give us their direct views and experiences to help our consideration of the Social Services and Well-being (Wales) Bill. We have a group of people joining us from north Wales by video-conference—good morning—and we have Charlotte here with us. If you could introduce yourselves, we will then start off a round of questions. Charlotte, do you want to start?

[157] **Ms Henry:** I am Charlotte Henry and I am 16 years old. I have been in foster care, but now I live in a supported housing placement in Llanelli.

[158] **Vaughan Gething:** Thank you, Charlotte. On the video link, do you want to tell us a little about who you are?

[159] **Ms Lavender:** I am Charlie and I live in Chester.

[160] **Ms Stewart:** I am Caia. I am 16 years old and I live in Queensferry, Flintshire.

[161] **Vaughan Gething:** Thank you. Is that everybody? I know that you have support workers with you. The format of this session is that we will ask you a series of questions about what you think of the Bill that has been drafted and presented to us to try to improve social services, and how they engage with people and promote the wellbeing of individuals in Wales. Part of the Bill directly affects young people who have had experience of dealing with areas of social care, including fostering. So, I will ask the first question. If, at any point, the questions are not clear, do not be afraid to say so, and do not be afraid to ask people to repeat questions if you have not heard them properly. I ask Members, when you ask questions, to be clear about whether they are directed at Charlotte, who is here, or at people on the video link, so that we try not to cut across the two. Does that all make sense?

[162] **Ms Henry:** Yes.

[163] **Vaughan Gething:** Great. I will start. One of the things in which we are interested in the Bill is whether you think that it would help us and you to understand what is in the Bill if there was a statement at the front that sets out how the Bill is trying to improve the rights of children and young people in Wales. Do you think that that would be helpful, or would it not make any real difference to you? We will start with Charlotte, and then go to north Wales.

[164] **Ms Henry:** Yes. I think that that would be helpful, so that everyone knows where they stand.

[165] **Vaughan Gething:** Okay. What do our guests in north Wales think?

[166] **Ms Lavender:** I think that it would be good to put a statement in, so that people understand. It would be good, so that they know what their rights are and where they stand.

[167] **Vaughan Gething:** Okay; that is fine. Is there another view from north Wales?

[168] **Ms Stewart:** I agree. I think that that would be very helpful and give you a lot of information.

[169] **Vaughan Gething:** I will move to other members of the committee for questions. Our witnesses have had the opportunity to be told in advance some of the areas of questioning that may come up.

[170] **Darren Millar:** One of the things that the new law is designed to provide is a greater say in the services that you receive and are able to access as young people. What sort of a say do you get in those services at the moment?

[171] **Ms Henry:** You do not really get a say. I think that people should have a say in who will be their social worker. It is important that you get on with someone, so that you can tell them stuff in confidence. If you do not get along with them, you are not going to tell them much, so they cannot help you that much.

[172] **Darren Millar:** Do you get a say in who will be your key worker at the moment?

[173] **Ms Henry:** No, you just get allocated someone.

[174] **Darren Millar:** Is that the same in north Wales for you both?

[175] **Ms Lavendar:** They did not really ask. They just sort of asked, 'What's the problem?', and then they went off and basically forgot about us.

[176] **Darren Millar:** On the services and support that you get from the council or the health board or whoever else it might be, are you involved in the decisions about the services that you are going to access in any way?

[177] **Ms Lavender:** I am now, but, with social services, I never used to be. They got us involved with Barnardo's, and that goes as I say.

[178] **Darren Millar:** So, it was the support from Barnardo's that made a difference, rather than the help from social services. It was the advocacy, and the way in which it helped you.

[179] **Ms Lavender:** Yes.

[180] **Darren Millar:** Was that the same for you, Charlotte?

[181] **Ms Henry:** Yes. If you want help, there is someone to speak for you. They give you an advocate and you tell them what you want, and then they voice your opinions to social services.

[182] **Darren Millar:** Do you think that there needs to be more of a reference to the ability to get someone independent, who is not connected with social services, to help you through the system?

[183] **Ms Henry:** Yes, because I did not know about advocacy until I was about 15. I had a lot of problems before then, because social services were not listening to me. I got involved with advocacy because my social worker did bring it up in the end.

[184] **Darren Millar:** So, no-one told you that there were people out there who could help you.

[185] **Ms Henry:** No, I did not know that there were people who could be on my side, instead of just on the social services' side.

[186] **Vaughan Gething:** Is that the same experience in north Wales?

[187] **Ms Lavender:** Yes.

[188] **Vaughan Gething:** That is helpful.

[189] **Lindsay Whittle:** I first became involved in politics when I was 16, perhaps a similar age to you. When I looked at those councillors and politicians—I had a lot more hair then, by

the way—they were nearly all men, by and large, but we are not all men today; there are some women here, of course. I thought, when I was 16, ‘What do they know about my problems?’ Would you feel happier talking to younger people and younger politicians? We have younger politicians in the Assembly, which is a great benefit. Would you feel happier talking to younger people about these issues, because you might relate to them and feel closer to them than you do to older politicians? We do not look young, but I can assure you that we do think young, sometimes.

11.15 a.m.

[190] **Vaughan Gething:** Is that a question about how people relate to services and the Bill?

[191] **Lindsay Whittle:** It is a question about how it relates to the services that you get. Would you feel happier talking to younger politicians, younger social workers even? Do you feel you can relate more to younger people, and that they could understand the services that you want?

[192] **Vaughan Gething:** Charlotte, do you want to start?

[193] **Ms Henry:** If someone is a bit younger, they tend to know your mindset, so you build a friendship even though they have to be professional. You trust them, because they are younger rather than older, I think.

[194] **Vaughan Gething:** I will put the same question to those in north Wales. Does the age of the people whom you talk to, whether in Barnardo’s, in social services or the health service, make a difference to you and whether you trust them and can work more closely and more successfully with them?

[195] **Ms Stewart:** Yes. I think that, when you are working with younger people, they are easier to talk to, because they are nearer your age than older people. It is easier to trust them and that.

[196] **Lindsay Whittle:** We are all too old. Thank you, Chair. I think that is really interesting. The best people to relate to young people in care are people who are of a similar age. Older people do not always know best, because, sometimes, some older people live in the past, and it is a different world today. We were talking in the break about whether we would prefer to be young or old. It is really interesting. You will relate better, in my opinion, to younger people. Perhaps some of the organisations that you use are led by younger people. I was at Pontypool last week, presenting to the youth forum, and the entire event was organised by the young people of the youth forum.

[197] **Vaughan Gething:** Is this linked to the Bill?

[198] **Lindsay Whittle:** It is, in a way, Chair, because how do we get the services that these people want? That is all.

[199] **Vaughan Gething:** We have a fairly short session, and I would just like to get a question.

[200] **Lindsay Whittle:** I just think it is important. You have come to end my line of questioning; that is fine by me, but it is interesting to hear the answers from the young people.

[201] **Vaughan Gething:** Okay. We have questions from Gwyn, then Ken, then William Graham, then Rebecca Evans, then Kirsty Williams.

[202] **Gwyn R. Price:** Good morning to you all, down here and up in north Wales. Do you use direct payments at all, or do you know what direct payments are, and the packages that are around to help you? Do you have any experience of that, or do you not know what direct payments are?

[203] **Ms Henry:** No.

[204] **Gwyn R. Price:** What about you in north Wales? Is that a similar thing? Do you know what direct payments are?

[205] **Ms Stewart:** No.

[206] **Ms Lavender:** No.

[207] **Gwyn R. Price:** I think we need to explore that then, because obviously there are things out there to help you with direct payments, whether they are good or indifferent in some cases. There is a lot of help out there with direct payments. I am concerned that they do not know that they exist.

[208] **Vaughan Gething:** In very broad terms, direct payments could be a sum of money that you could have to use for services that would help you. You would have more control over that money and more responsibility for that budget and for the services that you would then receive to help you. Is that something that you would want to do, and, if it is something that you would want to do, what sort of support do you think that you would need to be able to use that money effectively?

[209] **Ms Henry:** I do not think that I would be better at doing it myself. I think that social services are doing a good job in transferring you to the help that you need. I think that they use the money wisely.

[210] **Vaughan Gething:** Is there a view in north Wales on this?

[211] **Ms Lavender:** I do not really understand it.

[212] **Ms Stewart:** I am not really aware of it, so I do not really understand.

[213] **Vaughan Gething:** That is fair. That is an issue for us in terms of a lack of awareness. That is actually very helpful.

[214] **Kenneth Skates:** Good morning, Charlotte, Charlie and Caia. I used to work in Queensferry, Caia, just behind B&Q. There is a great leisure centre up there also. It is brilliant if you enjoy skates. I skate. There; I have said it.

[215] Have any of you experienced moving from one council area to another council area? Have any of you moved? Charlie, did you say that you now live in Chester? Did you want to live in Wales? Have you moved from one area to another?

[216] **Ms Lavender:** I used to live in Colwyn Bay, but we did not get any services when we used to live up here.

[217] **Support Worker:** You do not live up here. You live in Saltney, which is in Flintshire.

[218] **Kenneth Skates:** So, you live in Flintshire. You are still just on the border. So, you

live in Saltney. Okay.

[219] **Charlotte**, have you moved at all?

[220] **Ms Henry**: No.

[221] **Kenneth Skates**: Okay. Caia, have you moved at all within Wales, from one area to another?

[222] **Ms Stewart**: No; I have lived in Queensferry all my life.

[223] **Kenneth Skates**: Okay. Charlie, one of the aims of this law is to make sure that wherever you move to in Wales you will have the same services. So, if you were to move from Saltney to Wrexham, you would still get the same services. That is one of the aims of this law. At the moment, you could move from Saltney to Wrexham and have different services. Have you experienced a change in services, and do you think that it will be helpful to have a consistent approach to services regardless of where you live and if you have to move from one part of Wales to another?

[224] **Ms Lavender**: I do not think that they should change. I think that they should all stay the same. At the end of the day, you are used to those types of services. They should not change just because of where you live.

[225] **Kenneth Skates**: Okay. That is fine. Thank you.

[226] **Vaughan Gething**: Thank you, Ken. William Graham is next, and then Rebecca Evans and Kirsty Williams.

[227] **William Graham**: From your own experiences, in your life, is there anything that you think that you would like to say that should be included in this Bill that would make your experiences better?

[228] **Ms Henry**: Yes. I think if I had been more aware of advocacy, I would not have moved around so much, because I have moved around quite a bit. Since I have had advocacy, it voices what I write. It helps me to stay stable because my needs are being met. Social services have no choice but to listen to them, because they are adults. Sometimes they do not listen to us, because we are children.

[229] **Kirsty Williams**: Charlotte, would it be okay to ask how many times you have had to move around?

[230] **Ms Henry**: Yes. I have been to seven placements in three years. Then, I went to residential for a year, in Haverfordwest. I was quite stable there.

[231] **Kirsty Williams**: Has the constant moving been the hardest part of coping with your situation?

[232] **Ms Henry**: Yes.

[233] **Kirsty Williams**: Would things have been better if you could have stayed in one place?

[234] **Ms Henry**: Yes. I think that it would have helped me. I think I would have achieved more in school and I could have done better than I am doing. It also affected my behaviour. I became quite distant and I rebelled. I used to run away a lot, because I felt that I was being

moved a lot because no-one was listening to me.

[235] **Vaughan Gething:** Okay. That is very interesting. Thank you. Charlie and Caia, in north Wales, do you have a comment to make, either in response to Kirsty's question about the number of times that you have or have not moved, or to William's question?

[236] **Ms Lavender:** In my experience, when I was in school I had around 15 social workers before actually anything happened. When something did happen, it took around a year for it to happen. Really, I was suffering for my whole high school life, basically, waiting for the social workers to do something, and then, when they did, they just passed me on to Barnardo's.

[237] **William Graham:** Do you feel that, at any one time, your views could have been better put?

[238] **Ms Henry:** Yes, when I was younger, mostly. It was basically all through until I reached the age of 16, when, because I was not under a care order, they had to listen to me, but, when I was under the age of 16, they would not listen to me at all. They felt like they knew what was best for me, but they did not.

[239] **Vaughan Gething:** What about you in north Wales, Charlie and Caia? Is there any particular time when you felt that you were not listened to properly?

[240] **Ms Lavender:** The majority of the time, really. It felt like they were listening, but they did not know what to do with it. They expected us to think of a solution and of what they had to do.

[241] **Vaughan Gething:** Rebecca is next.

[242] **Rebecca Evans:** Hello, it is Rebecca Evans here. The Bill says that young people can say 'no' to social services if social services want to come in and make an assessment of you to see whether you need some help or support. Do you think that young people should be allowed to say 'no' to that, or should social services be able to do it anyway?

[243] **Ms Henry:** I do not think that they should have a say, because some people could be in danger and their safety should come first. Sometimes, social services have to act if they feel like kids are in danger. However, at other times, if a young person does not want to go into foster care, I feel they should have a say in where they are placed.

[244] **Rebecca Evans:** What about up in north Wales?

[245] **Ms Stewart:** It depends on the situation. Some should have a say, and some should not.

[246] **Rebecca Evans:** Okay. When you are looking for advice, support and information, where do you go to get that?

[247] **Ms Henry:** I get most of my support and advice from school, because we have a pupil additional support system. So, sometimes they say, 'You can have this support and that support'. I would not say that I get it from social services as much as I do from school.

[248] **Rebecca Evans:** What about north Wales?

[249] **Ms Lavender:** I get most of my support either from Barnardo's or my mum.

[250] **Rebecca Evans:** The Bill says that some 16 and 17-year-olds might be asked to pay for some services and support. Under what circumstances do you think that that would be okay? Would it be okay if the young people were still living at home or would it be okay if the young people, for some reason, were quite wealthy? Are there any ways in which it would be okay to charge 16 and 17-year-olds for information and support?

[251] **Ms Henry:** It depends on the circumstances, because if they are at home and their parents are in poverty, how can you expect them to pay? That is all I know, really.

[252] **Vaughan Gething:** What about up in north Wales? Do you have a view on when, if at all, 16 or 17-year-olds should be charged for information?

[253] **Ms Lavender:** I do not think that they should be charged, because some of them might not be able to afford it, but they still might need the help and support.

[254] **Vaughan Gething:** I want to go back to one of the answers that you in north Wales gave to Rebecca about whether young people should have a say. You said that it depends on the circumstances and that some should, but some should not. Can you explain a little more about the circumstances in which you think that people should be able to have a say and, effectively, say, 'No, I don't want the service' and the circumstances in which you think that young people should not be able to do that?

[255] **Ms Stewart:** If social services feel like they are really in danger and they need help, they should go in and do it, but if they do not think that they are in as much danger, then people should have a choice, over family issues, drug misuse and things such as that. The children should have a say if they would like to live like that.

[256] **Vaughan Gething:** That is helpful, thank you.

11.30 a.m.

[257] **Kirsty Williams:** One of the things that this new Bill is supposed to ensure will happen is that a lot of different people who might have a say in your life work more closely together. In your experience, do you think that social services work well with education and with the health service? You have a lot of people, potentially, trying to say things about your life, and in your experience, have they worked well together, or did social services forget to work with the education department to sort your education out, or did they forget to talk to the housing department when you were moving into a new place of your own? How was your health looked after? Did they work together? Did you find that people argued or did they just forget to talk to each other? How was it?

[258] **Ms Henry:** I think that they genuinely do work together—they e-mail stuff to each other, but sometimes, I think that when they are transferring information, some of it gets forgotten about and it is not passed on in the way that you said.

[259] **Kirsty Williams:** Turning to north Wales, did everybody work together to help you, or did you find that some services forgot to communicate with each other, so that you did not get what you needed?

[260] **Ms Stewart:** I feel that not enough information was shared with me, in my experience.

[261] **Kirsty Williams:** Okay, thank you.

[262] **Vaughan Gething:** Is there anything else?

[263] **Kirsty Williams:** I just want to follow up on William's point, really. Charlotte, you have been quite clear that being able to choose your social worker, having advocacy sooner, having information shared better and not having to move around so much would have made your experience a better one. Is there anything else, do you think, that we should learn from your experience, to help us to make the care system and the looked-after system better? Those were some really good ideas about what we need to make sure this law does, but is there anything else that makes you think, 'Ah, if only this had happened, life would have been a lot easier and better for me; those are the things that would have made a difference'?

[264] **Ms Henry:** The school is really important to me. I want to achieve. I did ask for help, with a tutor, but they did not do it soon enough. I think that people who are struggling because of their circumstances at home sometimes cannot concentrate on their work. I feel that, if they got tutors sooner, people would be more stable and happy in their school life.

[265] **Kirsty Williams:** So, school is very important to you. Can I ask what you do now? Where are you in school?

[266] **Ms Henry:** I am in year 11 and sitting my GCSEs this month. I had a tutor only in the last two weeks, and I have been asking for one for years.

[267] **Kirsty Williams:** And what are you hoping to do next year, after your GCSEs?

[268] **Ms Henry:** I want to go to college in Pembrokeshire and do A-levels in law, psychology and history.

[269] **Kirsty Williams:** That is pretty good. That is good to hear.

[270] **Vaughan Gething:** Another lawyer. [*Laughter.*]

[271] **Lindsay Whittle:** You will be very rich—the Chair is very rich. [*Laughter.*]

[272] **Kirsty Williams:** Can we ask the witnesses in north Wales what they think might have made a big difference to them, so that we could get that into the law?

[273] **Ms Stewart:** In my experience, the social services pull out of the case too fast, before anything is even sorted, and when they reopen the case, they bring a new social worker in and you have to start all over again and tell them what has been going on from the start, and it is just complicated.

[274] **Kirsty Williams:** It sounds pretty tedious.

[275] **Vaughan Gething:** Is there another view in north Wales?

[276] **Ms Lavender:** I think that when they introduce themselves, open a case and stuff, they should tell the young people what their rights are and the rights of the family.

[277] **Elin Jones:** Charlotte, you said earlier that once you had turned 16, you thought that people in the authorities listened to you better than they did before. Is there anything else in the system that improved once you turned 16, or maybe even became worse once you all turned 16?

[278] **Ms Henry:** Now that I am 16, they do not really care about where I go. It has gone from when I was 15 and they used to watch everything I did to now, when they do not really care about my safety or anything—obviously, I am in a supported placement, so they are not

there as much as they would like them to be, but I think that they have given me a lot more responsibility.

[279] **Elin Jones:** There is not as much support around for you once you have passed that 16 threshold, is there?

[280] **Ms Henry:** No; I have to text or phone for them to come to see me. They do not set dates to come to see me.

[281] **Elin Jones:** Is there anything from north Wales about whether the experience of turning 16 has made a difference? Is the situation better or worse?

[282] **Ms Lavender:** It has never really made a difference to me anyway, to be honest.

[283] **Vaughan Gething:** That is interesting. Do Members have any final questions to our group of witnesses in this session? I see that you do not. I thank witnesses for giving up your time to come to speak to us. We will send you a transcript—a note—of everything that has been said. When you read that, if there is anything else that you wanted to say, but did not get a chance to do so, you can still come back to us. You can also ensure that the note that we have of your evidence is accurate; we would not want to record something for all time that you then say later on does not reflect what you said. So, you will receive a letter from us with the transcript. Again, thank you all for giving up some time to help us today. Our aim in all of this is to try to get the law right to make the biggest positive difference that we can.

[284] We have another panel that will start to give evidence in a couple of minutes. So, we are going to change around and the next panel will come in before we start asking our questions. We have two or three minutes before we do that.

*Gohiriwyd y cyfarfod rhwng 11.36 a.m. a 11.41 a.m.
The meeting adjourned between 11.36 a.m. and 11.41 a.m.*

Y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru): Sesiwn Dystiolaeth 3 Social Services and Well-being (Wales) Bill: Evidence Session 3

[285] **Vaughan Gething:** Welcome back to today's final formal session. We are continuing with our scrutiny, as a committee, of the Social Services and Well-being (Wales) Bill. Good morning to our latest panel of witnesses. Thank you for all giving up your time to come in. I will ask you to introduce yourselves by saying a line about how who you are. For the benefit of Members, we now have a group of young carers from south Wales joining us. We will start on the left, and work our way around, so that you can introduce yourselves by saying a line about who you are and where you are from.

[286] **Ms Morris:** Hi, I am Meredith. I am 15 years old and I am from Gilfach.

[287] **Ms Stone:** Hi, I am Kirsten. I am 16 years old and I am from the Bargoed area.

[288] **Ms Eveleigh-Williams:** I am Abbie. I am 17 years old and I am from the Tonypany area.

[289] **Ms Chandler:** I am Zoe. I am 17 years old and I am from Aberdare.

[290] **Ms Hallett:** I am Neeve. I am 8 years old and I am from Cwmfelinfach.

[291] **Mr Nocivelli:** I am Liam. I am 16 years old and I am from Caerphilly.

[292] **Vaughan Gething:** Thank you very much. We are looking at the proposed new law on social services and wellbeing. There are plenty of things in the Bill about rights and responsibilities and what local authorities and other services are supposed to do to try to improve outcomes. One of the things that we are interested in is whether it would be more useful and easier for you to understand what rights you have if there was a statement at the front of the Bill that set out the ways in which the Bill was trying to improve the rights of children and young people in Wales, including people who act as carers, like yourselves. Is that something that you think would make a difference or is it something that would not make much difference to you? I do not know how likely it is that you would read the Bill, if we passed it to become new law, but I am interested in whether you think that that would help people to understand. You can talk about your point of view and the point of view of the people who are delivering services to you. Shall we start with Liam and work our way around to see if anyone has got a view? Do not worry if you do not have a view; you do not have to answer all the questions.

[293] **Mr Nocivelli:** I do not know, to be honest.

[294] **Ms Hallett:** I agree.

[295] **Ms Chandler:** Yes, I agree that there needs to be some kind of statement at the front of this Bill.

[296] **Ms Eveleigh-Williams:** Yes, I agree as well.

[297] **Ms Stone:** I agree.

[298] **Ms Morris:** I agree as well.

[299] **Vaughan Gething:** Okay. That is nice and simple. We will start with comrade Darren Millar, and then we will move around so that other Members get to ask questions as we are going around. Darren, you may start.

[300] **Darren Millar:** It is great to see so many of you here today. There is somebody just behind you over there at the back called Hannah. I remember that Hannah came a few years ago to talk to Assembly Members when we were looking at changing the law in respect of support for carers. So, it is good to see Hannah back there with you all because she has the same sort of experience as you have, namely caring for people in the family. It is brilliant to see you all.

[301] One of the things that this new law is designed to achieve is to have better joined-up working between different parts of the system or the Government, particularly local government and health and education services. In your experience as young carers, what sort of support do you get and do you think that it is joined-up enough? So, if the people you are caring for have health problems, do you get enough support from the NHS, the school or from social services when you need it? Who wants to start?

[302] **Ms Stone:** I will start. I think that there is enough support out there. It is just the fact that people need to know a lot more about the services that are provided. Some young carers do not want the school to know about their situation or they are ashamed of what they are doing. At the end of the day, it is your past. You cannot change your past, but you can change the future and what lies ahead for you. Social services, the school and young carers' services are all joined up. They all know what is going on and how to give support to the young carer. So, I think that there is a lot of support, but people need to be told a lot more about the services that are available.

[303] **Darren Millar:** So, you think that it is more about people not asking for support?

[304] **Ms Stone:** Yes.

[305] **Darren Millar:** Do people not ask because they do not know that the support is there? How did you know that there was support available, Kirsten?

[306] **Ms Stone:** I had a referral to Barnardo's by social services, because I was a really young carer and I was looking after my sisters and my mother. I knew about the support because the social workers sat me down and explained what they were going to do. Barnardo's workers came out to speak to me and here I am now.

[307] **Vaughan Gething:** Does anyone else have a comment on Darren's questions?

[308] **Ms Chandler:** With reference to the services being joined-up, I do not know about anyone else's school, because I think they are pretty good, but my school is not very good at being aware and joining up with these services. Social services keep holding 'child in need' meetings and, every single time, nobody from my school turns up. It has required someone from Young Carers, such as Trudy, to go into my school and make them aware of the situation and to start joining up. So, yes, they need to be more joined up.

[309] **Darren Millar:** That can have a big impact can it not, for example if you have homework and have to care for people at home as well?

[310] **Ms Chandler:** Yes, exactly.

[311] **Vaughan Gething:** Liam, do you want to say something as well?

[312] **Mr Nocivelli:** No, I am okay.

[313] **Darren Millar:** Go on Liam, do not be shy.

[314] **Mr Nocivelli:** That is just like my school as well. Staff do not turn up for meetings. It is like they cannot be bothered.

[315] **Darren Millar:** I wish I could wear a hoodie at meetings, by the way, Liam. It is very smart.

[316] **Vaughan Gething:** You do not want to see Darren in a hoodie. Does anyone else have a response to any of the questions that Darren has raised before I move to other Members for questions?

[317] **Lindsay Whittle:** I would like to add something on schools. I do not think that you should be ashamed—and I think that you used that word. You should be proud that you are here as young carers. We are all very proud of you, I can assure you. Going back to the point on schools, you have given us two examples of schools that do not turn up for meetings, which I think is really poor. You can tell the headteachers that this Assembly thinks that that is really poor. Do you think that your teachers should be made more aware of your situation, not just in terms of homework, but perhaps in terms of turning up late for lessons or being very tired during lessons, and take that into account? How do you think the Bill could help you with that? I know it is a tough question.

[318] **Ms Stone:** I think the schools need to be aware of the situation and home life of young carers. They need to know what kind of situation you are in at home, what is being

done and how they can help you. However, my school is pretty great. I had a bad anger management problem and problems sleeping. As a result of caring, I was always drained and I would never go to school because I was always home caring for my mum. The school was always helping me out. The staff were always supporting me. I always had the support of the welfare officers, social services and Barnardo's. They would all help me out. It only took me two years to get to where I am now today. I was removed from my home and put into foster care. Now I am in the best place that I could be, because it has worked out great. I am now going to school. I have 100% attendance record. I am now a peer mentor with Barnardo's and I am doing my GCSEs. I am doing well now. So, if it had not been for the school, social services, Barnardo's and other teams helping me with this situation, I would not be where I am.

[319] **Vaughan Gething:** Does anyone else have a comment on this?

[320] **Ms Chandler:** When Trudy came to my school, the three things we commented on were homework, lateness and tiredness. There needs to be a permanent record of the issues while you are in school; I had to explain it to every single teacher, instead of there being one thing on the register, record or whatever just to say that this student is a young carer.

[321] **Vaughan Gething:** On this point, I have Gwyn, Lynne, Kirsty and then back to Rebecca.

[322] **Gwyn R. Price:** Good morning to you all and welcome. Do you know anything about direct payments, how they work and the packages available through direct payments to help you in your life?

[323] **Ms Stone:** Not really.

[324] **Gwyn R. Price:** It has not been explained to you that you can have a say in putting packages together under the direct payments and how you can benefit from that. It interesting to get your reaction, because the group before did not know much about it either. It is interesting that what is out there through direct payments is not getting through. Thank you for being honest.

[325] **Vaughan Gething:** That is an information gap, and it is an issue for us rather than you, in terms of making sure that there is awareness. It is no criticism of you for not knowing what is and is not available.

[326] **Lynne Neagle:** One of the things that we have been a bit worried about as we have looked at this legislation is the fact that it might mean that young people, when they reach 16, could be charged for some of the services that they are getting, or the person that they are looking after might be charged. How do you feel about that, and do you think that that might put young people like yourselves off asking for help?

[327] **Ms Stone:** I think it would people off the services. At the end of the day, people need support, and if they are in a bad situation, they need the support as soon as they can, to be honest. So, if people say that they are going to charge people for the services, it would be a big turn-off for everyone.

[328] **Mr Nocivelli:** Some people might not be able to afford the charge. Their situation might be that they do not have enough money.

[329] **Ms Chandler:** You do not have to pay for prescriptions in Wales. We do not need medication, but we might need other services and we should not have to pay for them, just like people do not have to pay for prescriptions.

[330] **Vaughan Gething:** Lynne, do you have a follow-up on this?

[331] **Lynne Neagle:** No, that was great, thank you; it was very clear.

[332] **Kirsty Williams:** Neeve, may I ask you especially what you think this committee needs to know about being a young carer, and what do you think we need to do to make it easier for young carers to do what they do?

[333] **Ms Hallett:** I think we can make it a bit easier. If you are a young carer and you look after someone at home and they do not feel right about someone else, you have to tell someone to help you and the person who does not want them anymore and make sure that they are okay.

[334] **Kirsty Williams:** Has it been easy for you to find people to help you with your caring?

[335] **Ms Hallett:** I have my mum's really close friends and my older siblings, but it is quite difficult because I do not know whether people are going to be horrible to my mum. Sometimes, you do not know about some of the people who do this.

[336] **Kirsty Williams:** What do you think we could do to make that situation better for you?

[337] **Ms Hallett:** All young carers deserve respect from people such as teachers, doctors, social services et cetera. They need to be aware of young carers' needs and act upon them to give support.

[338] **Kirsty Williams:** Do you think that people listen to you when you are talking about what is happening at home and the care your relatives need? Do people listen to you, or do they think that they know better than you about who you are caring about, because you must know that person very well?

[339] **Ms Hallett:** Some people think that it is made up and they do not care, but some people know because they are very close to my mum.

[340] **Kirsty Williams:** Thank you.

[341] **Vaughan Gething:** I will ask the same question to Meredith. When you care for whoever you care for, do you think that you are listened to properly about your experience?

[342] **Ms Morris:** Some people listen, but whether they understand you depends on whether they have been through it—some people can help you. However, some people do not and they just write down things and push you out of the way, if you get what I mean. It depends on whether they have been through it.

[343] **Vaughan Gething:** That is interesting. Kirsty, do you have anything else on this?

[344] **Kirsty Williams:** There is the issue of sorting out schools and making people aware of services that are there to help them, but what other things could we do that would make it easier to be a young carer?

[345] **Ms Chandler:** I am going to touch on a controversial subject.

[346] **Kirsty Williams:** That is good. We like controversy. [*Laughter.*]

[347] **Ms Chandler:** Social workers often get slated for this and that, but you do come across a really nice social worker occasionally. The problem is having to change from one social worker to another, and re-explaining the circumstances is sometimes annoying. Also, do they have a superior they have to go to before they can sort anything out? I am asking because my sister phoned social services the other day and said to them that her brother had just pulled a knife on her—I know that he had because I was in the house at the time—and the social worker on the phone said, ‘That’s a shame’. We were like, ‘What would have happened if she had got stabbed?’. That is an issue that needs to be addressed.

[348] **Ms Stone:** Another issue is the fact that social services swap team workers all the time. I have had social services in my life for 13 or 14 years, but they have swapped and swapped workers. You have to go over your life story every time to new workers. They do listen, but I think that the information should be put on a record and that they should read over that record before they meet up with a young person. When you get a new social worker, you may think that they are lovely, but you still have to discuss your past and what you have been through and how you could sort things, and, when you go through your life story again, it is like no-one listens to you. You get a new social worker and you have to go over things again and again and again, until you meet up with the same social worker and have that person for a certain amount of time. I think that there is an issue with swapping social workers around. I know that it cannot be helped, but information could at least be put on a record and read over before they meet up with a person.

[349] **Ms Morris:** On social workers and swapping them around, I care for my mam and my nan, but not while I used to live with my mam. My mam used to put stuff through for my brother to help him because he has problems with his anger. She would put stuff through to help him—charts and stuff like that—but the social worker would not be listening to her and she would sort of push her out of the way. She would not be listening. My mam does not like them because they make her feel intimidated, because they do not listen.

[350] **Kirsty Williams:** There is nothing worse, is there, than when somebody is not listening to what you are saying?

12.00 p.m.

[351] **Ms Morris:** No, and some of them are unprofessional; some have gone on to talk about tattoos and stuff. That is not what they should be doing; they should be talking about what they should be doing.

[352] **William Graham:** Having listened to your evidence just now, would you agree that there should be somebody—who is independent of the social worker—putting your views forward? Should we make that law?

[353] **Ms Morris:** Some of them just do not listen; they go on to something else and do not listen to you, and they are not getting the point. It is a bit muddled up.

[354] **William Graham:** Therefore, if you had an additional person putting your view forward, is it more likely that social services will be able to listen and respond to your needs?

[355] **Ms Morris:** Yes.

[356] **Vaughan Gething:** Is that something that the rest of you agree with or have a view on?

[357] **Mr Nocivelli:** Sometimes they do not even listen to you, but, when they do, they will

sometimes try to twist your words to make you seem bad. That is something that should be touched upon.

[358] **Rebecca Evans:** Some of us have met before and I know what a fantastic job you do for your families. It is lovely to see you again. Do you feel that you have any say in the way that services for carers are provided, or the kind of services that are available to you? Or is it the case that you are told what is on offer and have to take it or leave it?

[359] **Ms Stone:** We have all had support and some of us may have had a rougher past than others. There is nothing that we can do about that; we just need to concentrate on the future and where we want to get in the future. Planning forward is the best thing to do. You need to plan what you would like to do and when you want to do it. I do not know about other people, but most of us here have had a rough time and some of us could have had it a bit easier. The support that is given out there is good.

[360] **Rebecca Evans:** Do you have a say in what is offered, rather than just being told what you can be offered, irrespective of whether it works for you? Do you get a chance to say what you need rather than being told what you are going to get?

[361] **Ms Stone:** Yes. Some people can have a one-time chance of going to the thing and if they enjoy doing that, they can go to another place to see what is best for them. However, you need to feel comfortable in speaking to the person that you need to speak to in order to get the support that you need. You need to get to know that person and feel confident and safe around them. How does everyone else feel about having a say?

[362] **Ms Eveleigh-Williams:** Zoe and I are part of the Rhondda Cynon Taf young carers group. Part of what that group does is to carry out a carers assessment to assess what we need, so we get a say in what we do and we get a choice about whether we want to do one-to-one sessions or attend groups. I have also been to things like rock climbing. We get a say in what we want, but I am not sure whether the people that work with Barnardo's have the same.

[363] **Ms Chandler:** We also have a young carers forum. Some of us are members of the forum, so we get to suggest ideas and bring forward ideas about what could be changed. I do not know whether it is the same across Wales though and whether that is something that could happen, or even just one forum for the whole of Wales with smaller forums throughout the districts.

[364] **Rebecca Evans:** How easy is it to understand the law that relates to young carers? There are a lot of laws and regulations out there but do you feel that you understand it? Do you feel that there are people out there that you can ask about what you are entitled to and so on, if you need to?

[365] **Ms Eveleigh-Williams:** We were talking about things like this earlier. Zoe and I were saying that we do not really know what it is, so we feel that we could have more information. We both sat there and said that we do not have a clue.

[366] **Ms Chandler:** There could be leaflets, pamphlets or something like that.

[367] **Ms Hallett:** I have been here before with Barnardo's to stay with Funky Dragon, for our subject, bullying, to see if we can stop that term, or anything. We have talked to one of the Ministers of Wales. My school told me that they care about me being a Barnardo's young carer, therefore, they help me. My teachers told me that if I need any time to speak to anyone, I am allowed to go to any of the teachers.

[368] **Kirsty Williams:** What other things do Barnardo's help you with?

[369] **Ms Hallett:** My father was in a mental health institution and Gill has been giving me some one-to-one time about that. Gill and I have been out and talked about my mum and my father, because my mum is very ill as well, but she has got a lot better recently. Gill said—*[Laughter.]*

[370] **Kirsty Williams:** What does Gill say?

[371] **Support Worker:** Gill reminded—*[Laughter.]*

[372] **Ms Hallett:** If I ever have a scene, I am allowed to go to her or any of the other young carers. We have our own plan reviews.

[373] **Kirsty Williams:** Has Gill been with you for a long time, or is Gill new?

[374] **Ms Hallett:** She has been with me for a long time. There has only been one session and that was my first ever session without Gill.

[375] **Kirsty Williams:** Right. And who told you about Gill? How did you find Gill, or how did Gill find you?

[376] **Ms Hallett:** Another Barnardo's carer told me about Gill and—

[377] **Support Worker:** I think that it was social services.

[378] **Kirsty Williams:** Okay. And you would not like to be without Gill now, would you?

[379] **Ms Hallett:** No.

[380] **Kirsty Williams:** I think that we could all do with a Gill.

[381] **Vaughan Gething:** One of the things that we have not asked you about is that part of the Bill—the possible law—says that young people could be allowed to refuse an assessment for services. Do you agree with that? Should young people be able to refuse an assessment, or do you think that social services should go in and do an assessment anyway, if they think that it is important?

[382] **Ms Eveleigh-Williams:** I think that they should be allowed to refuse it depending on their circumstances. By 'their circumstances' I mean their age. They could be young people of Neeve's age—not so much Neeve—who might be a bit more immature. So, they might not understand what they want, what they are going to come to do or that they are coming to help them. Whereas, at our age, yes, we should be able to refuse it.

[383] **Vaughan Gething:** At the moment, the Bill says that if you are over 16, you can refuse it anyway, but it says that, in some circumstances, people under the age of 16 could refuse an assessment. Do you think that that is the right balance, or do you think that anyone under the age of 16 should be able to refuse an assessment?

[384] **Ms Eveleigh-Williams:** I do not really know. Zoe and I were talking earlier about loads of things and what came up was the issue about whether they are in desperate need of help, or whether people think that maybe they can manage themselves. If they are in desperate need of help and refuse it, maybe social services should go in and do it anyway, because you can tell when someone is in desperate need of help.

[385] **Vaughan Gething:** Okay. Meredith, did you say that you are 15 years old?

[386] **Ms Morris:** Yes.

[387] **Vaughan Gething:** So, at the moment, you could possibly refuse an assessment with the law as it is written at the moment. Do you think that you should be entitled to refuse an assessment, or do you think that social services may decide, ‘We think that this is quite important, so you will get an assessment anyway’?

[388] **Ms Morris:** I think that I should be entitled to the option of whether I want one, or not. I have rights, even though I am not 16 years old. I should be allowed to say whether I want one or not. But, if social services feel that they need to, then I suppose that they can. It depends on how they feel.

[389] **Vaughan Gething:** Liam, did you want to say something on this?

[390] **Mr Nocivelli:** No, I am all right.

[391] **Darren Millar:** You said that you are 15 years old, Meredith. Are you worried that, when you are 16 years old, the support that you get might change?

[392] **Ms Morris:** Pardon?

[393] **Darren Millar:** Are you worried that, when you get to 16, the support you get might change as a result of you getting older?

[394] **Ms Morris:** I do not think that the support from Barnardo’s will change. But, I think that, with other things, they feel that because you are getting older you do not need as much support. They could think that you do not need it because you are getting older. I do not know.

[395] **Darren Millar:** Is it a worry to you, though?

[396] **Ms Morris:** It is, a bit. It depends, really, which support they are saying that about.

[397] **Darren Millar:** Does anyone else have a view?

[398] **Ms Chandler:** I am turning 18 in June and, obviously, some of that support will end. However, I will still be in the home situation. I am actually going to university, but I will be coming home every weekend. I will still be in the home situation and not receiving the same support. So, there is a bit of a worry there. There are services that we can access as young adult carers. Once again, I do not know whether that is throughout Wales or just in Rhondda Cynon Taf. I do not know.

[399] **Darren Millar:** Has it been explained to you properly—the changes that might happen when you become 18?

[400] **Ms Chandler:** Yes. It has been explained. I have had the preliminary explanation, but it has not been explained in detail. I am sure that it will be explained when I turn 18.

[401] **Vaughan Gething:** Do any Members have any other questions before I ask the final one? I see that no-one does. The final question is a general one, but I think that it is important that we ask it. Is there anything that you think is important that the law changes to help to improve the situation that you have experienced as young carers? Is there one thing—or even more than one thing—that you think it is important to try to change, or have you already covered that in the questions and answers so far?

[402] **Ms Chandler:** We wrote a little paragraph to answer the final question. We said that the Bill should include a way to ensure that services are aware of recovery and restoration and how important it is to us. Young carers need time away from their caring role.

[403] **Ms Eveleigh-Williams:** We have said about things like days out and residential. We have one-to-one sessions where we can talk to people in confidence and in a comfortable and neutral setting. Also, we need help with the counselling service. I have had experience of going to counselling through all my caring roles. The two different counsellors that I have been to have been quite shocking, and they were not as good. I went to one session and they asked, 'How are you feeling?' and when I said, 'Okay', they said, 'Okay; we will discharge you'. That was literally it. We want the chance to be the child or young person that we are, with time away from our caring roles so that we do not have to be carers constantly.

[404] **Ms Chandler:** Also, with the counselling service, there is often a waiting list, especially if you are trying to do it through your school. It is not about priority, as such, but since you already have underlying problems at home, I think that there should be better access to counselling services.

[405] **Vaughan Gething:** Okay. Does anyone else have any final comments, or anything that you want us to take into account before we write our own report and make some recommendations about the new law?

[406] **Ms Stone:** I think that the support should still be out there, no matter what the person's age is. Once you hit a certain age, you get referred to adult social services. Somewhere along the line in life, you will need the extra support again. Some young carers do get different support, such as one-to-one support. For counselling in school, there is a mega waiting list. I can remember that, a year ago, I was on the waiting list although I had been referred two years before that. It was only last year that I actually went to the counselling, because of the waiting list. There are different circumstances in home life, and different situations, but I do not think that Barnardo's and social services support should change.

12.15 p.m.

Vaughan Gething: That is very helpful and useful to us. Thank you all for giving up your time to come to see us today and to speak to us. It helps us to understand to hear directly from you as young carers before we make a recommendation on the new law. So, we will send you a note of the evidence from today, so that you can check that it is accurate and that you are happy with it. If there are other things that you have not had a chance to say and you definitely want to say, you can write back to us, we will read that before we write a report and make any recommendations. We will probably be in touch with you when we have done that report, to see if there is anything else that you want to tell us. Thank you all very much for your time; it has been really helpful.

12.16 p.m.

Papurau i'w Nodi Papers to Note

[407] **Vaughan Gething:** We have a couple of papers to note at the end, in particular the letter and report from the Children and Young People Committee on the Social Services and Well-being (Wales) Bill. That is the only correspondence to note. We will now go into a brief private session to consider where we are after today; we already moved a motion under the relevant Standing Order last week, so we are fine.

Daeth rhan gyhoeddus y cyfarfod i ben am 12.16 p.m.
The public part of the meeting ended at 12.16 p.m.