

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and
Education Committee

Blaenoriaethau ar gyfer y Pwyllgor Plant, Pobl Ifanc ac Addysg |
Priorities for the Children, Young People and Education Committee

CYPE 35

Ymateb gan : Cymdeithas y Plant

Response from : The Children's Society

Question 1 – Within the remit set out above: what do you consider to be the priorities or issues that the Children, Young People and Education Committee should consider during the Fifth Assembly?

This response will focus on two areas the Committee should consider over the course of the first twelve months of the Fifth Assembly: the support available to separated migrant children in the care system, including access to legal advice; and the safeguarding response to missing children, particularly those categorised as 'absent' by the police and the provision of return interviews for missing children when they are found.

Question 2 – From the list of priorities or issues you have identified, what do you consider to be the key areas that should be considered during the next 12 months (please identify up to three areas or issues)? Please outline why these should be considered as key priorities.

1. Missing children

- 1.1. According to the UK's Missing Persons Bureau, during 2014/15 there were 4,832 children who went missing, and on average each of these children went missing twice.¹
- 1.2. Children and young people who go missing are some of the most vulnerable members of our society. Children go missing for a variety of reasons. Often these are described in terms of "push and pull" factors to describe the dynamics that makes them either want to go missing from places and

¹ <http://missingpersons.police.uk/en/pressroom/high-level-data-reports-for-2013-2014-and-2014-2015>

problems that are troubling them, or to go missing in order to run towards places and people that they believe will them happy. These reasons may themselves put children at risk but it is also clear that going missing increases those risks by making children more likely to be a victim of violence, crime, sexual and criminal exploitation and trafficking. The Children's Society's *Still Running* research found that one quarter of children missing overnight had to either beg, steal, stay with a stranger, sleep rough or were hurt or harmed whilst missing.²

- 1.3. When a child decides to return home or is found the underlying reason for the child going missing is often not solved. As stated above, missing episodes increase vulnerabilities and can make a child susceptible to being groomed by adults looking to exploit them. Even if a child does not go missing again, failure to address the reasons that led them to go missing can result in other forms of risk taking behaviours or deteriorating well-being and mental health.
- 1.4. Independent Return Interviews are a vital tool for informing such a response. They provide a vehicle for the child to speak openly with an independent adult about why they went missing, what happened whilst they were away and what they need to prevent them from going missing in the future. The Children's Society worked to ensure Return Interviews are in statutory guidance in England and they are now commissioned by every local authority. In Wales the situation is different. The All-Wales Protocol for Missing Children does stipulate that children should be "given an opportunity" to discuss why they went missing. The protocol does not make this mandatory and because it is not statutory it is unclear whether local authorities provide them. As such, practice varies across Wales. Whilst some return interviews are provided this is not universally the case and in some instances they are funded by grants and charitable fundraising rather than by local authorities themselves.

² https://www.childrensociety.org.uk/sites/default/files/tcs/still_running_3_full_report_final.pdf (p. 17)

1.5. Following the introduction of the ‘missing’ and ‘absent’ category across England and Wales, an upcoming national strategy for missing people from the Home Office and upcoming refreshed guidance for police officers in responding to missing reports, the present Assembly presents a good opportunity to review the protocol, strengthen it and ensure that the national policing response is properly joined up with Welsh children’s social care services.

1.6. There are examples of good practice happening here in Wales. The Gwent Multi–Agency Missing Children Hub (the Hub) is an information sharing mechanism that allows stakeholders in health, education, social services and the police to better understand and respond to missing children. The Hub has helped to decrease missing incidents by 38 per cent and improved responses and understanding of professionals across Gwent to missing children. It also provides free return interviews or ‘debriefs’ to every missing child in the area.

1.7. Issues for the Committee to consider

The committee should examine whether return interviews need to be made a statutory requirement in Wales. They should also consider how Welsh services should respond to children classed as ‘absent’. The Westminster All–Party Parliamentary Group on Runaway and Missing Children and Adults’ May 2016 inquiry into the safeguarding responses made to children categorised as ‘absent’ may be of use to the Committee if it explores this issue. Data collection on missing children is particularly poor across the UK and the Committee should also consider if there is a role for the Welsh Government to coordinate collection and ensure that there is a robust picture of missing children and the responses they receive across Wales.

2. Advocacy for Unaccompanied Separated Children

2.1. Unaccompanied separated children in the care system face unique circumstances and face a complex set of vulnerabilities. We anticipate that numbers of unaccompanied migrant children in Wales will increase due to the recent

[transfer protocol for unaccompanied children](#), introduced by the Home Office and Department for Education following Section 69 of the Immigration Act 2016, which requires that local authorities redistribute numbers of unaccompanied asylum seeking children across the UK so those with less are taking in their fair share.

- 2.2. We also anticipate larger numbers because of Section 67 of the Immigration Act 2016, in which the government has pledged to make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe, though government plans for the number of children to be brought in and how this will be carried out have not been fully mapped out. These children are likely to have suffered from trauma caused by experiences in their countries of origin, which immediately puts them in a vulnerable psychological position and in need of specialist support. Their complex immigration status also means they are in need of professional legal advice. They may also require access to legal aid for immigration, criminal, or social care legal services.
- 2.3. Section 178 of the Social Services and Well-Being (Wales) Act 2014 re-states the existing entitlements of looked after children to advocacy and local authorities must provide entitled children with information and advice about this. Traditional advocacy services may not be equipped to meet the specialist needs of these children. This has been recognised through the Modern Slavery Act 2015 and its provisions for child trafficking advocates. These are currently being piloted by the Home Office and have not been rolled out nationally. Whilst these advocates would help to ensure the needs of trafficked unaccompanied children are met they would not necessarily ensure that all unaccompanied children get the help and protection they need.
- 2.4. A further challenge unaccompanied young people face is the support available to them on turning 18 and leaving the care system. Following the introduction of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO)

many separated children within the care system are now no longer able to access legal aid with their immigration cases to support them to regularise their status prior to turning 18. The provision of independent advocacy for these children to support them in accessing legal advice to regularise their immigration status is vital.

2.5. The All-Wales Practice Guidance for Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People (2011) and the All-Wales Multi-Agency Toolkit for Age Assessment of Unaccompanied Asylum Seeking Children (2015) should be updated to provide further details on the skills and knowledge an independent advocate will need in order to provide effective advocacy for unaccompanied and separated children, such as speaking the child's language or working with an interpreter, and knowledge of immigration law.

2.6. Linked to this area of inquiry is the Home Office's Interim National Transfer Protocol for Unaccompanied Asylum Seeking Children 2016-17. The purpose of the protocol is "to enable the safe transfer of unaccompanied children from one UK local authority (the entry authority from which the unaccompanied child transfers) to another UK local authority (the receiving authority) from 1 July 2016." This will affect Welsh local authorities. For this reason, reviewing the respective Guidance and Toolkit would ensure Wales is well-prepared to holistically support these young people.

2.7. **Issues for the Committee to consider**

We would encourage the Committee to consider whether UASC are receiving access to independent advocacy that help them with their unique requirements - which would entail overcoming language barriers, access to mental health support, and legal advice on regularising their immigration status. We would also encourage the Committee to ask local authorities in Wales what measures have they taken to prepare for the Home Office's transfer protocol.

3. Conclusion

Although there is good practice happening in Wales, it is still the case that some of the most vulnerable children in our society remain at risk. More needs to be done to identify the reasons why children and young people run away from home or care, to prevent them from going missing in the first place and address underlying problems in order to prevent children and young people who have been missing going missing again. It is also vital that unaccompanied have their rights and wishes voiced and met through access to holistic support services.