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**Cymorth i Ferched Cymru**  
**Welsh Women's Aid**

Rhoi Merched a Phlant yn Gyntaf  
Putting Women & Children First

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<b>These are the views of:</b>	<i>Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

### **About Welsh Women's Aid:**

Welsh Women's Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse, and sexual violence (VAWDASV) specialist services in Wales. Our membership comprises of 20 specialist support services. These services deliver lifesaving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence against children and young people, men and boys, trans and non-binary people, as part of a network of UK provision. As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence, and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales. We also award the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found [here](#)).

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**Question 1: Currently local authorities do not know about all children in their area but are still responsible for them. Do you think the requirements in the regulations will help local authorities to identify children not currently known to them and/or children missing education?**

We welcome the requirements set out in the regulations. There is a risk that children not in mainstream education become invisible to authorities, which may leave them isolated and without support. We have previously highlighted that children and young people workers from Welsh Women's Aid member services felt that children not in mainstream education were at particular risk of exploitation and going missing<sup>1</sup>. As such, we do believe the current proposals will help local authorities to identify children not known to them and/or children missing education. To provide further perspective on this, we posed this question to children and young people (CYP) workers from the specialist domestic abuse and sexual violence services that comprise our membership. Every service who responded to us agreed that a database would help local authorities to identify children not currently known to them and/or children missing education.

However, some operational concerns around the database were raised:

- The database will need to be monitored and updated regularly. A live system would be better to achieve this. More on this is covered in our answer to Question 6 (see below).
- We are concerned that local authorities will be required to maintain their own databases. This presents two main concerns:
  - Firstly, we are unclear how adherence will be ensured and monitored without broader oversight. There must be a clear process for Welsh Government to hold local authorities to account in terms of the collection and monitoring of this data. This is a particular concern for children and families that move out of area. In these instances, there must be a broader strategy to ensure joined-up working so that no children slip through the net when moving between local authorities.
  - Secondly, potential regional disparities. Especially where there are acute funding and staffing concerns among local authorities, we are concerned that localised operations may lead to a lack of consistency across different regions in Wales. Due to this, we believe a central all-Wales database would be better

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<sup>1</sup> <https://welshwomensaid.org.uk/wp-content/uploads/2024/04/WWA-Response-Children-and-Young-People-on-the-Margins-ENG.pdf>





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that is properly maintained and scrutinised would be better. On this, one member service said “A consistent approach throughout all areas and boroughs would also improve [this] so the same data is collected and recorded and shared”.

- Related to the above, we believe this could provide a welcome opportunity to monitor broader trends and data in this area and doing so would be hampered by the lack of a central database. We have previously noted that lack of data in this area is impacting engagement with early intervention and prevention as well as evidence-based policy making<sup>2</sup> and we believe this would be a worthwhile opportunity to rectify this. On this, one member service said “The database being monitored for patterns of children going missing and connections between children would also help improve this. If patterns of behaviour are noted then interventions could be put in place before it escalates.”

**Question 2: Does this proposal assist local authorities with their arrangements made under section 175 of the Education Act 2002, which is to undertake their education functions with a view to safeguarding and promoting the welfare of children?**

We do agree that this will go somewhat to assisting local authorities with their responsibilities in safeguarding and promoting the welfare of children.

However, we have some remaining concerns.

The issue is not just identifying these children, it is ensuring they are sufficiently supported once they are identified. Statutory services need to work with specialist services, so children receive immediate, needs-led support. We have evidenced in several reports that support for children and young people across Wales is insufficient, with piecemeal provision across Wales leading to a postcode lottery of support<sup>3,4</sup>. In our report, we found that many local authorities do not directly fund children and young people services or have children and young people scrutiny committees, commissioning hubs or regional commissioning boards<sup>5</sup>.

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<sup>2</sup> ibid

<sup>3</sup> <https://welshomensaid.org.uk/wp-content/uploads/2022/06/CYP-FOI-Report-ENG-WWA.pdf>

<sup>4</sup> <https://welshomensaid.org.uk/wp-content/uploads/2022/11/Perfect-Storm-Report-ENG-compressed.pdf>

<sup>5</sup> ibid





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Due to this, there is a lack of joined-up working to ensure the correct provision is in place when children are identified as at risk, and this joined-up working is key to early intervention and prevention.

To address this, a strategy to ensure multi-agency working must be in place. Member services told us that when children are identified, discussions take place with police, but they stressed all agencies should be involved, including statutory and specialist services, and that these meetings should be mandatory.

Further, more funding will need to be provided to ensure statutory services are able to support these children and to allow for a multi-agency approach. Statutory services are already at capacity and specialist services have reported concerns around who is responsible for children who are not in education, especially when there are known risks.

**Question 3: Under the regulations, local health boards will disclose the information as required in the Schedule (name, address, gender and date of birth of child) to the local authority so that they can develop a children missing education database.**

- **Do you agree that the information requested in the Schedule is reasonable and proportionate to enable the local authority to identify children not currently known to them and who may be missing education?**
  - **Do you agree that the information requested in the Schedule is sufficient to enable the local authority to identify children not currently known to them and who may be missing education?**

We do agree the data requested is reasonable and proportionate and, indeed, necessary in the delivery of a children missing education database.

However, there are some considerations to be mindful of:

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- While we believe the information requested is reasonable and proportionate, however, caution must be taken regarding who has access to this data. Member services expressed concerns around data sharing. There would need to be a consideration of mothers in refuge and their families and a commitment to the safety and wellbeing of these families and their confidentiality.
- Related to the point about data sharing, information sharing with other statutory services must be prevented. With reports that police-perpetrated domestic abuse is on the rise<sup>6,7</sup>, it is vital that systems are in place to prevent data sharing have any unmitigated consequences such as being shared with perpetrators of domestic abuse and sexual violence.
- When information is shared, important context that accounts for the dynamics of power that underpin violence against women and girls are is provided. Member services noted that for families of survivors of abuse, this process may not be linear and for parents who are trying but struggling to get their child to school, it may be disheartening to know that such information is being processed but may not be contextualised. A person-centred and needs-led process must be in place to ensure the specific needs of survivors of abuse and their families are considered.

#### **Question 4: Are there alternative systems and processes that would enable the local authority to identify a child they have no prior knowledge of?**

Related to our previous point about better wraparound support, member services told us they felt that a specific team in each local authority to address and tackle this in the wider context may be useful beyond the creation of the database. Early intervention and prevention is key and this requires a whole-systems approach with multi-agency working, so a specific team in each local authority would better enable such partnership working.

<sup>6</sup> <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/5e65fd0ba29cd069c4f3ca3c/1583742221663/super-complaint2+report.FINAL.pdf>

<sup>7</sup> <https://www.centreforwomensjustice.org.uk/news/2024/2/12/cwj-acts-for-seven-women-who-are-jointly-bringing-a-claim-against-devon-and-cornwall-police-for-failing-to-investigate-ppda>

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**Question 5: What, if any, advantages and disadvantages do you think there would be in the disclosing of the required data to populate the database? Complete the section relevant to you.**

- 1. Parents and carers**
- 2. Children and young people**
- 3. Local health boards and general medical contractors**
- 4. Local authorities**
- 5. Other**

Member services highlighted several concerns including:

- Some member services outlined concerns that such data disclosure may lead to lack of engagement with specialist services from parents and carers as well as children and young people. For many survivors, the process of seeking support is non-linear, often compounded by unhelpful responses from professionals. Their support and safety must be of the utmost importance and it must be ensured that data collection and sharing does not dissuade survivors from making disclosures and seeking support.
- Creation of distrust. For survivors of domestic abuse and sexual violence, there are many concerns around data sharing, particularly with police and other statutory services. There are fears that the information will be used against them, for example, during legal proceedings in the family court and further fears their children will be taken away from them. As such, it is crucial survivors are fully notified of what information is being used and who will have access to it, and anyone handling this data must have sufficient training on violence against women, domestic abuse, and sexual violence.

However, it was broadly agreed that the advantages did outweigh the disadvantages, and the safety and safeguarding of children and young people should always take precedence.

**Question 6: The draft regulations propose that local health boards disclose information to local authorities annually. Do you agree with an annual return?**

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No, we do not agree with an annual return. We are concerned that an annual return risks children and young people slipping through the net. There are many cases where children and young people are moved out of area both rapidly and regularly. This is particularly the case for children and young people who have experienced domestic abuse, sexual violence or other forms of abuse or exploitation as well as unaccompanied migrant and asylum-seeking children and young people. We are concerned that an annual return is not sufficient to protect these children and young people in particular.

Whilst we appreciate the labour-intensity of a live document that is updated more regularly, we do believe this is key to adequate safeguarding.

**Question 7: What would be the implications of a more frequent data return in terms of technical, administrative and resource implications on:**

1. local health boards
2. local authorities
3. other

Outlined above.

**Question 8: Who within the local authority would need access to the children missing education database in order to carry out their functions?**

We believe access to this data must be restricted to those who strictly require it, for example, social workers and safeguarding officers. We believe all individuals handling the data must receive mandatory VAWDASV training to ensure the information of survivors and their families is treated appropriately.

Welsh Women's Aid strongly support the implementation of a firewall between statutory services and the police to prevent further risk, particularly for migrant survivors of abuse. Data sharing between statutory services, the police and the Home Office is one of the most significant barriers to disclosure for survivors with no recourse to public funds, and a lack of safe reporting mechanisms leaves many migrant women unable to report abuse through fear of detention or deportation. This is weaponised by many perpetrators of abuse, with research by the Latin American Women's Rights Service (LAWRS) and the StepUp Migrant Women

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campaign showing that 62% of migrant women had experienced such threats from their abuser<sup>8</sup>. As such, we strongly urge Welsh Government and all local authorities to establish a firewall between public services and the Home Office to ensure immigration enforcement cannot access this data.

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<sup>8</sup> <https://stepupmigrantwomenuk.files.wordpress.com/2019/05/the-right-to-be-believed-key-findings-final-1.pdf>

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