

To: Janet Finch  
Saunders, AM

Via email only

02 June 2020

Dear Janet,

I received your letter dated 1<sup>st</sup> June 2020 this morning, regarding the current lockdown arrangements and their impact on children and young people. I am disappointed to note that you are concerned at lack of action by myself and my team, and that you have not sought to raise this with me directly prior to issuing a press release on this topic. I had not been sent a copy of the press release so the first I heard of this was when my team was contacted by a journalist.

The Coronavirus has brought unprecedented changes to our laws and ways of life here in Wales, in ways that we could never have imagined even a few months ago. The changes are being guided by public health and scientific advice, which has meant the sudden introduction of measures such as the lockdown arrangements.

I am acutely aware of the impact that these measures are having on all of us, but especially our children and young people. I have written a couple of blog entries which you'll find on my website recognising the particular impact on them of these measures. <https://www.childcomwales.org.uk/our-work/sallys-blog/>

Throughout this period, as is always the case, my primary focus has been on safeguarding and promoting children's rights and ensuring that their needs are being met, wherever they may be in Wales. My team and I have concentrated on:

1. Ensuring that children have their right to information through our comprehensive bilingual Coronavirus information hub that was launched on March 19th and has been widely engaged with.
2. Ensuring that children have their right to be listened to through leading on Wales' nationwide survey of children which had over 23,000 responses and the results of which have already been shared with the Government in inform policy development.
3. Ensuring that children's protection and provision rights are safeguarded through scrutiny of government guidance and policies and providing regular updates of issues facing children that we have become aware of through our casework service, correspondence with



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Croesawn ohebiaeth yn y Gymraeg yn ogystal â'r Saesneg ac mewn amryw o fformatau  
We welcome correspondence in the medium of Welsh and English as well as alternative formats

Members of the Senedd and regular contacts with the third and statutory sectors.

4. Writing formally where necessary to Welsh Government and UK Government Ministers to bring potential breaches of children's rights to their attention.

As all of our ways of working in offices and face to face meetings have changed, so have my methods of engaging with Government ministers and officials adapted accordingly. At the very outset of the lockdown we were due to publish two reports that would have made recommendations regarding the work of public services in Wales; in my view it was not appropriate to publish those reports against the context of the pandemic crisis, when services were having to quickly adapt to the emerging situation. However, I am now taking steps to publish reports before the summer recess so that this work is not lost.

This is not to say that I have not taken an active scrutiny role however; far from it. I have detailed the actions and work of my office at great length in my written response to the Children, Young People and Education Committee's open call for evidence; I'm sure you will have had access to this already and it is published on the Committee webpage<sup>1</sup>, but I'll highlight some of the key actions again here to reiterate the points.

My office and I have been having weekly meetings with Government officials from a range of different departments, and I have been having a weekly call with the Deputy Minister for Health and Social Care. To inform those discussions I've been feeding in a written weekly list of issues arising from my casework service, which has remained operational throughout the lockdown. The team have also been maintaining weekly contact with the inpatient mental health units in north and south Wales, as well as Hillside secure children's home and Parc YOI so that the needs of the most vulnerable children are being actively considered and represented. We have been receiving updates about the wellbeing of children in children's homes via Care Inspectorate Wales, which that body has been monitoring through weekly calls to every home. In addition, my team and I have been joining regular calls and working groups for specific groups such as social care or safeguarding vulnerable children.

Through those meetings my office has had sight of some draft guidance in relation to education, children's social care, mental health and transport, and we have provided detailed advice and recommendations for those guides at very short notice, often on the same day as requested. I've also repeatedly

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<sup>1</sup> <https://business.senedd.wales/documents/s101477/CYPE%20COV%2045%20-%20Childrens%20Commissioner%20for%20Wales%2011%20May%202020%20Published%2028%20May%202020.pdf>

asked for data from Government engagement with groups like AWHOCS and ADEW, rather than asking busy officials to provide data to me in addition to what they are already providing to Government.

Where necessary, I have written formally to Ministers and others to highlight specific issues relating to children's rights. That has included letters on a non-devolved matter to the UK's Secretary of State for Justice (and copied to the Deputy First Minister Jane Hutt) in relation to the care of children in detention which resulted in changes to the guidance for children's detention, and to all Wales's police forces on approaches to the enforcement of restrictions on children. In terms of devolved matters, I have written to the Deputy Minister Julie Morgan on a wide range of issues including legislative changes under the Coronavirus Act and use of children's rights impact assessments and to the Education Minister about assessment arrangements and to share my views on what I feel the implications of our survey findings are for educational provision.

I have paid particular attention to the Coronavirus Act 2020 and the related Welsh regulations. There has been much concern raised in the media and online, quite rightly in my view, about the measures introduced in England to reduce and amend requirements related to children's social care support and safeguarding. This includes the removal of a number of different safeguards within the system such as regular review meetings and contact with children in care to ensure that they are safe and their needs are being met. My team has scrutinised the legislation line by line and we were pleased to note that similar changes had not been introduced in Wales. Had this been the case then this would have been an urgent issue that I would have spoken out about publically. I did however encourage the Welsh Government to put out clearer messaging that the changes did not apply in Wales, which led to them revising the guidance with my team's assistance and also confirming this position on the record during a session before the CYPE Committee. I have also responded promptly to social media posts that have queried whether these changes applied in Wales, and responded robustly to letters and correspondence on this topic, including writing to one Regional Partnership Board who had sent a letter to all elected members in their area about amended social care thresholds, without stating that this applied to adults only.

One area that hasn't been quite as forthcoming has been evidence of Children's Rights Impact Assessments. My team and I have provided verbal and written advice on the continued importance of undertaking those assessments, not as a tick box process but to actually inform the decision making processes and ensure specific groups including children are being considered so any differences or unique needs can be thought through. I have recently written to the Deputy Minister to reiterate this point as I haven't seen published impact assessments with the 3-weekly reviews, and where impact assessments have been taken place, to my knowledge these have

been 'after the event' rather than driving and informing the decision making. I am awaiting a response from the Deputy Minister on this.

I am aware of the written questions tabled by Lynne Neagle MS regarding the impact assessments of the most recent lockdown review and new measures taken this week and will await the responses with great interest.

I've been concerned throughout the pandemic that information for children and families is important; much of the televised addresses or published materials have been targeted towards adult/professional audiences. For this reason, right at the beginning of the lockdown I created a bilingual and free to access Information Hub on my website, with a range of advice, guidance, supporting resources for play and education and much more. You can find all of those resources here [www.childcomwales.org.uk/coronavirus](http://www.childcomwales.org.uk/coronavirus)

I've also been working in partnership with the Welsh Government and other partners on the 'Coronavirus and Me' survey for children and young people. This is a first in many respects; it is the first Government led survey for children in the UK and it is also the first time I have worked directly with Government on a piece of joint work. I took this decision as all the partners wanted to undertake a survey to hear children's views directly about how lockdown was affecting them (positively or negatively), rather than this being reported by parents on their behalf. My team has led all of this work, launching the survey within one month of being asked to take this on by Welsh Government officials. The survey questions were directly informed by the views of children and young people and all versions of it were piloted with young people from across Wales before it was launched.

The report from the survey, which had over 23,000 responses from all across Wales, will be published on 8<sup>th</sup> June. However, throughout the survey being live, my team has been feeding data in to Government officials to inform their decision making around things like school reopening, as there are some clear messages from children in Year 6, those who were expecting to take exams this summer, and about support for children as they continue to learn from home.

You may have seen the published letter I sent to the teaching unions on 19<sup>th</sup> May regarding potential school reopening plans. This followed high profile media pieces the preceding weekend related to the protracted position in England, which I was keen to avoid here in Wales. In that letter I set out how I've been concerned about many aspects of children's wellbeing throughout this crisis and I have been in almost continuous contact with Welsh Government, local authorities, health boards and charities to advise on and monitor their support for children. I said the following -

"As the independent champion for children, I believe that children's safety and wellbeing must be a priority and we need to make sure that schools have the right environments in place to support them before they return. Your members

will be acutely aware that if the adults around those children – parents and teachers – are feeling anxious then this will also affect children's feelings of security. What is crucial is that we do all we can to make sure all members of the school community feel safe and that those plans are guided by public health information. None of that means I don't want children to return to school as soon as it can be made safe enough to do so. They are missing out not only on much learning at the moment, but also their friendships and chances to play outside the home.

Overall, I am broadly satisfied with the Welsh Government's approach on the issue of schools reopening and acknowledge it's a very complex and difficult decision which must be guided by public health information.

I've been working with government to ensure that children's voices are heard in this increasingly heated debate. We launched a nationwide survey last Wednesday and have already heard from over 15,000 of children and young people of all ages. We are feeding in their views immediately to government so that they can influence this fast-moving decision-making; this includes views on the reopening of schools and other facilities."

I continue to meet with government officials regarding this issue including a meeting taking place later today.

As regards the 5 mile rule and the impact on children perhaps not being able to see their grandparents or friends that don't live close, this is not something that I've been directly consulted upon and I'm not in receipt of the scientific or public health advice that the Government would have in making such decisions. I would have expected the Government to undertake an integrated impact assessment, including an assessment of any impact on children's rights, of this decision; this is something that I can follow up with officials and the Deputy Minister this week.

It is nonetheless the case that when considering children's rights it is necessary to weigh up the balance of their rights. In this case there needs to be consideration of the rights to family life and to socialise with those of the rights to safety and health. Without access to detailed information about how this decision was reached I am unable to comment further.

By virtue of the existing diary arrangements from before lockdown, I happen to have had my termly meetings with the Labour and Plaid Cymru representatives/spokespeople for children and education but my meeting with Suzy Davies MS is not scheduled until later this month. However my entire team and I have continued to be available throughout the lockdown period, with access to the office continuing via telephone, email, website contact and various social media platforms. You or any of your other colleagues would have been welcome to make contact with us at any stage with any specific concerns and I would have been happy to take these forward. That offer of course remains open.

I understand that scheduling for Committees continues to be worked on but I have advised the CYPE Committee team that I would be happy to present for scrutiny at any stage. In fact, at one stage I was on short notice as a reserve should other attendees not have been able to attend and I would have happily engaged in this format if the other attendees had not been present.

In future I'd welcome you making direct contact with myself and the team, as you have done previously, before issuing briefings to the press. My team and I make every effort to be as responsive as possible and we welcome hearing from anyone who has concerns about children's rights so that we can act upon these concerns as appropriate.

I have made a copy of this letter available to the BBC, in response to the aforementioned press notice the Welsh Conservatives issued last night. I am also copying this letter to Suzy Davies MS as education spokesperson for the Welsh Conservatives, and to Lynne Neagle MS as Chair of the CYPE Committee.

Yours sincerely,



Sally

Sally Holland  
Comisiynydd Plant Cymru  
Children's Commissioner for Wales

cc. Suzy Davies, Shadow Cabinet Secretary for Education and Welsh Language

Lynne Neagle, Chair of Children, Young People and Education Committee