



Voices From Care Cymru

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Secure accommodation and placements of children out of area

Consultation
Response Form

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Question 1

Do you agree that the time limit for notifications of emergency out of area placements should be reduced from five working days to 24 hours?

No

If you answered 'No', please tell us why.

We are not clear why the consultation response does not explore informing relevant agencies at the same time as the child /young person is placed. We would want the placement decision (in all its aspects) to be supported by best practice. By making all relevant agencies aware of the placement decision this would ensure that relevant agencies became aware of the decision to place a child /young person within secure accommodation.

This would ensure effective transition planning to the new home for the child. This process should be underpinned by the due regard duty for the UNCRC under Section 7 of the Social Services and Well Being Wales Act 2014.

Whilst we realise that in amending the Welsh regulations the duty as changed will only apply to Welsh authorities. We would hope that cross border anomalies would be addressed as effectively and as soon as possible.

We suggest that the advocacy active offer is mentioned within the proposed changes

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as again this would support best practice.

Question 2

Do you think the proposed new notification arrangements for emergency out of area placements are adequate?

No

If you answer 'No', please tell us why.

We do not accept that up to five working weeks is acceptable before this placement decision is confirmed is acceptable.

We note with interest that the draft proposals include the following phrase.

'The child's wishes and feelings have been ascertained and given due consideration'

We are concerned with the vagueness of this phrase as it could lead to bad practice e.g. a tokenistic examination of the process. We would hope that an effective advocate was involved with this decision and can 'double check' the work of the LA. From our experience placement decisions can be made around 'availability of placement' and not from a best interests perspective. We are of the view that decisions around the location of the placement are as crucial as what the secure setting offers.

We see advocacy as being commissioned independent of the Local Authority. The current commissioning process is too short term and minimally funded. From our experience advocacy for children and young people in the care system is often provided on a spot purchase basis with young people not having an ongoing relationship with the advocate. This can be especially so where young people have complex needs or are moving around Wales.

Question 3

Do you have any comments on the proposed amendments to the Secure Accommodation (Wales) Regulations 2015, especially in relation to placements of children in secure accommodation in Scotland?

We would have liked the guidance to explore why a placement in Scotland is needed. It would have helped if the consultation document had explored why children and young people from Wales need to be placed in Scotland. If this is an issue then the market shaping provisions of recent legislation would be helpful in addressing some of these concerns. Whilst we realise that there are very individualised conditions which need very specialist residential provision the background to Welsh Governments thinking about this would be helpful. Whilst the

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Code of Practice explores the different laws which support Secure Accommodation it would be helpful to explore Secure Accommodation in terms of its preventative and protective role.

Question 4

Do you have any comments on our proposed amendments to the Part 6 Code of Practice on Looked After and Accommodated Children?

The draft guidance explores the role of independent visitors and of Children's Guardians. We would hope that they can draw upon independent advice to support their role. However it does not explore the role of the children's advocacy service. We would like the Code of Practice amended so that the role of advocacy is clearly laid out within it. Supporting and listening to the child/young person's voice should be demonstrable within the process. Obviously this will not mean doing what the child /young person wants as there will be competing imperatives around safeguarding or public protection. However an active demonstration of the child's voice throughout the process is crucial.

Question 5

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

We would like the Code of Practice to be clearer about the role of advocacy, what outcomes it could have achieved and how it will support children and young people's well being. We would like this to be a separate section within the amended Code of Practice.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: