

The Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014

The proposed changes to the Part 6 Code of Practice aim to provide a dedicated corporate parenting section which provides guidance for local authorities to support their role as corporate parents. These changes can be found in the preamble to the Code.

Question 1: Do you agree with the new corporate parenting wording inserted into the Code? If not, please suggest what further amendments are needed?

We welcome the addition of a clear definition of corporate parenting within the amended Code, which confirms that the local authority is the corporate parent. This clarity is helpful for children and young people to understand who is responsible as the corporate parent. However, there remains confusion around other related terms that have been previously discussed.

For example, the Corporate Parenting Charter can be signed by both local authorities and wider organisations. As an organisation signed up to the charter, we fully support its principles, however, we would like to raise that it remains unclear how this charter interacts with the definition in the amended Code and how statutory organisations are responsible for upholding the charter. Similarly, the term “community parenting” was previously consulted on but is not mentioned in this consultation. We had previously suggested that using this term could help distinguish between the statutory duties of local authorities and the wider collaborative responsibilities of other organisations. It would have been helpful if there was further information on where the term community parent sits within this wider framework, particularly, as our understanding is that some local authorities are already developing their individual community parenting strategies.

We also welcome the inclusion of examples that highlight how some local authorities have established corporate parenting panels. Our Youth Advisory Board emphasised the importance of ensuring that both children in care and care leavers are represented on these panels, as they can bring different views, experiences and perspectives which is crucial for policy development and service delivery. Therefore, we are pleased to see this included as an example of good practice.

However, we would have liked the Code to go further by requiring every local authority in Wales to establish corporate parenting panels. This would help to ensure that all care-experienced children and young people have opportunities to share their views. Our Youth Advisory Board also highlighted that young people may not be

aware that corporate parenting panels exist in their local authority, nor how they can participate in them. The Code should also require that local authorities must include further information on the existence of panels in their authority and how young people could participate in these.

The amended Code highlights that corporate parenting panels are already demonstrated to be effective in many areas, but without a statutory requirement, they remain unevenly implemented.

While it is useful that the amended Code includes examples of information sharing, via apps or webpages, this remains dependent on local implementation. We believe it is important to establish a more consistent national resource containing information available to all care experienced children and young people across Wales, alongside local authority specific information. Without this, there remains questions around who would be responsible for updating content and how consistent it would be across Wales, as well as questions around the costs of developing resources.

As noted in our previous consultation responses, we believe Wales should develop a national offer for care leavers up to age 25, similar to the approaches proposed in Westminster's Children's Wellbeing Bill and Scotland's Promise Bill. While the amended code proposes an information resource up to age 25, this will have a limited impact unless entitlements and support are also extended nationally to that age.

We are pleased that there is a section outlining the importance of reporting progress, our Youth Advisory Board raised monitoring and reporting as something that is crucial to understanding how effective and meaningful corporate parenting strategies are. However, this section is limited by only giving suggested examples which will mean data across Wales will vary, depending on what local authorities report on. While it is somewhat valuable to share examples of good practice, as suggested in the amended Code, we believe it would be more effective to also encourage local authorities to report on challenges or barriers they have faced to help build a more accurate corporate parenting strategy and better support progress. Also, whilst there is a suggested example that corporate parents should publish progress on the local authority website, the transparency of this would still be limited as this would be varied across Wales. Lastly, it is not clear from the wording in this section if corporate parents would be expected to publish data so that corporate parenting can be monitored publicly or if it would remain internal.

We would like to raise that the previous consultation on corporate parenting mentioned that there would be an addition of a designated corporate parenting chapter, however the amended code falls short of this and has instead included corporate parenting as a section in the preamble. This change limits the effectiveness of the additions as the preamble is an introduction to the guidance, and

not part of the guidance itself. We believe a designated chapter would strengthen the statutory obligations of corporate parents. Without this, there is a risk that corporate parenting is abstract, inconsistent and/or tokenistic, rather than a clear and enforceable set of duties.

Lastly, this consultation does not reference the creation of a corporate parenting toolkit, which was previously proposed in the corporate parenting consultation. It would have been helpful to have seen the toolkit prior to this consultation to have reviewed how the wording in this consultation supports and aligns with corporate parenting practice.

Care and Support Planning

The proposed changes to the Part 6 Code of Practice include new wording on multi-agency working, family contact and review meetings. This can be found in chapter 1.

Question 2: Do you agree with the new wording inserted into the Code relating to care and support planning? If not, please explain what further amendments are needed?

Placements

The proposed changes to the Part 6 Code of Practice include new wording intended to strengthen practice in undertaking placement moves paying particular reference to the handling of looked after children's personal belongings. This can be found in chapter 2.

Question 3: Do you agree with the new wording inserted into the Code relating to moves? If not, please explain what further amendments are needed?

We are pleased that a section on personal belongings has been added to the Code and the addition of including the NYAS My Things Matter campaign into the Code is positive as it reflects work done in collaboration with young people. However, we are disappointed that the wording is unclear and sets out the use of bin bags as a less-

than-ideal option, rather than as something that absolutely should not be done. The previous corporate parenting consultation referenced the free holdall bags that are provided by Madlug, but the proposed changes to the Code does not reference this resource. We believe this section could go further to ensure inappropriate bags are never used, and that services know where to access the resources.

Whilst it is positive that the Code now requires corporate parents to reflect on the use of inappropriate bags, we think this section puts too much of the responsibility on the child or young person. Instead, there should be clear internal reviewing processes so the practitioner, their team and any senior managers can ensure oversight and accountability. Also, there needs to be further explanation around the discussion with the child, as currently the wording makes it seem tokenistic. For instance, this section could identify examples of a child-centred discussion, to ensure the child does not feel uncomfortable discussing with the practitioner. There should also be an emphasis on a clear follow up to the discussion so that the child, and all involved understand the process and next steps.

As mentioned in our previous response to the corporate parenting consultation, the NYAS pledge has a section that says it will 'support you to make a complaint if any belongings are lost or damaged', we would recommend this is included in the Code as it sets out a clear process for children and young people to be able to make a complaint to a named person with a deadline for responding.

Additionally, we would like to see a section on how this would be monitored and if data would be collected for times when inappropriate bags have been used. This is very important for reflection and improvement. Our Youth Advisory Board raised an important point that not all local authorities in Wales have signed up to the NYAS pledge, so it would be useful to know how the pledge fits alongside this Code.

Review of cases

The proposed changes to the Part 6 Code of Practice include new wording to provide clarity on the role of the Independent Reviewing Officer (IRO) and the review process. This can be found in chapter 4.

Question 4: Do you agree with the new wording inserted into the Code relating to role of the IRO and the review process? If not, please explain what further amendments are needed?

With regard to the role of the IRO, we are pleased that the amended code has included 'listen' to the child's wishes and that the child's 'voice' should to be respected as well as their integrity and dignity, as it is important that children and

young people are involved in decisions that affect their lives and that decisions are made with them, not for them, wherever possible.

We acknowledge that the changes made to the sections around timings of reviews reflects the changes made in the regulations around kinship. However, we believe more could have been amended to the section on the IRO's role, specifically when chairing meetings. We highlighted in previous responses that our Youth Advisory Board expressed that the meetings often feel business-like instead of child centred and that they were being spoken about, instead of feeling encouraged and supported to actively participate in the meetings. We are disappointed that this section fails to make clear the IRO's role in ensuring meetings are conducted in child centred ways.

Alignment of Part 6 (Adoption) and Part 4 (Care Planning) Frameworks

The proposed changes to the Part 6 Code of Practice aim to provide clearer, more detailed guidance for social workers and reviewing officers when a child's care plan is for adoption. They bring together the relevant legislation, regulatory duties and good practice frameworks to ensure consistent, well-informed adoption planning, from early permanence and family group conferences through to care planning, placement, review and post-adoption support. These changes can be found in chapters 1, 2 and 3.

Question 5: Do the revised sections clearly explain how Part 6 (adoption) processes align with Part 4 care planning requirements? If not, please explain what further amendments are needed?

Question 6: Do the revised sections sufficiently support consistent adoption planning and review across Wales? If not, please explain what further amendments are needed.

Question 7: Do you have any comments on the proposed wording for incorporating the Welsh Early Permanence (WEP) Framework into the Code of Practice, including whether it is clear, accurate, and supports effective implementation in practice

Review and Visiting Requirements for Kinship Foster Placements

These changes are intended to give greater flexibility for fully approved kinship foster carers by allowing review and visiting arrangements to be tailored to the needs of each child and family. The changes can be found in chapters 3 and 4.

Question 8: Is the revised drafting clear in explaining the new review and visiting arrangements for kinship foster placements? If not, please explain what further amendments are needed?

We recognise that the amendments to the Code reflect the recent regulatory changes relating to visits and reviews for kinship foster placements, and while we understand that the intention is for this to introduce greater flexibility, we believe there are some areas where the wording needs further clarification.

Firstly, our forum members have raised concerns that this flexibility may result in reduced visiting frequency for families who require more support. It would be helpful if the Code explicitly stated that more frequent visits can and should be made whenever appropriate for the family and in the child’s best interest. Without clarification on this, there is a risk that reduced statutory intervention may be interpreted as the norm, leading to services assuming that fewer visits are appropriate in every kinship placement which would result in less support for both the child and the kinship foster carer.

The Code does not include any accompanying practice guidance to support local authorities in interpreting or applying this flexibility. As a result, it is unclear how these changes will work in practice, resulting in an inconsistent approach across Wales with children and kinship foster carers experiencing varying levels of support depending on where they live.

The amended Code states that the frequency of visits and reviews is to be determined by the local authority following consultation with the IRO, the carer, the parent and the child. However, it is unclear whether the local authority ultimately holds decision-making authority even in circumstances where another party disagrees. We would like to see this clarified further to provide transparency and ensure the perspectives of carers, children, parents and the IRO are meaningfully considered. Also, will there be a follow up consultation to explain the decision-making process and what the decision will be? It is important to provide a follow-up for the child to see that their voice was listened to.

Additionally, the Code does not set out what happens when circumstances change, nor whether a child or carer can request more frequent views or reviews. Currently, it is unclear whether they would be required to wait until the next scheduled visit/review or whether flexibility allows for adjustments at any time. Local authorities may interpret their responsibilities differently, resulting in a continued postcode lottery of support for kinship carers and children across Wales.

Question 9: Does the wording provide sufficient clarity on how flexibility should be applied in practice, while still maintaining appropriate safeguarding and oversight?

We do not agree that the revised wording provides sufficient clarity on how this flexibility should be applied in practice, therefore we do not believe it maintains appropriate safeguarding and oversight.

As mentioned in our response above, the Code does not currently make clear that more frequent visits can and should be made where appropriate for the family and the child's best interests. Without this, there is a real risk of local authorities interpreting the reduced statutory visits/reviews as the better option or as a default, potentially leaving some children and carers with insufficient oversight and support.

The Code states that the local authority will make the decision, after consultations with the IRO, carer, parent and child but this needs further clarity on how that decision is made, whether the decision is recorded so that data will be collected and whether it will be monitored to ensure the decision is grounded in the child's best interest.

Also, without clarity on whether decisions regarding flexible visiting and review arrangements can be changed at any time, there is a potential safeguarding risk. It is currently unclear how easy or quick it would be to revise a decision to move to more

frequent visits or reviews, especially if the child's or carer's needs change. This lack of clarity could lead to inconsistent practice and could delay the provision of oversight at points when a child or carer urgently needs increased support.

Access to the Enhanced Fostering Allowance

These changes aim to provide clearer, more consistent guidance on how all types of foster carers - mainstream, kinship and temporarily approved, can access the enhanced fostering allowance. These changes can be found in chapter 2.

Question 10: Does the drafting sufficiently explain how carers can apply for or receive the allowance? If not, please describe what additional wording or explanation would help make the process clearer.

We agree that the amended Code does provide clarification that all types of foster carers – mainstream, kinship and temporarily approved, may be eligible for an enhanced fostering allowance. It is also positive that the draft sets out that local authorities must explain their criteria and assessment process. Although, we think this should be extended to apply to all fostering services (both IFA and LA). Not just local authorities as specified.

However, while the draft clarifies some aspects, we do not agree that the wording goes far enough to ensure a consistent approach across Wales. The Code does not establish a national fee framework or any national eligibility criteria. Without this, the enhanced allowance (fee) payment will continue to vary between local authorities and foster carers will continue to experience a postcode lottery. We are supportive of setting out the enhanced allowance in the Code in principle, but we believe it should be alongside a national fee framework with clear national criteria on what foster carers will receive as part of this.

Although the draft requires local authorities to explain their eligibility criteria, it does not standardise or set any national criteria for what those criteria should include, nor does it mandate any form of monitoring, data publication, or national oversight. The absence of a national set of eligibility criteria means foster carers will continue to face differing interpretations of what constitutes an enhanced allowance payment depending on what each local authority decides. We are concerned that some local authorities could decide not to include kinship carers in their eligibility criteria without this.

The draft Code also does not set out how local authorities will make decisions on the enhanced allowance application, whether foster carers can seek to review a decision, nor how long a decision may take. There is also no description of the assessment or application process (e.g. who would be responsible for the decision/who is there to support them when making the application) as this remains at the discretion of each local authority.

Question 11: Are the terms and definitions used in this section understandable and consistent? If not, please explain what further amendments are needed?

As above, the Code should establish a national fee framework as a harmonised framework would improve consistency and transparency.

The Code should also include a standardised set of eligibility criteria that all local authorities must apply when determining whether an enhanced allowance is appropriate.

Explicitly setting out the decision making and assessment process would make it much more clear for foster carers. Our understanding is that the amended Code puts requirements on local authorities to communicate their process with foster carers but does not detail how the process works and how it can be applied for or whether a decision can be reviewed.

Lastly, it would be beneficial if there was a clear mechanism for how this will be monitored and what happens if local authorities did not pay the enhanced allowance. Including requiring local authorities to publish their enhanced allowance policies, collect and report data. This would help improve data collection across Wales and support transparency and consistency in policies.

The Code of Practice on the exercise of social services functions in relation to special guardianship orders issued under section 145 of the Social Services and Well-being (Wales) Act 2014.

The purpose of the changes is to ensure that special guardianship support plans are developed consistently across Wales by making use of the national support plan templates a statutory requirement. This will provide a coherent, evidence-based framework for assessing need, planning support and reviewing arrangements, helping to reduce current inconsistencies in practice and ensuring all special guardians, children and families receive a clear, structured and equitable offer of support regardless of where they live. The changes can be found in chapters 9 and 10.

Question 12: Does the revised wording clearly convey the statutory status and practical use of the national special guardianship support plan templates, and how they fit within local authority assessment, care-planning and review processes? If not, please explain what further amendments are needed.

Minor and Technical Amendments to the Codes of Practice

In addition to the proposed policy amendments, we are also consulting on a number of minor drafting changes to both Codes of Practice. These changes are intended to ensure full alignment with the relevant regulations, improve internal consistency, and enhance the overall clarity and readability of the Codes. These amendments do not introduce new policy requirements but are designed to make the documents more accessible and easier to navigate for practitioners.

Question 13: Do you agree with the proposed minor drafting changes intended to align the Codes of Practice more closely with the relevant regulations? If not, please explain which areas you feel require further amendment.

Other Questions

Question 14: What, in your opinion, would be the likely effects of the drafting changes to the Codes of Practice on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- Do you think that there are opportunities to promote any positive effects?
- Do you think that there are opportunities to mitigate any adverse effects?

Question 15: In your opinion, could the drafting changes to the Codes of Practice be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?