

**NGO PERIODIC REPORT
FOR
COMMITTEE ON THE RIGHTS OF THE CHILD
WALES**

JANUARY 2002

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1.Introduction

1.1Preparation of the report

1.1.1 This report was produced on the basis of a joint initiative between Children in Wales and Save The Children's Wales Programme.

1.2 Comments on process of preparing state party report C.W.

1.2.1 A lack of focus on the UNCRC was displayed by the previous Welsh Office at the time when the UK Government was preparing its second report for the UN Committee. In Wales there was no designated role in the Welsh Office for the overview of the implementation of the Convention nor was there any activity specifically targeted at consulting with children and young people themselves. Since the advent of devolution however the NAFW have commissioned consultation with children and young people on many issues. Although there is still no formal mechanism which could contribute to a further coherent Report. Government departments have not responded to NGO suggestions to improve the reporting process. There has been no UK wide co-ordinated opportunity for the NAFW to give an update regarding its activities including the appointment of a Children's Commissioner for Wales. There is a further issue which needs to be urgently addressed namely the need for data relating to Welsh children to be disaggregated in departments that have responsibility for non devolved matters such as the Home Office.

1.2.2 Since devolution, despite an obvious endorsement of many of the principles of the UNCRC and reference to it in policy documents in relation to children, the National Assembly as a whole has not formally adopted the UNCRC. Equally there are no indications that the Convention is to be monitored systematically in future. Whilst the establishment of the Office of the Children's Commissioner for Wales is a new mechanism for independent monitoring, there are however no governmental structures in place to promote, implement and monitor the UNCRC

1.3 Country Context

1.3.1 The impact of devolution on policy and provision for children in Wales is affected by the partial devolution that has been settled upon in Wales. It is true to say that the process of adjustment to that change has not been completed and the impact of devolution on children is only currently understood in a limited or provisional manner. The challenge remains to ensure that the many opportunities offered by these governmental and administrative changes deliver real benefits for children in Wales. Generally speaking the terms of the Welsh devolution settlement sees the retention of primary legislation by the Westminster Parliament with the secondary legislation of implementation being devolved to the National Assembly for Wales. In addition there are areas of reserved powers across the whole of the United Kingdom. Accordingly this report covers Wales specific issues where there are emerging areas of distinct policy and provision or areas of particular concern in Wales for Welsh children.

1.3.2 Wales is the only country of the United Kingdom with two official languages.

1.3.3 Since the presentation of the last report the largest public enquiry within the U.K. into abuse within the public care system has been held in Wales.

1.3.5 Some of the key statistics relating to Children in Wales include the following:

Welsh population, 1999	2,937,000	
Population 0-18 years	671,300	(20% of population)
Population 0-4 years	171,300	(6.51 % of total popn)
Population 3 - 4 years	76,200	
% in LEA education	74.2%	

Children looked after by local authorities, 2000 3,574

Children on the child protection register, 2001

2,126 (32 children per 10,000 popn aged 0-17 yrs)

Conceptions by under 18 years olds, 1997

Under 16 year olds:: 564 (10.3 rate per 1000 females in age group)

Under 18 year olds: 8,300 conceptions to under 18 year olds (51 conceptions for every 1000 girls aged 15-17)

Welsh speakers (1991) 500,000 (18.5% of population aged 3 and over) Welsh speakers - children 3-11 14.9%

Welsh speaking schools 97/98: primary: 445 (26.6% of schools) secondary: 54 (23.7% of schools)

School Exclusions 1999/00 337

GDP per head of population £9,888 per head. As percentage of UK 82%

2.General Principles

2.1Issues Raised by the CRC

2.1.1 Awareness, Co-ordination, implementation and monitoring of Convention

Article 42: Article 44 : Article 17 :

There has been no formal governmental structure introduced in Wales. Children and young people themselves are in large part still unaware that the UNCRC exists as the previous Welsh Office and current National Assembly for Wales have only issued one leaflet for children explaining their rights under the Convention. It has been left to the NGO sector to establish the sole UNCRC monitoring project in Wales which has recently been established by Children in Wales and Save The Children.

Recent research (Sophocleous 2001) shows that almost 30% of courses providing training for professionals dealing directly with children in Wales do not consider children's rights at all within their curriculum. Of those who do only 54% addressed the Convention throughout the course. In many this training is optional. The obstacle to developing this further is generally seen by these institutions as either not being a priority in terms of teaching time or the lack of expertise and resources. Clearly therefore the Committees recommendation has not been fully implemented.

There has been no systematic approach to any of the aspects of sharing information (amongst professionals, adults and children alike), coordinating implementing or monitoring the UNCRC in Wales. The National Assembly for Wales have included reference to the Convention in much of its work with children. Despite such an obvious endorsement of many of the principles of the UNCRC and reference to it in policy documents in relation to children, the National Assembly as a whole has not formally adopted the UNCRC. Equally there are no indications that the Convention is to be monitored systematically.

2.1.2 Poverty

Article 2: Article 4 : Article 12: Article 26: Article 27:

Child Poverty in Wales is the overriding concern of the children's sector NGO s and children themselves. This is of particular concern to Wales because income poverty across Wales is amongst the very worst in the U.K. In addition Wales as a whole retains the highest child poverty rate before and after the consideration of housing costs within mainland Britain and has the highest national rate of child poverty within the U.K.. Associated with poverty are a number of indicators of a child's well being which are a cause for concern including mortality, accidents, neglect and abuse, teenage pregnancy, poor housing, homelessness, educational attainment, smoking, suicide and self esteem.

Children themselves see clear relationships between issues relating to Article 27 and discrimination , the uptake of services and opportunity, employment, future life, youth crime, mental health and the abuse of drugs and alcohol. The feelings of stigma and the shame of poverty are powerfully evoked by children and young people. The effect on young people's emotional well-being and destination graphically illustrated in consultative research with children.

The UK target of eradicating child poverty faces particular challenges in Wales where many of the communities where the poorest children live are areas, which have experienced long term, profound and persistent poverty. Whilst much of the Government spending affecting this area is controlled at the U.K. level the representation of Welsh children's best interests are not presented clearly within the new government structures. Communication and cooperation between devolved and non devolved Government departments is not coordinated around a central goal of reducing child poverty in Wales.

The National Assembly's much welcomed drive to reduce poverty in communities in Wales does not include currently a co-ordinated anti child poverty strategy with clear measurable goals with monitoring and an assessment of the impact of its work on children. There are indications that such an approach may emerge at a later point from the Assembly.

2.1.3 Traveller Children access to Services

Article 2: Article 16: Article 28: Article 30

Traveller children in Wales face everyday discrimination in terms of basic services. Traveller families continue to experience difficulty in accessing suitable sites.

The education of Traveller Children has been under resourced. Research undertaken by Cardiff University (Morgan 1999)revealed that the number of children upon whom the calculations for provision were based were

underrepresented by 115%. Subsequent funding increased but remains currently at a total expenditure of £400,000 for Wales. The issue of quality, access and relevance of Traveller education remains an issue of concern.

The priority concerns for Traveller children and their families are:

Finding more places to stop.

Bullying and discrimination within schools coupled with the issue of access to school transport and the relevance of secondary school curriculum.

Employment and work related training

Health Concerns about the effect of the environment.

The National Assembly for Wales is to conduct a year long enquiry aimed at establishing a new policy on Gypsy and Travellers under the auspices of its Equal Opportunities Committee.

2.1.4 Physical Punishment

Article 3.2 : Article 19 : Article 37

No progress has been made with regard to the removal of defence of reasonable chastisement despite ruling from the European Court and the government's own assertion that the law allowing reasonable chastisement much be changed to give children better protection. The UK Government has not undertaken the commitment given to the court.

The National Assembly conducted a consultation in 2000. The results were made public however the NGO forum on physical punishment in Wales raised concerns about how the issue was subsequently reported to and debated within the Assembly.

The National Assembly has no powers to legislate on the primary matter, however the Assembly is proposing to prohibit all physical punishment (along with shaking and humiliating children) in all forms of day care including child minding.

2.1.5. Health of Minority Groups/ Differentials

Article 2. : Article 24

One of the key concerns of NGOs in Wales is that currently not enough is known about the health issues of homeless, traveller, refugee and minority groups of children. Figures are not readily available for Wales on a disaggregated basis. The inverse care law of medical needs where good quality care tends to be least available to those with the most needs was proposed initially in Wales and the situation of such groups indicates that insufficient has changed for these particular groups. Refugee children whose life experience includes violence and bereavement are recorded as having their distress exacerbated by inappropriate medical responses based on false assumptions (Webb 1999).

2.1.6 Participation in Health/ Education /Family and Child Protection

Article 12

The participation of children and young people within Welsh society has been an area of significant development in the early years of the Assembly's work. The genuine progress achieved relates to a number of National Assembly initiatives, which are dealt with in paragraph 2.2.1 (Changes in Key areas.) These initiatives are seen by children and young people as a significant step in the right direction. Participation within Health, Education and Child Protection systems are considered key areas where progress is still required.

During the course of the North Wales Tribunal into abuse of children in residential care homes, it became apparent that there were also some complaints against the health authorities. As a result the Minister for Health and Social Services of the National Assembly for Wales set up a panel of Inquiry into Safeguards for Children within the NHS in Wales, now known as the Carlisle Review. The report is due to be published in 2002 and is extremely significant in view of the fact that the terms of reference were quite wide and therefore children and young people's views about current NHS provision could be explored. It is expected that the report will result in a greater focus on child-focussed services within the NHS.

Currently within the health system in Wales there is neither an advocacy nor a complaints service for children and young people. There should be equal provisions within primary legislation regarding children in contact with health services as there is in the Children Act for children in contact with social services.

Recent research (Crowley and Treseder 2001) mapping the involvement of children and young people in decision making looked at the health, education and local government systems. They considered where and how children were involved and what supported effective involvement. The report concluded that the UNCRC and National Assembly policy initiatives were prime motivating factors behind involving children. Such

approaches however required support and sustaining. Legislative changes were recommended in the legal age when a person can become a trustee. The research also concluded that a cultural shift in attitude was required to encourage the participation of children and young people in the Health and Education field.

This is echoed in the views of children themselves who particularly feel the lack of progress in participation within the Education system including the absence of an appeal mechanism by children against exclusion and the absence of a national school council structure.

The participation of children and young people in child protection processes whilst being an area of some complexity remains an area where the Convention and the Children Act require the involvement of children as soon as their age and understanding permits. In addition “Working Together to Safeguard Children” the National Assembly’s child protection guidance makes clear recommendations in this area. Recent research (Sanders and Mace 2001) however identifies that children’s views are not systematically included or recorded in child protection conferences, which reflects the lack of their involvement in a process, which remains intimidating to children. The use of independent advocates is not yet uniformly applied across Wales.

2.1.7 Disability

Article 2 : Article 23 :

Since that time there has been a plethora of policy initiatives in this area notably “Children First” the National Assembly for Wales’s version of “Quality Protects”. The aim being to ensure that children with special needs arising out of disability have their needs assessed, met and reviewed.

In practice there remains a high degree of variation in the availability and quality of services. In some areas the experience of service users shows little of the progress aimed for in the initiatives identified above. Consultation with young people with disabilities has raised a number of persistent concerns of this nature and also have highlighted the impact of bullying on these children’s lives.

2.1.8 Minorities

Article 2:

Many of these issues are addressed in paragraph 2.1.5 and 2.1.3

The National Assembly has established a Committee of Equal Opportunity. Through its structure it maintains a dialogue with organisations representing minority and disadvantaged groups and gives guidance on building equal opportunities into all policy areas. The issue of discrimination by age is not yet on the Committee’s agenda. The Assembly has made firm commitments to taking equality forward as one of its key themes, namely “Building equality into all policies and practices”. One of its first tasks has been to implement the learning from the MacPherson report.

2.2 Changes in Key Areas since the consideration of the initial report

2.2.1 The establishment of a National Assembly for Wales

This body has devolved powers in relation to the regulation and operation of much of the legislation affecting children in Wales. Since devolution, the Assembly has shown a commitment to introducing the UNCRC into its policy documents relating to children. The Strategy for Children and Young people states that the Convention “should provide the foundation of principle for all dealings with children.” It has also established a Cabinet Children’s Committee that brings together the First Minister, Ministers for Health and Social Services and Youth Justice, Minister for Education and Lifelong Learning and the Minister for Culture and Sport. Other Ministers are circulated with minutes and invited to meetings in rotation. Outside bodies are also invited in to give presentations. There is not however a cross cutting children’s Committee across the whole Assembly which would be a means of ensuring ownership of children’s issues by the wider political membership.

The working methods of the Wales Assembly Government have been extremely conducive to the involvement of outside bodies in the development of policies. The committees invite organisations in to give presentations and to discuss policy issues. Indeed the strategic development of early years provision and Child Care, have been greatly informed by NGO’s. The accessibility of information on the Assembly’s web site has enabled organisations to keep in touch with developments and to intervene where appropriate.

The main issue in ensuring that devolution works for children has been the difficulty of significantly influencing primary legislation that affects Welsh children. There is also insufficient representation and influence from Wales within the Children and Young People’s Unit in London that in turn is very influential regarding legislation.

There is however one striking development which is in relation to Article 12 and the participation of children and young people. There is a genuine expectation that children and young people will participate in the development of policies affecting them at both local and national levels. The consultation document *Children*

and Young People : a Framework for Partnership and the subsequent draft guidance on *Children and Young People's Frameworks*, as well as the *Extending Entitlement supporting young people in Wales* Report by the Policy Unit of the National Assembly for Wales and the subsequent consultation on the draft direction and guidance, will make a considerable impact on the practice of policy development.

Both at local and national levels, the proposal in the consultation document *Moving Forward – Listening to Children and Young People*, will ensure that there is a national structure *Llais Ifanc*, that has the ear of the Assembly as a channel for children and young people's views from local level through to the policy making of the Assembly. Every local authority will be expected to have a youth forum and every school a school council. Attention is also paid to the importance of ensuring that children from minority and disadvantaged groups are able to fully participate.

2.2.2 Waterhouse

The North Wales Child Abuse Tribunal of Inquiry into child abuse within the residential care system presented its findings to the Westminster Parliament on 15th February 2000. This was the single largest inquiry to have been undertaken in Wales. The 72 recommendations encompass the broad range of a child's experience of the public care system. Notably they included: the appointment of an Independent Children's Commissioner for Wales, the appointment of Children's Complaints Officer, the establishment of clear whistle-blowing procedures and the failure by staff to report suspected abuse of a child by anyone else becoming a disciplinary offence.

This is an area whose implementation in Wales is largely devolved to the National Assembly for Wales who produced a detailed response to the Tribunal report. This action plan has already seen the introduction of many of the main recommendations. It is generally too early to measure their effect but the obvious commitment within the response to radically improve the experience of children within the care system will need to include a full review of the outcomes for children.

2.2.3 Office of Children's Commissioner

The first recommendation of North Wales Tribunal report was the establishment an independent Commissioner for Children. The Children's Commissioner for Wales Act completed its final stages in Parliament on 10 May 2000. The Act extends the remit of the Commissioner to "*any matter affecting the rights and welfare of children in Wales*". An independent Children's Commissioner for Wales has been appointed. Children's Commissioner The establishment of the Children's Commissioner for Wales is the most significant development regarding the monitoring of the implementation of the UNCRC. The powers of the Commissioner are wide ranging in relation to matters affecting children where powers have been devolved to the National Assembly for Wales. The NAFW also ensured that the UNCRC was in the secondary legislation whereas the UK government had refused to include it in the primary legislation.

The powers are however less where the matter is in relation to non devolved issues. In these circumstances the Commissioner can only pass comments to the National Assembly for them to pass on the comments to the relevant UK Government Department.

2.2.4 Early Years and Child Care Strategy

Early Years

Further to considerable consultation since the advent of the NAFW, major shifts in early childhood policy are proposed in the consultation document "Wales the Learning Country: A Paving Document." A new foundation stage for 3 to 7 year olds is proposed based on a child centred approach to learning. This has been influenced by the responses to the consultation on education provision for 3 year olds that endorsed the need for a play-based curriculum which motivates and enriches young children. The NAFW also proposes to introduce legislation to end testing at 7 years of age and to rely on teacher assessment. Curriculum guidance is being produced which will reflect best practice for 3 - 7 year olds. These recent developments are welcome and reflect an approach that is taking into consideration the best interests of young children. However, there is a strategic need for both education and health and social services policy makers to work closer together in the NAFW. There are early indications that there could be headway in this regard.

Childcare in Wales

The UK has been at the bottom of the European League of public funding for childcare. Issues of both quantity and quality of provision are significant in Wales. Since the publication of "The National Childcare Strategy in Wales" in June 1998, the Assembly and its partners have worked within Wales to promote the provision of accessible, affordable and good quality childcare within each locality. The Strategy has been taken forward to date in each local authority area by Early Years Development and Childcare Partnerships (EYDCPs). In view of the time that has elapsed since the Strategy was first published a NAFW Childcare Task Force was created in February 2001 to set the direction for the future in the light of experience so far. An implementation plan is promised in February 2002. In order to succeed it will require increased public funding to ensure sustainability.

2.2.5 Culture and Language

Relevant articles :Article 30

Information and Progress

At the time of preparing the last report in 1994 the main statutory instrument for enabling the child's right to use his or her own language had just been introduced and its influence was uncertain. The Welsh Language Act 1993 represents a milestone in the history of one of the oldest European languages. It establishes the principle that in the conduct of public business and the administration of justice, the English and Welsh languages should be treated on the basis of equality. It also established the Welsh Language Board whose functions include grant aid to bodies such as nursery schools and youth organisations concerned with the promotion of the language. The Act details definite steps to be taken by the Welsh Language Board and by public sector bodies such as local authorities, health trusts and government agencies - including institutions outside Wales in the preparation and operation of Welsh language schemes. These schemes set out how services in Welsh are to be provided. At the beginning of 1999, over 150 language schemes had been approved, including those of all 22 local authorities in Wales. A further 68 schemes are in preparation.

In addition the UK government formally ratified the European Charter for Regional or Minority Languages in March 2001. Ratification of the Charter places a duty on the Government to present to the Council of Europe on a regular basis a formal report on its policies to implement the Charter.

All local education authorities have either agreed a Welsh medium education scheme with the Board, or have been notified that they need to develop a scheme. 15 schemes are already approved. These include targets for developing bilingual and Welsh medium education from the early years until the end of the school period. Each scheme includes a section dealing with special needs.

Insufficient funding hampers the ability of the Welsh Language Board to monitor and evaluate the impact of these initiatives. The effect of the legislation is clearly limited by its limited remit namely that of the public sector. At a time when the social, political and economic life in Wales is marked by increasing sectoral diversity, this omission is a serious weakness.

3.Civil Rights and Freedoms

3.1Issues raised by CRC from last report

3.1.1Juvenile Justice

Relevant Articles: Article 40.3(b)(diversion from crime)Article 37(b)(imprisonment as a last resort)Article 40.4(Minimum but appropriate intervention). The Articles of "general principle" and other articles are also relevant including Articles 19,24,25,30,37,and 40 also apply. Of note in Wales is article 30 and the right to enjoy the use of one's own language

There is no evidence of a response to the general or specific recommendations of the committee. There has been no change concerning the reservation about the position of children in adult offender institutions nor the age of criminal responsibility.

The conditions within prisons housing children are regularly criticised in terms of the care provided for all inmates but particularly those housing children. It remains the situation that Welsh children are held in jails situated in England where cultural rights and access to family are placed under strain.

Since 1997, plans for a radical overhaul of the youth justice system have begun to be implemented in Wales and England. These include the Crime and Disorder Act 1998 in England and Wales, which will introduce the Detention and Training Order. This is a new custodial disposal for 12-17 year olds which places increased emphasis on a clear sentence plan to tackle the causes of offending and on continuity of supervision before and after release from custody. The problem however is that the use of these orders is not restricted to use as a last resort and there is inconsistency in the use of custodial sentences both in terms of geography, institution where the order is served and seriousness of offence. The DTO came into force in April 2000. In its first year of operation in Wales 383 juveniles from Wales were given DTOs by the courts. 332 served their sentences in Young Offender Institutions (YOIs), 36 were detained in Local Authority Secure Units (LASUs) and 15 were held in Secure Training Centres (STCs). During the same period 219 juveniles from Wales were remanded in custody, 176 in YOIs and 43 in LASUs. Looking at the situation on 30 November 2001, 171 juveniles from Wales are presently serving custodial sentences while 20 are currently remanded in custody.

Concerns have been raised regarding the introduction and extension of children specific curfew orders within the Criminal Justice and Police Act 2001. This extends the power of curfew in area to include all children under 16 years of age.

4. Family Environment and Alternative Care

4.1 Changes in key areas since last report

Relevant Articles: Articles 5 and 18 Article 3 Article 12

4.1.1 Children First

The Children Act 1989 remains the primary legislation addressing the need to promote and safeguard the welfare of children within the family and to provide alternative care when the family is unable to meet their needs. The implementation of the legislation is a devolved matter for the National Assembly for Wales. Progress has been made since the last report on a number of areas. "Children First" was devised to be the National Assembly for Wales' response to the Waterhouse Report, however it has a wider remit than children within the looked after system. The overall objectives are to ensure that children in need, at risk and looked after are protected and gain maximum life chance benefits from education opportunities, health care and social care. The programme aims to ensure that care leavers are not isolated and can participate socially and economically as citizens. Children with special needs should have their needs adequately assessed and met. Referral and assessment processes should prioritise appropriately. Resources should be planned and should represent best value for money. There is a requirement for adequate complaints procedures and a heavy emphasis on involving service users, including children, in planning services. All workers must be adequately skilled, trained and qualified. A range of Performance Indicators is required to aid monitoring.

5. Basic Health and Welfare

5.1 Issues raised by CRC from last report

5.1.1 Teenage Pregnancy

Article 24.2:

Within Western Europe, the UK stands out as having the highest teenage birth rate. Within the UK Wales has consistently had the highest rate since records have been kept. A "Sexual Health Strategy" has been introduced by the Assembly. As part of the Better Health Better Wales Strategic Framework it has a number of objectives including : to ensure that all young people in Wales receive effective education about sex and relationships as part of their personal and social development; all sexually active people in Wales have access to good quality sexual health advice and services, reduce teenage pregnancies in Wales and promote a more supportive environment and strengthen monitoring.

5.2 Changes in key areas since last report

5.2.1 Child and Adolescent Mental Health Strategy

Child and Adolescent Mental Health Services Strategy (CAMHS)

In September 2001, the NAFW published its Child and Adolescent Mental Health Services Strategy document, 'Everybody's Business'. The strategy promotes an increasing focus on children's rights, advocacy, development of child friendly services and active steps to hear the voices of children. It includes amongst its principles: that 'the views of children and young people who use the services should be actively sought by planners and commissioners and incorporated wherever possible into plans and service delivery'. Although the child centred approach is promoted, there must be much more integration of the child mental health services with the general health services for children for this to occur in practice.

A CAMHS Advisory Group has created a Strategy for North Wales. The Health Authority jointly commissioned Children in Wales and Save the Children to carry out a consultation with children, young people, families and community groups in North Wales. The main aim was to collate information from young people and families on their perception of mental health issues and to explore how children and young people's mental health needs can be effectively met, including development of preventative services. Their views have been incorporated into the North Wales Strategy Document

Implementation of the CAMHS Strategy does however require close monitoring. In particular the problems of equitable access to services across Wales and the low levels of resources available compared to services for adults. There should be in particular be an urgent review of the adequacy of therapeutic services for sufferers of abuse – at present very few children who have been abused receive any sort of service to support their mental health.

5.2.2 Children's Health Service Provision

There has been welcome attention to the health issues of children in public care although implementation is in its infancy. For instance Wales is the only country in Europe without a Children's Hospital. Children's services have come low down in the priorities of planning in the NHS and to a large extent are still invisible as a much larger percentage of children have their health needs addressed by personnel without expertise in working with children. It is also very difficult to disaggregate data relating to children. Of considerable concern is the lack of resources going into preventive services for children and the lack of school nurses. Training for the workforce who deal with children's health needs is essential. Also the announcement to establish a National Standards Framework in Wales to set national standards and define service models for children and young people is very welcome. NSF's should also put in place programmes to support implementation and establish performance measures against which progress will be measured. There will be close liaison between the National Assembly and the Department of Health during the process to ensure that common principles are established. The NSF will cover services provided from birth up to and including the age of 18. It will also have enough elasticity to cover the services spanning the transition into adulthood.

There is considerable concern about the impact of the future re-organisation of health authorities in Wales. Whenever there are structural changes, there are vulnerabilities within the new structures that may be detrimental to children's welfare during both the process of re-organisation and also in the short term. The worst case scenario is a breakdown in child protection services. It is essential that every new health structure has both a board member and a professional officer with specific responsibility for overseeing health services for children and young people.

5.2.3 Substance Misuse prevention and Rehabilitation

Substance misuse is one of the most important issues of concern to young people in Wales. They see that there are many different reasons why substances are used and want to make a distinction to be made between recreational use and dependency. They are concerned about mixed messages and the different value base between the so-called legal drugs, such as alcohol and tobacco and illicit substances. Young people want services to be based on the diversity of needs of young people. They believe that prevention education should start early, be innovative and be relevant to the age group; there should be good access to services and information; families should be supported; the links with mental health should be recognised; and that there should be alternative youth and leisure facilities, particularly in rural and deprived areas where substances are widely available and there are few youth facilities.

The Assembly's Strategy *'Tackling Substance Misuse in Wales: a Partnership Approach'* aims to ensure that young people have the prevention education and services they need and supports peer led education as one of the methodologies used. Whilst progress has been made there is still a long way to go in engaging young people in consultation activities in which they can be full partners, and in developing sufficient and relevant services and prevention activities, based on their ideas and experiences. Currently, the provision of rehabilitation services is inadequate at best and at worst non-existent.

6. Education, Leisure and Cultural Activities

6.1 Changes in key areas since last report

6.1.1 Bullying

Articles 19 : Article 37

Children and young people raised the issue of bullying within school and other institutions as a major concern. Bullying now consistently presents as a common problem in consultations with children.. Many children feel that the way in which bullying is handled is in itself a problem. Issues of disclosure and confidentiality often lead to difficult situations being made worse.

The scale of bullying in Wales is difficult to estimate statistically although consultation with children reveal that it is endemic and pervasive.

6.1.2 Access to Information, Advice and Support

Article 17:

Children and young people in Wales felt strongly the need for independent reliable trustworthy advice and the support of advocates when they felt that their weren't being listened to. Advice and information on a range of topics from health to training opportunities were needed in accessible, friendly non judgemental environments. The key initiative for the youth of Wales was launched by the National Assembly for Wales under the title "Extending Entitlement". This is the title given to the strategy to help every young person in Wales to realise their full potential by participating successfully in education, training and work and by contributing as citizens within their communities and beyond. Support for young people in Wales will be structured around an entitlement for all young people to a range of services in the language of their choice, designed to promote their attainment and development as individuals. A network of quality services guided by a clear vision of how young people's needs will be met and how local delivery, across all the relevant agencies, will be monitored and improved.

The Careers Service in Wales and the Welsh Youth Agency are going to undergo major change to implement Extending Entitlement and the recommendations of the Education and Training Action Group that the National Assembly should establish a national all-age information, advice and guidance service - Careers Wales - by April 2001. Youth Gateway aims to strengthen the Careers response to young people who lack direction by improving individual assessment and providing a package of options to help young people move on.

6.1.3 Play

Articles 2, 3 and 12 : Articles 31:

The National Assembly has been actively engaged in beginning to put play on the agenda by the distribution of funds for play to children and youth partnerships. In 2000 the National Assembly commissioned a major review. In January 2001 the Assembly accepted the recommendations of that report and have put forward a framework for play in Wales. In addition local authorities were encouraged to establish play policies and strategies for implementing them with the explicit aim of achieving the full implementation of Article 31 of the UNCRC.

7. Special Protection Measures

The main issues emerging in Wales relate to Youth Justice and the detention of children and are referred to under Section 3.1.1 Juvenile Justice (p6).

8.Recommendations and Questions for Committee to Raise

8.1 Information, training, implementation, monitoring, learning and reporting UNCRC

The National Assembly for Wales formally adopts the UNCRC.

Systematic monitoring against the provisions of the Convention as a framework for the annual report by the Cabinet Committee for Children.

Systems be established in preparation for ongoing and continuous monitoring of the Convention which include continuous consultations with children and young people through existing (such as Llais Ifanc) and new mechanisms as deemed appropriate.

Improved liaison between devolved and central government departments in preparing for and reviewing the recommendations of the CRC.

A programme of public information (aimed both at adults and children) in respect of UNCRC.

A review of the training of curricula in Wales in respect of the teaching of UNCRC on child related professional training courses. UNCRC to be included as compulsory within curricula.

The production of disaggregated statistics for Wales in all areas of children's lives to allow rigorous monitoring of the U.N.C.R.C.

8.2 Making devolution work for children

Representation and liaison between devolved and central governments should operate in a manner which ensures that the new structures and systems of government provide the maximum protection of, provision for and participation of children and young people in Wales.

8.3 Children's Commissioner

The role of the Commissioner's Office as an independent mechanism for implementing and monitoring the UNCRC should be supplemented by a commitment from all Government departments in Wales to the UNCRC. Funding levels for the office should be reviewed in line with the development of the Commissioner's office.

The learning from this initiative be shared in order to develop and support Commissioners across U.K.

8.4 Reservation

The reservation in relation to Immigration and Nationality Act in respect of UNCRC be reviewed and abandoned.

8.5 Child Poverty

The National Assembly should establish a national anti poverty strategy, with clearly established goals, benchmarks and mechanisms for the measurement of child poverty and the impact of government initiatives upon the well being of children in Wales.

The criteria in assessing and targeting poverty should relate to the broad range of the Articles of the Convention which relate to poverty including Article 4.

8.6 Child's Best Interest

The National Assembly consider Article 3 across the whole range of its activities including the use of child impact statements in all areas of policy.

The child's best interest should be considered within the proposed national re-organisation of the health service in Wales. Particular consideration should be given to the effect upon the child protection arrangements of the restructure. Each of the proposed health units should include a children's service official with responsibility for promoting the best interest of children through coordination and development of appropriate services. Core children's services should be resourced and staffed at appropriate levels with targets with agreed action plans for dealing with staffing and resource shortage.

8.7 Participation of Children and Young People

The positive developments in participation be supported and sustained with the learning shared and best practice disseminated.

National and local school council structures be established to encourage participation in schools.

The involvement of children in child protection processes and procedures to be improved in line with the requirements of the Children Act and UNCRC.

The priority concerns of children and young people in areas such as bullying, poverty and the rehabilitation and support of children who are victims of abuse, dependency or discrimination should be highlighted and prioritised. Children and young people should be encouraged to be partners and active fellow agents in addressing these areas of concern.

8.8 Physical punishment

The removal of defence of reasonable chastisement in order to better protect children giving them the same rights in law to be protected as adults.

8.9 Gypsy and Traveller children

The rights of Gypsy Traveller children to be given particular emphasis in the forthcoming review of the National Assembly for Wales.

8.10 Questions:

What are the obstacles to applying a rigorous and systematic approach to UNCRC at central and devolved government levels?

What can be done to improve representation of Welsh children's best interest and their views in non devolved (Westminster) areas of children's policy?

What proposals does government have for addressing the concerns and recommendations listed above?