

Agenda – Children, Young People and Education Committee

Meeting Venue:

Committee Room 5 – Tŷ Hywel

Meeting date: 5 February 2020

Meeting time: 09.15

For further information contact:

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Private pre-meeting

(09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Education Otherwise than at School – evidence session 2

(09.30 – 10.30)

(Pages 1 – 44)

Children’s Commissioner for Wales

Sally Holland, Children’s Commissioner for Wales (via video conference)

Jane Houston, Policy Advisor – Office of the Children’s Commissioner for Wales (via video conference)

Attached Documents:

Research Brief

CYPE(5)–05–20 – Paper 1 – Children's Commissioner for Wales

Break

(10.30 – 10.45)

3 Education Otherwise than at School – evidence session 3

(10.45 – 11.45)

(Pages 45 – 60)



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Estyn

Jassa Scott, Strategic Director – Estyn

Dyfrig Ellis, Assistant Director – Estyn

Denise Wade, Her Majesty's Inspector – Estyn

Attached Documents:

CYPE(5)–05–20 – Paper 2 – Estyn

4 Education Otherwise than at School – evidence session 4

(11.45 – 12.45)

(Pages 61 – 73)

Representatives from Teaching Unions

Mairead Canavan, Vale of Glamorgan District Secretary and National

Executive Union (NEU) Executive Member

Tim Cox – Wales Policy and Casework Official, NASUWT

Dilwyn Roberts-Young – General Secretary, Undeb Cenedlaethol Athrawon
Cymru (UCAC)

Attached Documents:

CYPE(5)–05–20 – Paper 3 – National Education Union (NEU)

CYPE(5)–05–20 – Paper 4 – The National Association of Schoolmasters /
Union of Women Teachers (NASUWT)

5 Papers to note

(12.45)

5.1 Letter from the Children's Commissioner for Wales to the Chair of the Petitions Committee regarding P–05–924: Ensure that every school in Wales has Wellbeing Ambassadors

(Pages 74 – 75)

Attached Documents:

CYPE(5)-05-20 – Paper to note 1

5.2 Letter Minister from Finance and Trefnydd to the Secretary to the Economic Secretary to Treasury regarding Child Trust Funds

(Pages 76 – 77)

Attached Documents:

CYPE(5)-05-20 – Paper to note 2

5.3 Letter from the Minister for Health and Social Services – additional information following the draft budget scrutiny session on 8 January

(Pages 78 – 84)

Attached Documents:

CYPE(5)-05-20 – Paper to note 3

5.4 Letter from the Minister for Education – additional information following the draft budget scrutiny session on 8 January

(Pages 85 – 89)

Attached Documents:

CYPE(5)-05-20 – Paper to note 4

5.5 Letter to the Chair of the Committee on Assembly Electoral Reform – Potential implications for Assembly committees

(Pages 90 – 92)

Attached Documents:

CYPE(5)-05-20 – Paper to note 5

5.6 Letter from the Education Achievement Service for South East Wales following the evidence session on 16 January regarding School improvement and raising standards

(Pages 93 – 95)

Attached Documents:

CYPE(5)-05-20 – Paper to note 6

- 5.7 Letter from the North Wales School Effectiveness and Improvement Service (GwE) following the evidence session on 16 January regarding School improvement and raising standards**

(Pages 96 – 98)

Attached Documents:

CYPE(5)-05-20 – Paper to note 7

- 5.8 Letter from the Finance Committee to the Deputy Minister for Health and Social Services – Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill**

(Pages 99 – 101)

Attached Documents:

CYPE(5)-05-20 – Paper to note 8

- 6 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the meeting for the remainder of the meeting**
(12.45)

- 7 Education Otherwise than at School – consideration of the evidence**
(12.45 – 12.50)

Document is Restricted

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Ymchwiliad i Addysg Heblaw yn yr Ysgol
EOTAS 08
Ymateb gan: Comisiynydd Plant Cymru

National Assembly for Wales
Children, Young People and Education Committee
Inquiry into Education Otherwise than at School
EOTAS 08
Response from: Children's Commissioner for Wales

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales that affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

United Nations Background

The human rights of all children to receive an education are laid out in the United Nations Convention on the Rights of the Child¹ (UNCRC) through Articles 23, 28 and 29 and also the United Nations Convention on the Rights of Persons with Disabilities² (UNCRPD) through Article 24. General Comment No 9 (2006): the Rights of Children with Disabilities³ and General Comment No. 1: The

¹ <https://ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

² <https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

³ <https://www.refworld.org/docid/461b93f72.html>

Aims of Education (article 29) (2001)⁴ further articulate the rights to education guaranteed by both Conventions. It is these entitlements, by which we must assess the strengths and weaknesses of Education other than at School (EOTAS) provision in Wales.

Overview of response

The most recent data from Welsh Government (2018)⁵ shows that the number of pupils receiving EOTAS has risen almost every year over the past six years. In the school census week of January 2018, the total number of pupils reported as receiving EOTAS funded by their local authority was 2,188, or a rate of 3.4 pupils per 1000, which is an increase from 2.6 per 1000 pupils in 2013. This rate of 3.4 pupils per 1000 is the highest rate since 2009/10. Of these pupils, 86.8% had special educational needs, 4 out of 10 were entitled to free school meals and 7 out of 10 were boys.

My response is primarily based on the case work I have received over the last four years relating to EOTAS provision. An analysis of these cases shows the value and importance of EOTAS provision for many children and young people, and illustrates that when provision is timely and high quality it can be of huge benefit. However, these cases also highlight some poor practice and failings within the wider support system for children. Common themes between cases also raise questions about potential gaps in policy and provision. Individual cases highlight the complexity of the lives of some children in Wales, and the difficulties some children have in receiving the appropriate cross-agency support to enable them to access education. Therefore, in addition to drawing out key themes, where appropriate I share anonymised details of cases as a means to illustrate issues and challenges. It is worth noting that several of these challenges are those that were also identified in the 2014 report about Pupil Referral Units⁶ published by my predecessor as Children's Commissioner for Wales, and I have highlighted where problems continue. I have one general concern unrelated to case work received by my office: this concern is around the registration status of some EOTAS providers and this I describe at the outset of this response.

Unregistered providers

⁴[https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a\)GeneralCommentNo1TheAimsofEducation\(article29\)\(2001\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a)GeneralCommentNo1TheAimsofEducation(article29)(2001).aspx)

⁵ <https://gweddill.gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf>

⁶ https://www.childcomwales.org.uk/wp-content/uploads/2016/04/Right_to_learn_eng-F.pdf

I am concerned that in 2016 some local authorities in Wales maintained unregistered units that educate pupils of compulsory school age. Estyn reported on this in 2007⁷ and reiterated that this is still the case in 2016⁸, noting that the majority of these units are *'community-based centres where pupils attend for 'home tuition''* and that in addition, local authorities commission EOTAS from unregistered providers operating as independent schools, as defined under the Education Act 2002. Estyn report that, *a minority of local authorities commission full-time EOTAS for large groups of pupils from providers that are not registered as independent schools. The majority of local authorities visited maintain unregistered PRUs. They operate tuition centres and other non-registered centres to provide education for up to 25 hours a week.*" Whilst some of these unregistered providers may be offering excellent education and support to children and young people, the fact they are unregistered creates a safeguarding risk, as they do not fall under the regulations governing independent schools⁹. These regulations include some safeguarding requirements such as ensuring disclosure and barring checks when recruiting staff working with children and young people. This situation also raises a quality assurance risk as these unregistered settings will not be subject to the same external inspection of their provision. I am aware that following Estyn's 2016 report Government wrote to all local authorities across Wales setting out that providers should be registered, and that subsequently there has been an increase in the registration of settings. I also anticipate that Welsh Government's forthcoming review of EOTAS commissioning across Wales will identify any persistent use of unregistered provision. In addition, this review should highlight any scope to improve commissioning arrangements so that there is greater clarity first about which pupils are in receipt of what provision across Wales, and second, more transparency about the quality of this provision. I will also raise this issue in my annual meeting with Her Majesty's Chief Inspector of Education and Training in Wales to discuss Estyn's findings around EOTAS provision since the 2016 thematic report.

Investigation and Advice Casework

Since I have become Commissioner I have received a number of cases through my Investigation and Advice Service relating to children and young people receiving or seeking EOTAS provision.

⁷ Estyn (2007) Local education authority practice in monitoring the location of pupils being educated outside the school setting and those missing from education. Cardiff: Estyn. [Online].

⁸ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

⁹ <http://www.legislation.gov.uk/wsi/2003/3234/introduction/made>

Following a review of all potentially relevant case records from our care management system, I have identified 25 relevant cases, all received since 2015, to analyse in relation to this inquiry.

Examples of good practice

Invariably when young people, families or professionals contact my casework service problems have arisen. However, through this casework, and also through the participatory work of my office my team and I have noted several examples of good practice in EOTAS provision. I list some of these examples as follows:

- Providing dual placements, for example a reduced timetable in school supplemented by home tuition, can be a helpful course of action. This can support children and young people to stay engaged with mainstream education in a way that they can manage whilst not missing out on learning.
- Flexi-schooling can enable children and young people to stay engaged in a mainstream setting in a way they can manage. Some Head teachers are happy to enable flexi-schooling but others will not due to concerns that this will reflect badly in their school attendance figures. The forthcoming review of Guidance on school attendance codes¹⁰ is an opportunity to reflect this and could result in more Head teachers feeling able to offer this choice to families as a way of ensuring more children and young people stay in mainstream education.
- Home tuition can offer an important bridge for children and young people who are between settings, can mean that children don't experience gaps in their education and can offer a second chance to succeed, as noted by Estyn.¹¹
- 14-19 pathways, combining learning in school and college, can help young people stay engaged in education, and to develop new skills and set targets and aspirations for the future. This reinforces Estyn's observation that vocational courses offered through EOTAS provision can enable young people to have meaningful learning experiences and gain qualifications.¹²
- Nurture groups offer essential support to many children and young people. I have recently visited nurture units in Fitzalan Comprehensive School (Cardiff) and Lewis Girls' School (Caerphilly) both of which are located in former caretakers' houses on the school

¹⁰ <https://gov.wales/sites/default/files/publications/2018-03/guidance-on-school-attendance-codes.pdf>

¹¹ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

¹² [Ibid](#)

grounds, and provide places for vulnerable pupils before school and during breaks, as well as providing one-to-one and group support. Pillgwenlly (Newport), Glancegin (Gwynedd) and Monkton Priory (Pembrokeshire) primary schools have established nurture classes within their schools for children to attend on a part-time or full time basis. These cater for children with challenging behaviour or who need support to develop the skills needed to take part in a mainstream classroom. In all of these settings, of which there will be many more examples across Wales, schools are enabling children to be included and preventing exclusions and non-attendance. Children, young people and their families have described to my officers how these groups in school have enabled families to build strong, trusting relationships with professionals.

- More generally, supportive, trusted professionals who listen to children, young people and their families play an invaluable role both in EOTAS settings, and in schools. Relationships between children and learning support assistants are crucial and important to invest in, families have described to my office that these relationships have kept a child in mainstream school.
- Supporting children and young people to make gradual returns to mainstream education can be beneficial, with small group units often playing an important part.
- Cross agency approaches can be hugely valuable in supporting children to stay in and to thrive in mainstream settings, these include team around the family (TAF) and team around the child (TAC) meetings.
- Intensive person-centred interventions working with young people and their families can support children and young people to re-engage with education settings. An example of this is the asset-based approach taken by Sylfaen Cymunedol, a community development charity in Gwynedd and Ynys Mon. This project, funded by charitable trusts, Children in Need and the Big Lottery, works intensively with around 40 young people a year and their families. This programme supports young people at risk of de-registration or recently de-registered and looking to come back under the responsibility of the local authority to access education in school settings or through EOTAS provision. Some Pupil Referral Units in Wales are developing children's rights approaches and embedding these across their settings, often with support from my Ambassador schemes. The Bridge Alternative Unit in Bridgend is one such example. In this setting young people are being enabled to take an active part in decision making and to understand and experience their rights as guaranteed by the UNCRC.

Overview of central issues

In numbers, an overview of central issues presenting in my Investigation and Advice cases shows the following:

- 10 cases involve children or young people whose EOTAS provision was insufficient, or where they were not accessing any educational provision at all.
- 7 cases (at least) are related to children or young people with a statement of Special Educational Needs (SEN)
- 5 cases involve children or young people receiving or waiting for mental health support from CAMHS
- 3 cases involve children or young people that have been excluded on a permanent or fixed term basis
- 3 cases involve children or young people waiting for or refused statutory assessment for SEN
- 3 cases related to children or young people that were looked after
- 2 cases involved young people who had received the same EOTAS provision without active review.
- 1 case involved a young person receiving home tuition as there was no place available in the specialist unit that had been recommended to them
- 1 case involved a young person receiving home tuition due to bullying in a previous setting
- 1 case involved a child receiving EOTAS provision due to complex medical needs
- 1 case concerned a young person's lack of participation in decision making about their place of education
- 1 case involved a young person unable to access Welsh medium education through EOTAS provision
- 1 case involved a lack of information given to the child and family

Insufficient or no provision

I will describe two cases related to this issue to outline the some of the complexities and issues for children and young people accessing EOTAS.

In one ongoing case a young person in their early teenage years is not currently accessing any education. This young person has social, emotional and behavioural needs which have not been met in mainstream settings in the past. Specialist placements in the past have also failed and most recently this young person was provided with an alternative EOTAS placement focusing on outdoor and practical learning. Although this placement is described as including education in literacy and

numeracy the young person felt that this element of their education was being missed and they were concerned how this would impact them in the future. The young person also found the placement highly repetitive, as over an extended period the same course of learning was undertaken several times and there was a lack of flexibility to enable other learning to take place. The young person disengaged from the provision requesting to a return to school but for several complex reasons this was not considered appropriate. The authority is currently looking for an interim EOTAS provision and my office continues to press for another suitable placement to be found quickly.

In another case, which has now been resolved, a child of upper primary age was refusing to go to school and was missing education. This child had an ASD diagnosis but had been refused statutory assessment. The child also had a high level of anxiety and was being supported by CAMHS. Intervention from my office ensured that statutory assessment took place and that tuition was provided at home. Continued investigation from my office led to this child being provided with a place at a pupil referral unit where the child is thriving, and has now increased to almost full time hours. However, it is important to note that there was a high level of resistance from the authority to offer this place and securing it not only required two years of sustained intervention on behalf of my office but also reflects the persistence and tenacity of the family.

These two cases point to a number of issues which I outline below, many of which are reflected in other cases of this nature responded to by my office.

Gaps in provision

The cases above in which the child was experiencing a gap in educational provision, a situation that has also arisen in other cases, is reinforced by Estyn’s finding that a minority of pupils ‘do not attend school or any other provision for long periods before they commence EOTAS’¹³. That this has arisen in recent cases shows that Estyn’s 2016 recommendation that local authorities should ‘provide pupils with suitable education within 15 days of a decision being made that they should receive EOTAS’, is still not being met in every instance. In the census week of January 2018, 32 pupils were recorded as not having any educational provision.¹⁴ This must be addressed to meet the duties of local authorities to provide a suitable education for children of compulsory school age who, by reason of

¹³ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

¹⁴ <https://gweddill.gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf>

illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. Under section 19(6) of the 1996 Education Act suitable education is defined as 'efficient' education suitable to the age, ability, aptitude, and to any special educational needs (SEN) the child (or young person) may have. A significant gap in provision clearly does not meet this obligation, nor our obligations to the rights of children to receive education highlighted at the outset of this response. However, as illustrated below, these cases also illustrate that even when placements are provided, these obligations are not always met.

Broad and Balanced Curriculum

Educational provision in EOTAS settings does not always seem meaningful to young people: this was apparent in the first case outlined above but has also applied in several other cases received by my office. Young people do not value repeating a fixed curriculum of activity. Some EOTAS provision is designed for young people to undertake for a short period but when young people are experiencing this provision for an extended period of time providers need to make sure that there is flexibility within learning for children and young people to develop and progress. My case work does indicate that some alternative settings such as that described (and others) do not readily make such opportunities or qualifications available to young people and this is supported by Estyn's 2016 report which found that, *'Overall, EOTAS provision does not give pupils the same access to their education entitlements as their peers. A minority of pupils have to wait for more than 15 days to access provision, receive a restricted curriculum, or follow courses that are not challenging enough.'*¹⁵ This is unacceptable and is a clear violation of children's human rights under the UNCRC, notably Articles 28 and 29, which lays out the right of every young person to develop their talents and skills to their optimum potential.

The consultation document for Our National Mission: A Transformational Curriculum¹⁶ specified the following related to Pupil Referral Units:

'Pupil Referral Units (PRUs) do not have to deliver the entirety of the new curriculum. Nonetheless PRUs are required to deliver a 'broad and balanced curriculum' and this requirement will continue in relation to the new curriculum arrangements. The Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007 applies one element of the basic curriculum to PRUs – this

¹⁵ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

¹⁶ <https://gov.wales/sites/default/files/consultations/2019-02/consultation-document-transformational-curriculum-v2.pdf>

requires sex education to be taught to pupils of secondary school age. This will also continue to be the case.'

Whilst I am not in disagreement that it is not always appropriate for Pupil Referral Units to deliver the entirety of the curriculum, all EOTAS provision should be working towards ensuring that the 'broad and balanced' curriculum they provide mirrors as far as possible the entitlements of other children and young people, and I would hope that the requirements around 'sex education' in Pupil Referral Units are updated, in line with the new curriculum proposals, so that young people receive a statutory entitlement to relationships and sexuality education. Current evidence shows that more needs to be done to ensure that EOTAS settings are meeting their duties, and a national and local focus on this should be considered integral both to the Additional Learning Needs Transformation programme, and to the professional learning undertaken to embed the new curriculum.

Meaningful Qualifications

In addition, young people and those that support them can have understandable concerns about what qualifications are available through EOTAS settings. Estyn's investigation found that generally, pupils receiving EOTAS work towards attaining level 1 and 2 credit-based qualifications that have GCSE equivalency. These enable pupils to gain the equivalent of up to four GCSEs.¹⁷ However, changes to the qualifications framework will reduce this to the equivalent of two GCSEs, and I hope that settings are considering how to best enable young people to attain additional qualifications as a result of this change. It is important that all young people have the opportunity to have experiences and take qualifications that will enable them to continue in education, employment or training after compulsory school age. My case work does indicate that some alternative settings such as that described (and others) do not readily make such opportunities or qualifications available to young people and this again is supported by Estyn's report which found that, *Pupils receiving EOTAS do not usually have access to a broad and balanced curriculum that enables them to gain qualifications that meet their needs and potential. Only a very few pupils are taught by subject specialists. A lack of resources and facilities for subjects such as science limits the curriculum for too many of these pupils. This shortfall means that pupils miss out on important aspects of education, which can impact on their future chances of employment and training.*¹⁸ More must be done to address this at both a national and a local level.

14-19 Pathways

¹⁷<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

¹⁸<https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

Under the Learning and Skills (Wales) Measure 2009, as amended by the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) (Amendment) Regulations 2014, local authorities have a duty to form local curricula for learners in key stage 4. Across Wales some children are still supported on 14-19 pathways, where they participate in a dual placement between a school and a college: developing literacy and numeracy at school and developing skills through college tuition. This is valuable for many young people as it enables them to achieve GCSE qualifications alongside learning vocational skills, and also provides experience of the type of courses available in post-16 settings, which is invaluable for young people planning their future after compulsory school age. However, my office has noted that in recent years fewer young people in contact with my Investigation and Advice Service are being offered the opportunity to pursue 14-19 pathways and information about this as an option is not being communicated to families in contact with my casework service when their children are struggling with school or have been excluded. This is echoed in a policy context in which 14-19 pathways seem largely neglected in the educational policy landscape, not featuring in the draft guidance to the developing curriculum¹⁹ or in the wider education policy described in Our National Mission²⁰. Estyn also report that young people and their families are presented with limited options about future placements and that learning opportunities are too often limited by what happens to be on offer through a local provider, rather than as part of a planned pathway.²¹ I would urge Government to include consideration around these pathways in the development of assessment and qualifications that is currently taking place to support the new curriculum arrangements.

Participation

Another element in these cases, which is echoed in many others I have received, is the participation of children and young people. All children and young people have participatory rights guaranteed by the UNCRC. Participation is a cross-cutting principle of the Convention which is essential for all other rights to be realised. The key participatory right is Article 12, the right of a child to express an opinion about a decision that affects their life and for that opinion to be given due weight in decision making. Other participatory rights include the right to accurate information and freedom of expression (Articles 13 and 17), the right to participate in groups and meet friends (Article 15), and the right to participate in cultural activity, religion, sport and play (Articles 14 and 31).

¹⁹ <https://hwb.gov.wales/draft-curriculum-for-wales-2022/a-guide-to-curriculum-for-wales-2022/>

²⁰ <https://gov.wales/sites/default/files/publications/2018-03/education-in-wales-our-national-mission.pdf>

²¹ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

Professionals working in EOTAS provision, for example home tuition, have informed my office that often children and young people do not feel that they are listened to or able to participate in decision making. For example, when tutoring provision is being reviewed by a panel the young person and the tutor are invited to share their opinions about the provision and express what they would like to happen next. But following the meeting neither the tutor nor the young person are given feedback: they are not informed as to what the decision has been taken or why it has been taken and the provision carries on unaltered. Professionals have informed my officers that they will then provide exactly the same information at the next review and again not receive feedback after the meeting. My casework has also included examples of families lacking information and being very unclear as to decisions and next steps. Providing accessible information after decisions is a core part of the National Participation Standards²² and is essential to ensuring the participatory rights of children and young people. This practice is poor and will not serve children or young people well.

Need for ongoing review

It is also important that where children and young people are in receipt of home tuition on a one-to-one basis this is kept under active, ongoing review in which the views and experiences of the young person form a key consideration. Individual tuition is a valuable part of the overall EOTAS offer, and for some children and young people it offers an essential way to make sure they don't miss out on education. However, individual tuition does create potential barriers for young people to access those other, important participatory rights of play, culture, and meeting friends. Not having access to these has immediate, medium term and long-term impacts for the child. Any provision (such as individual tuition) in which children are isolated from other children must be under constant review and other options, such as group tuition, or joining a setting on a reduced or flexible basis should be regularly considered and discussed with the child or young person. Estyn's report found that '*Pupils receiving EOTAS do not always receive the full-time education (usually 25 hours a week) to which they are entitled. Most pupils for whom local authorities provide home tuition are educated for a maximum of 10 hours a week.*'²³ This echoes the experience shown in my casework in which home tuition is generally offered on a far more restricted basis than children's entitlements. Sometimes this is for good reason, for example, this is all that the child can manage for medical reasons. But it further underlines the need to review home tuition regularly to ensure it accounts for ongoing changes in children and young people's lives.

²² <http://www.childreninwales.org.uk/our-work/participation/participation-standards/>

²³ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

In the case outlined above it took two years to secure a placement in a setting. In another case a child had been out of a setting for two years but following investigation by my office was then offered a place in a setting within nine weeks. Where a child or young person is not in any setting with other children there must be regular and active decision making about their provision that has the best interests of the child at heart.

Need for appropriate SEN / ALN support

These cases also underline the importance of early assessment of SEN and the securing of appropriate additional support, and highlight the challenges faced by some children, young people and their families in even getting a statutory assessment. I develop this in my section below around the needs of young children but it is important that at any age there is a needs-led, timely response to ensure children and young people get the right support. This is as essential in EOTAS settings as it is in other education settings. My case work shows that too often children and young people in receipt of EOTAS are not receiving adequate support for ALN and this is again reinforced by Estyn's review, *Pupils with additional learning needs do not often receive the specialist support they need, even when this is set out in a statement of special educational needs. They do not consistently receive the specialist multi-agency support they need.*²⁴ Again, this is not a new finding but reiterates the 2014 Children's Commissioner's report into Pupil Referral Units²⁵, which indicated that PRU settings found Meeting the range and depth of additional needs of learners challenging, and that there was a lack of staff capacity and access to appropriate training. The ALN Transformation programme must ensure a focus on EOTAS settings to ensure that this is addressed.

Lack of timely provision across services

Two of the children in my listed cases were awaiting statutory assessments for Special Educational Needs, and many others later requested statutory assessment on the advice of my officers. Two of the cases listed above involved children who had been referred to CAMHS and were waiting to be seen by the service. The family of one child has been informed there was a 14 month wait for a neurodevelopmental assessment. Another family was informed their child was number 447 on the waiting list for the ASD Pathway for assessment for autism. One young person with severe anxiety had been recommended a place in a specialist unit that was oversubscribed and as a result was receiving home tuition.

²⁴ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

²⁵ https://www.childcomwales.org.uk/wp-content/uploads/2016/04/Right_to_learn_eng-F.pdf

These figures highlight:

- Delays in the wider support services mean that appropriate early intervention is made more difficult: education professionals are not always able to meet mental health needs without external specialist advice;
- Specialist units are not always well-enough resourced to meet the needs of the local population;
- Education provision must be needs-led and not dependent on diagnoses. In these circumstances it is particularly unfair that families are given the message that they need to wait for a diagnosis before any statutory assessment of educational need. Families have also explained to me that they can be further frustrated in these situations as they will sometimes seek private assessment to speed up processes, only to discover that privately obtained diagnoses are not recognised local authorities.

This reiterates findings from my predecessor's 2014 report on Pupil Referral Units (PRUs) that *"Too many children and young people with additional needs are arriving at the PRU at a point where their issues have gone unsupported and have escalated to a point where engaging in education is particularly difficult."*²⁶ Estyn also reported that nearly all local authorities experience difficulties ensuring that pupils receiving EOTAS access the expertise of the Child and Adolescent Mental Health Service (CAMHS). *Staff do not get the specialist advice and guidance they need to support pupils' needs.*²⁷ As well as highlighting the need for adequate resourcing of CAMHS this also highlights that EOTAS settings should be included in work of the Ministerial Task and Finish Group on the whole school approach to mental health and wellbeing. EOTAS settings are mentioned in the introductory section of the draft whole school approach framework but need to be more prominent throughout the framework and the thinking behind this work. Although I appreciate that the whole school approach guidance will be primarily aimed at maintained schools, EOTAS settings should also be considered as an intended audience and all efforts should be made to engage EOTAS settings in this work. I have asked Welsh Government to share with me how this guidance will be shared with non-maintained settings to encourage sufficient effort to make these settings aware of the approach.

Welsh Language Provision

²⁶ https://www.childcomwales.org.uk/wp-content/uploads/2016/04/Right_to_learn_eng-F.pdf

²⁷ <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf>

One of my cases involved a Welsh speaking child unable to access any EOTAS provision through the medium of Welsh. However, this is a far wider problem. As noted by Estyn²⁸, there is a nationwide lack of Welsh-medium EOTAS provision. I was disappointed that the recent Welsh in Education Strategic Plans draft regulations and guidance did not reference EOTAS settings and my consultation response highlighted this oversight. It is essential that children and young people who are already facing challenges in education do not have the additional barrier of being unable to access an education through their language of choice. This situation also breaches Article 30 of the UNCRC which protects the rights of those who speak indigenous languages to receive an education through their own language. Estyn's report also highlighted a crucial need to provide Welsh medium education in EOTAS settings. Estyn also note that an inconsistent access to core subject teaching means that there was not one example in their 2016 investigation of a pupil following an accredited course in Welsh and that in some settings no Welsh learning was enabled, in breach of the bilingual language policies of the local authority concerned. This points to a need to also provide access to Welsh learning in English medium EOTAS settings to avoid an inequality of opportunity.

Casework involving young children (8 and under)

In addition to the cases related to EOTAS listed above I have had over 20 cases in the past eighteen months relating to children of 8 years or under where there has been significant concerns raised about whether children are being appropriately supported in their education provision. I am raising these as a separate group as these relate to children in Foundation Phase years (although the 8 year olds were in key stage 2 at point of contacting my office, each of them had difficulties that had persisted for years). There are particular issues raised by this group of young children: first, that EOTAS provision is not made generally available for this age range as shown through the latest Government data²⁹; second, these cases highlight some of the reasons why children require EOTAS provision later in school, and third, that these cases illustrate a need for very early interventions to best support these children. Crucial in this is the need for early identification of Additional Learning Needs, and the provision of immediate and needs-led support.

Experiences of young children

In several of my cases involving young children there have been concerns that children will cause significant harm to themselves, other children or adults. These concerns are often founded on previous incidences in which other children or adults have been hurt. In one of these cases this had

²⁸ Ibid.

²⁹ <https://gweddiill.gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf>

led to injury that had required hospital treatment and in other cases police had been involved. Many of these young children have also run away from school settings. As a response, some of these young children have been completely isolated from their peers in school, or have been repeatedly excluded. The most recent data available around exclusion does not show repeated exclusions but does reveal a number of fixed term exclusions for young children (some of which will be repeated incidences): in 2013, for example, there were 126 incidences of exclusion for Reception age children.³⁰ Some young children have also experienced 'unofficial' exclusions, which are in breach of law and guidance³¹. In one case received by my office a family was repeatedly requested to collect their child just after the start of the school day without any exclusions being recorded by the school.

Approaches taken with young children

In many of the cases brought to my office my officers have been able to support professionals to implement appropriate approaches to meet the child's needs, these were within mainstream settings or sometimes through securing a place in another setting (such as a resource base) if more appropriate. Several cases have included children awaiting or being refused statutory assessment for SEN and my officers have assisted by ensuring appropriate assessment takes place. Other approaches have included referrals to the neuro-development team; Team Around the Family or Team Around the Child meetings; Play Therapy; CAMHS referrals; and intensive family support by social services. Some schools put in place reduced timetables in which the child was better able to manage, but in which they did not have additional support to access their full education. Only in one case was the approach taken for the child to have a reduced timetable in school that was supported by EOTAS home tuition. This highlights that it seems only rarely is EOTAS provision made available to this age group.

In each of these cases my officers have sought to ensure the child benefits from a needs-led approach, and the need for intervention suggests that there is still work to do across Wales to ensure needs-led provision. I am concerned the definition of Additional Learning Needs for children

³⁰ <https://statswales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Exclusions/PermanentAndFixedTermExclusions-by-YearGroup>

³¹ "6.2.6 Influencing or encouraging parents/carers to 'voluntarily' withdraw their child from school as a way of dealing with difficult or challenging behaviour, is not an appropriate response. Schools acting in this manner could potentially be considered as acting contrary to educational law.
6.2.7 'Voluntary withdrawals' bypass the formal exclusion process and therefore deny parents/carers and pupils the right to appeal against decisions to exclude. This type of unlawful exclusion can also lead to young people being lost to education and training and significantly increases their risk of being socially excluded."
<https://gweddill.gov.wales/docs/dcells/publications/160318-inclusion-and-pupil-support-en.pdf>

under compulsory school age in Section 2.3 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018³² may enable this problem to persist under new legislation. The Act defines Additional Learning Needs to be present if the child is likely to have greater difficulties learning when they reach compulsory school age. Subsequently, the draft Code, issued for public consultation last spring, directed practitioners to anticipate what the needs of the child will be in the future in deciding whether a child had additional learning needs. As stated in my response to the code, the risk of this separate definition is that practitioners could delay a decision about ALN (as is happening currently when children are being refused statutory assessment) until the child reaches compulsory school age. This can mean that children do not receive the support they need during the crucially formative stages of early years and the first part of the Foundation Phase. This approach also contradicts the importance of early intervention emphasised in the 2018 Act. I would urge that the response of practitioners to children under compulsory school age should be needs-led and I hope that the revised code directs decision-making so that practitioners respond to the needs with which a child presents, meaning that a child of pre-school age that would benefit from an IDP or ALP at that point in their development receives this support, regardless of what their needs may be in the future.

Challenges in finding suitable approaches for young children

In one ongoing case it has not proved possible to identify a suitable approach in a mainstream setting and there is no specialist setting for children with Social, Emotional or Behavioural difficulties available in the authority before Key Stage 2.

This case involves a five-year old child and there have been significant worries this child would harm themselves or other children. As a response the child was being taught in isolation with one teaching assistant. This child had no interaction with other children. My office challenged the local authority who stated that no specialist provision could be made available due to the age of the child and within six months the authority agreed to provide a bespoke EOTAS provision for this child and one other. This unit of two children is staffed by one teacher with four Learning Support Assistants. There are ongoing issues with this case, with the family unhappy with provision and a clear lack of social opportunities for this child to learn alongside and interact with other children.

³² <http://www.legislation.gov.uk/anaw/2018/2/section/2/enacted>

In another case, which has now been concluded, a school governing body and staff had concerns about their ability to keep a child in Foundation Phase safe: this child had a history of running away and the school is next to a busy road; the child had also caused harm to themselves and others. The school reported to my office that the Local Authority informed the school that there was 'no way' this child would not be in a Pupil Referral Unit when they got into Key Stage 2 but as there was no PRU provision available before Key Stage 2 the school needed to make a place available for the child. This case was resolved with the school making changes on site, and through funding staff training and additional support. However, the school felt unsupported by the authority and felt as if they were being asked to 'babysit' a child to make up for a lack of specialist EOTAS provision for younger children. I am particularly concerned by the attitude of the local authority in this case, as it seems perhaps to indicate an acknowledgement that the setting offered to the child was not the best way to support the child's needs. It also indicates a lack of willingness to work together with the school to find the right provision within the school setting. While every child's needs are different, some schools (such as the examples listed at the start of this response) have been able to provide nurture provision that has been effective in dealing with challenging behavior and the local authority could have been much more cooperative and supportive in their response to the school's concerns

In addition to continuing to press for a resolution on any ongoing cases, my office is currently undertaking a piece of scoping work to determine more information about how young children with significant behavioural and emotional difficulties in the Foundation Phase are currently supported across education settings in Wales. We are seeking more information about the extent to which appropriate provision for young children is perceived as a problem by settings and authorities, and more information about what support is provided by each authority to support children presenting with significant behavioural and emotional difficulties. We do not currently have sufficient information as to these questions to understand the extent of the problem or make specific recommendations as to how young children could be better supported. Our cases strongly suggest a pressing need for ensuring a range of professional expertise offering immediate and supportive interventions is available early in Foundation Phase, or even before in Early Years provision in order to support children's needs. It may also be the case that extending the availability of EOTAS provision to young children could be considered as one way by which young children may be better supported in education. I would be happy to share the outcome of this work with the Committee when this has been completed, but note that this will be outside the timescale of this Inquiry.

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Plant, Pobl Ifanc ac Addysg
Ymchwiliad i Addysg Heblaw yn yr Ysgol
EOTAS 03
Ymateb gan: Estyn

National Assembly for Wales
Children, Young People and Education Committee
Inquiry into Education Otherwise than at School
EOTAS 03
Response from: Estyn

Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

Introduction

Every child's right to education¹ should be designed to provide them with the learning and life skills that enable them to develop their personality, talent and abilities to the fullest², regardless of their context. Most pupils attend school regularly, and behave and achieve well³. However, for a range of reasons, a very few pupils in Wales receive their education other than at school (EOTAS).

In January 2019⁴, there were 2,286 pupils in Wales receiving their education through EOTAS provision. About two-in-ten of these pupils had main or current enrolment status at their maintained 'home' school and about three-in-ten had subsidiary enrolment. The other half of these pupils were not on roll at a maintained school and they received their education solely through EOTAS provision. Almost 44% of pupils whose main education is other than at school were enrolled at pupil referral units, 14% in independent schools and 11% in further education. About 14% were in receipt of individual tuition and almost 2% were awaiting provision or not currently in provision.

Many of the pupils who attend EOTAS have either been excluded from mainstream education or are at risk of exclusion. The latest figures available⁵ show that, in 2016-2017, there was a significant increase in the number of permanent exclusions in Wales compared with the previous year, up from 109 in 2015-2016 to 165 in 2016-2017. Of particular concern is the number of permanent exclusions for primary age pupils which has doubled over the last five years, up from 9 in 2012-2013 to 20 in 2016-2017⁶. This figure reflects the similar increase in the number of pupils ages 6 to 11 years receiving their main education through EOTAS provision during the same period, up from 137 in 2012-2013 to 212 in 2016-2017⁷), and up again in 2019 to 253.

In 2015⁸ and 2016⁹, Estyn published two thematic reports on education other than at school. Both reports confirm that pupils who receive their education through EOTAS provision are mostly either excluded or in danger of permanent exclusion largely because of challenging behaviour associated with social and emotional behavioural difficulties. A smaller number of pupils receive EOTAS provision because they are disengaged and/or are persistent non-attenders at their maintained school often because of mental health issues that typically centre on anxiety or bullying¹⁰. Overall, pupils in receipt of EOTAS

¹ Article 28 – United Nations (1989) *Convention on the Rights of the Child*. [pdf] Available online at: <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> Accessed on: 17 June 2019

² Article 29 – United Nations (1989) *Convention on the Rights of the Child*. [pdf] Available online at: <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> Accessed on: 17 June 2019

³ Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. Cardiff: Estyn [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

⁴ Welsh Government (2019b) *Pupils educated other than at school, 2018/19*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

⁵ Welsh Government (2018b) *Permanent and fixed-term exclusions from schools: September 2016 to August 2017*. Cardiff: Welsh Government. Available online at: <https://gov.wales/permanent-and-fixed-term-exclusions-schools-september-2016-august-2017> Accessed on: 18 June 2019

⁶ Ibid

⁷ Welsh Government (2019b) *Pupils educated other than at school*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

⁸ Estyn (2015) *Education other than at school: a good practice survey*. [pdf] Cardiff: Estyn. Available online at: https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Education_other_than_at_school_a_good_practice_survey_-_June_2015.pdf Accessed on: 10 June 2019

⁹ Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

¹⁰ Children's Commissioner for Wales (2014) *The Right to Learn*. [pdf] Available online at: https://www.childcomwales.org.uk/wp-content/uploads/2016/04/Right_to_learn_eng-F.pdf Accessed on: 18 June 2019

provision often miss extended periods of education and have gaps in their learning. These pupils typically have low self-esteem and lack confidence. Many have low aspirations for their future. They are vulnerable learners, who often have multiple needs and require bespoke support to enable them to achieve their potential. The main findings from these two thematic reports include that:

- provision for pupils at risk of exclusion or disengagement is most effective where local authorities, schools and PRUs work together to meet the needs of these pupils and to ensure that they remain in full-time education
- the EOTAS provision for many pupils gives them a second chance to succeed and they improve their attendance over time and are motivated to learn, usually in a smaller more nurturing environment
- pupils develop good relationships with EOTAS staff and appreciate the depth of understanding staff have about the difficulties they experience, which supports them to improve their behaviour
- overall, EOTAS provision does not give pupils the same access to their education entitlements as their peers and they do not all meet their potential largely because of the restricted curriculum and unchallenging courses they follow
- only a minority of local authorities monitor and evaluate the progress of pupils receiving EOTAS to ensure that they all meet their potential, and to judge if the provision is effective and gives value for money

Since 2016, we extended our series of thematic reports related to EOTAS with the publication of a report on the effective use of managed moves by local authorities and schools¹¹. This report complements Welsh Government's ¹² guidance on inclusion and support for pupils to ensure they receive suitable education and avoid becoming disengaged from education.

Estyn is fully committed to Welsh Government's education reform programme to provide high-quality and inclusive education for all Welsh citizens¹³. This position is reflected in our thematic work and the new Common Inspection Framework. Through our inspection programme, thematic reviews and wider activities such as attendance at the EOTAS Delivery Group meetings, Estyn is resolute in supporting Welsh Government to fulfil its proposals outlined in the EOTAS Framework for Action¹⁴. Given the span of the proposals, Estyn welcomes the Welsh Government's current inquiry into the range of EOTAS provision. In particular, we would welcome further discussion about:

- collaborative approaches to EOTAS provision
- the importance of ensuring that EOTAS provision is included in all aspects of the education reform journey
- establishing a consistent approach to recording, monitoring and reporting on EOTAS outcomes and provision at individual school, local authority, region and national levels

¹¹ Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. Cardiff: Estyn [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

¹² Welsh Government (2018a) *Inclusion and pupil support*. [pdf]. Cardiff: Welsh Government. Available online at: https://gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support_0.pdf Accessed on: 19 June 2019

¹³ OECD (2017) *The Education Reform Journey*. [pdf]. Available online at: <http://www.oecd.org/education/The-Welsh-Education-Reform-Journey.pdf> Accessed on: 19 June 2019

¹⁴ Welsh Government (2017) *Education otherwise than at school (EOTAS) Framework for Action*. [pdf] Cardiff: Welsh Government. Available online at: <https://gov.wales/sites/default/files/publications/2018-03/education-otherwise-than-at-school-framework-for-action.pdf> Accessed on: 20 June 2019

Consultation Questions

1. Reasons for and support available for children and young people at risk of EOTAS, including through their exclusion from mainstream provision

Estyn's series of three thematic reviews about pupils at risk or in receipt of EOTAS confirm that many pupils who find it difficult to remain in mainstream schools have a range of difficulties, including challenging family situations and personal issues. Others have underdeveloped literacy and numeracy skills or further additional learning needs. Pupils with social, emotional and behavioural difficulties, those at risk of exclusion and those who persistently refuse to attend school, often because of mental health issues, are at greater risk of being educated through EOTAS provision¹⁵.

Where there are difficult family situations, there is strong research evidence that shows the impact of early trauma and adverse childhood experiences (ACE) on children's social and emotional wellbeing. This may include, for example, an increased likelihood to engage in self-negation, anti-social or destructive behaviour, which in turn may place pupils at greater risk of EOTAS. In mainstream schools, the recent interest in approaches to education that support pupils with adverse childhood experiences has seen the emergence of trauma informed and attachment approaches. Our inspection evidence shows that these approaches are more established in PRUs and special schools, particularly independent special schools. Evidence for Estyn's forthcoming thematic report on the support provided for pupils with adverse childhood experiences shows that, generally, the quality and impact of support is better in primary schools than secondary schools. However, overall, there is relatively little robust research into what works well to support the educational outcomes for pupils with adverse childhood experiences. Further, there is a broad lack of professional knowledge in mainstream schools, particularly secondary schools, about the impact of early trauma and ACEs on pupils' social and emotional development, the relevance of this to pupils' education and appropriate ways to address the issues

Our thematic review and inspection evidence shows that, in the best practice, provision for pupils at risk of exclusion or disengagement is particularly effective where local authorities, have a clear strategy for support and reintegration and a continuum of provision to meet these pupils' needs. This continuum of provision includes the use of graduated approaches for supporting pupils who struggle to stay in mainstream education. The first stage of the continuum is likely to involve whole-school strategies such as mentoring, use of inclusion rooms or restorative approaches. It also includes individual or group support for pupils who are beginning to display difficulties such as challenging behaviour or anxiety. With appropriate support, many pupils will overcome their difficulties without need for further intervention.

Where pupils continue to experience difficulties, they may require external support, for example from a behaviour specialist, educational psychologist or the child and mental health service. It is only when these strategies do not succeed that a pupil should be considered for the next stage of the continuum that is placement at an out-of-school setting, such as a PRU or other form of EOTAS provision. Where there is strong practice in supporting pupils at risk, these settings have well-established referral processes and clear entry and exit criteria. The pupils, their parents and carers, and staff have a clear understanding that placement at an EOTAS setting such as a PRU is a short-term targeted intervention.

¹⁵ Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Welsh Government. Available online at: <https://www.estyn.gov.wales/thematic-reports/education-other-school> Accessed on: 10 June 2019

However, for many pupils at key stage 4, a return to mainstream education is not an appropriate option.

Managed moves also play an important part in the continuum of provision. The main findings from Estyn's thematic report¹⁶ about the use of managed moves by local authorities and schools confirm that, in most cases, managed moves offer pupils at risk of disengagement or exclusion a fresh start in a new school. Where there is the most effective practice, the needs and best interests of the pupil are at the heart of all discussions around managed moves and the decisions made. However, a managed move does not provide pupils with the same legal protection as those permanently excluded from schools. For example, pupils who are undergoing managed moves are not automatically entitled to interim education provision, the right of appeal or support with practical arrangements such as transport.

All local authorities provide arrangements to ensure that a child or young person can access support for their voice to be heard in relation to their education, care or health plans. However, eligibility for this service differs greatly across Wales. For example, in many local authorities, the availability of these services is promoted suitably and nearly all local authorities make an effort to obtain the services of an independent advocate to speak on behalf of a pupil subject to a formal exclusion. This is not the case for pupils undergoing managed moves.

For the most part, local authorities meet with pupils and their parents or carers to discuss any options available to them before they attend EOTAS provision. These options are often very limited. As a consequence, although pupils are consulted about their future placement, the options from which they choose are not broad and balanced. These options may not be suitable to their needs and interests. In particular, older pupils have limited vocational options.

2. How effectively parents are engaged and supported throughout the EOTAS process

Evidence from inspection and our thematic reviews shows that all local authorities provide parents or carers with useful information about the options for a suitable education for their child, including education outside of school. This information helps parents or carers to understand the EOTAS or managed move process and often resolves any concerns they may have.

All local authorities have a responsibility to provide an independent and impartial parent partnership service. This service supports parents and carers to understand the procedures relating to their child's special educational needs, which helps them make informed decisions. Our thematic and inspection evidence shows that in many local authorities, there are well-established links with the parent partnership service. Officers and volunteers from the service often represent parental perspectives on a range of support panels such as the behaviour and additional learning needs resource panels. This helps them understand the local authority's approach to promoting inclusion and makes sure that they provide parents and carers with up-to-date information about options and support available.

Generally, mainstream schools provide parents and carers with useful information about the range of options available to them when a pupil is at risk of exclusion or disengagement. In effective schools, early communication of concerns ensures that relevant information is available to parents and carers continuously. In these schools, they receive a great deal of

¹⁶ Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

information about their child's progress through weekly meetings at school, text messages and daily phone calls. This strong communication helps parents and carers to understand well how to support their child and plan for the next step in their education.

Although most schools provide parents and carers with daily updates about their child's behaviour, leaders do not always communicate difficult messages well enough in a timely manner. This means that parents and carers do not always have sufficient time to plan the next steps or secure alternatives for their child.

Our inspection and thematic review evidence suggests that the parents and carers of pupils who may be educated outside mainstream school settings have an important role to play if EOTAS placements are to be successful. For example, recent inspection reports for EOTAS provision at PRUs, show that where provision is excellent, this includes exceptional flexible working and communication with parents and carers. In addition to daily diaries and regular phone calls, staff work with other agencies to provide highly effective parenting programmes to help parents to understand and manage their children's needs better. In the very best practice, these partnerships, together with successful strategies for working with mainstream schools, have been instrumental in supporting pupils' reintegration to mainstream education.

3. The variation in rates of EOTAS for children and young people with particular characteristics (such as learners with special educational needs or who are eligible for free school meals) and the consequences of this

National data confirms that the number of pupils in receipt of EOTAS provision increases with each age group from age 8 up to 15 years, and about seven-in-ten of these pupils are boys¹⁷. In January 2019, almost six-in-ten pupils whose main education is other than at school were aged 14 or 15. For many pupils, EOTAS is intended as short-term provision with a view to reintegrating pupils back to mainstream schooling. However, it is widely recognised that nearly all pupils at key stage 4 may need to attend for a longer term as they come to the end of compulsory school-age.

Over the last five years, almost nine-in-ten of all pupils whose main education is other than at school have special educational needs (SEN)¹⁸. Almost four-in-ten of these pupils have a statement of SEN and just over half are school action plus. The findings in our 2016 thematic report¹⁹ affirm that pupils with additional learning needs do not always receive the specialist support they need, even when this is set out in a statement of special educational needs. In several cases, this is because only a very few providers employ staff who are qualified and experienced in supporting pupils with special educational needs. As a result, staff do not all have the skills to support pupils' needs appropriately, including needs identified on a statement of special educational needs. Where this happens, local authorities fail to meet their statutory obligations to ensure that the provision specified in a pupil's statement of special educational needs is met.

Currently, information of SEN by type of need for all pupils in Wales whose main education is other than at school, and the level of support provided, is not available in published reports. Estyn acknowledges that it may not be appropriate to provide published reports about type of need and level of support for individual local authorities because the number of pupils, particularly for type of need, may be too few to report on without identifying individual pupils. However, because there is no reliable data about national EOTAS figures about type and level of SEN support for these pupils, it is not possible to make comparisons over time

¹⁷ Welsh Government (2019b) *Pupils educated other than at school, 2018/19*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

¹⁸ Ibid

¹⁹ Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

with a view to informing policy or practice if required. Similarly, although Welsh Government match data collected through the Children Receiving Care and Support Census²⁰, the national education data sets on SEN, exclusions and EOTAS do not provide enough information about looked after children as a ‘characteristic’.

In January 2019, 36.4% of pupils whose main education is other than at school were entitled to free school meals²¹. This figure is almost double the national average of 16.8% of pupils for all maintained schools in Wales. Our inspection and thematic evidence confirms that almost all pupils in receipt of EOTAS provision at pupil referral units are considered vulnerable because of one or a combination of characteristics such as living in poverty, their behaviour, additional learning needs and known to at least one statutory agency. Welsh Government guidance on inclusion and support for pupils²² outlines clearly how ‘significantly fewer’ pupils from low-income households achieve expected attainment levels ‘compared with their better-off peers’, and that this difference in attainment grows as they progress through their school career. The guidance also recognises that other risk factors such as poor attendance, poor behaviour and exclusion, which are all associated with needing extra support, are compounded by poverty.

There are no great differences between the ethnic background distribution of pupils’ age five and over whose main education is other than at school compared with the figures for mainstream schools^{23 24}.

Our 2016 thematic report²⁵ confirmed that nearly all pupils receiving EOTAS have English as their first language. Generally, local authorities report that the proportion of pupils requiring EOTAS through the medium of Welsh is too low to be feasible to set up or commission group support. As a result, nearly all of these pupils attend EOTAS provision delivered through the medium of English. Their local authorities often fail to ensure that they are able to continue with their education in their language of choice.

4. The levels of financial support available to support EOTAS and children and young people at risk of becoming EOTAS and whether this represents value for money

Our 2015 thematic survey about EOTAS best practice²⁶ provides several case studies from mainstream schools where there has been effective practice in the use of the pupil development grant (PDG) to support pupils at risk of receiving their education through EOTAS provision. For example, the employment of ‘nurture mentors’ who are trained in specific interventions to address pupils’ social and emotional difficulties, and the

²⁰ Welsh Government (2019d) *Wales Children Receiving Care and Support Census, 2018* [pdf] Cardiff: Welsh Government. Available online at: https://gov.wales/sites/default/files/statistics-and-research/2019-02/wales-children-receiving-care-and-support-census-2018-experimental-statistics_1.pdf Accessed on: 20 June 2019

²¹ Welsh Government (2019c) *Schools’ Census Results 2019* [pdf] Available online at: <https://gov.wales/sites/default/files/statistics-and-research/2019-07/school-census-results-2019-764.pdf> Accessed on: 24 June 2019

²² Welsh Government (2018a) *Inclusion and pupil support*. Cardiff: Welsh Government. Available online at: https://gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support_0.pdf Accessed on: 19 June 2019

²³ Welsh Government (2019b) *Pupils educated other than at school, 2018/19*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

²⁴ Welsh Government (2019c) *Schools’ Census Results 2019* [pdf] Available online at: <https://gov.wales/sites/default/files/statistics-and-research/2019-07/school-census-results-2019-764.pdf> Accessed on: 24 June 2019

²⁵ Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

²⁶ Estyn (2015) *Education other than at school: a good practice survey*. [pdf] Cardiff: Estyn. Available online at: [https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Education other than at school a good practice survey - June 2015.pdf](https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Education%20other%20than%20at%20school%20a%20good%20practice%20survey%20-%20June%202015.pdf) Accessed on: 10 June 2019

development of support programmes for parents who were struggling to manage the behaviour of their children. More generally, several secondary schools use the PDG funding well to enhance curriculum opportunities for individual pupils at risk of becoming disengaged such as through college-link courses or commissioning alternative provision.

However, as the 2018 National Assembly for Wales Children, Young People and Education Committee Report²⁷ on the use of the PDG confirms, there needs to be improved monitoring of schools' use of the PDG, in order to ensure maximum impact and value for money. The report also recommends that greater emphasis should be placed on how the PDG is used to improve the engagement of pupils eligible for free school meals in order to reduce the number of cases where they receive fixed-term exclusions.

Where pupils are in receipt of EOTAS, in addition to PRUs, individual tuition and further education, many local authorities commission independent providers through a procurement exercise. This exercise enables them to set out clear specifications and expectations such as having a local base, offering particular qualifications and having specific staff expertise. However, these arrangements do not guarantee that pupils have equal access to their entitlement as their peers.

Following the publication of our thematic report about EOTAS in 2016, Welsh Government wrote to all directors of education in Wales to request that they reviewed providers from which EOTAS provision was commissioned to ensure that settings are appropriately registered. Since this time, our inspection evidence shows that, whilst improvements have been made in using registered provision, commissioning these arrangements and monitoring and evaluating the quality of this provision remains a priority issue. A few local authorities have started to commission provision for large numbers of pupils in independent special day schools, but it is too early to evaluate the impact of this provision on improving outcomes and providing value for money. More generally, many of the 35 independent special schools in Wales are small and pupils often live in children's homes attached to the schools. Our work with the Care Inspectorate Wales, and evidence from our core and regular monitoring inspections of these schools, shows that frequently consideration for meeting the educational needs of a child or young person is secondary to commissioning a care placement.

5. Responsibility and accountability for the education of pupils who become EOTAS

As outlined earlier, Estyn's thematic reports on EOTAS and managed moves highlight that in the most effective practice the inclusion services of local authorities have a clear vision for supporting vulnerable pupils. This vision includes placing pupils at risk of exclusion or disengagement at the centre of the decision-making process to better meet their needs. This means having rigorous processes for early identification, a continuum of provision to support and meet these pupils' needs, and an effective strategy for reintegration.

However, local authorities do not all have a clear picture of their EOTAS provision. In most cases, they know how many pupils are receiving the provision they put in place or commission from independent providers. But they do not all know how many pupils receive education off the school site organized by schools or through 14 – 19 Networks. Also, they do not all monitor and evaluate the progress of pupils receiving EOTAS effectively and do not have secure enough processes to ensure all pupils meet their potential.

While all local authorities monitor the attendance and behaviour of pupils for whom they organize EOTAS, they do not all keep records of pupils' learning needs and their progress

²⁷ National Assembly for Wales, Children, Young People and Education Committee (2018) *On the Money? Targeted funding to improve educational outcomes*. [pdf] Cardiff: National Assembly for Wales. Available online at: <http://www.cynulliad.cymru/laid%20documents/cr-ld11615/cr-ld11615-e.pdf> Accessed on: 25 June 2019

against set learning targets. Further, elected members are not always aware about all aspects of EOTAS provision for which they have responsibility. When this is the case, they are unsure how well pupils receiving EOTAS progress and how much the local authority spends on EOTAS. This means they cannot make an informed judgement about whether EOTAS provision provides value for money.

Where a pupil's main education is at a PRU or other EOTAS provision, but they retain subsidiary registration in their 'home' mainstream school, only a very few schools regularly follow up on the progress of these pupils once they are in receipt of full-time EOTAS provision. Providers are usually required to forward weekly reports on pupils, but the focus is on attendance and behaviour rather than academic performance.

6. Attainment of children and young people EOTAS

In the EOTAS Framework for Action²⁸, Welsh Government recognises the difficulties associated with comparing EOTAS learners with mainstream learners on a 'like for like' basis. This is because the majority of EOTAS learners do not start from the same baseline as most of their mainstream peers. The Welsh Government acknowledges that key performance indicators, such as Level 2 inclusive of English/Welsh and mathematics, do not reflect the 'distance travelled' for vulnerable learners, in particular those in EOTAS provision. Within this context, since 2016, Welsh Government has released key stage 4 attainment data for those pupils whose main education is in a pupil referral unit. There is no national data available for pupils in receipt of EOTAS provision in other key stages and settings.

In each Estyn core inspection report for PRUs, mainstream special schools and independent special schools, we state clearly that it is not appropriate to compare the standards that pupils achieve in these sectors with national averages. We emphasise that we do not analyse the performance trends of groups of pupils over time because of the nature of the pupils' social, emotional and special educational needs. Yet our inspectors do form a view about how far pupils fulfil their potentials as learners by considering a range of evidence including attainment against baseline data, outcomes of lesson observations, scrutiny of pupils' work and discussions with pupils.

Our inspection evidence and EOTAS thematic reports confirm that nearly all pupils in receipt of EOTAS provision study a restricted range of subjects. As a result, only a very few pupils attain as well across a similar range of subjects as their peers in mainstream schools. For example, in PRUs, in each of the last three years, at key stage 4, a very few pupils gained A*-C grades in GCSEs in the core subjects of English or Welsh and mathematics and science²⁹. This is because most pupils only study a small range of credit-based qualifications or Entry level GCSEs. They do not always have opportunities to study higher level courses, even when these better suit their abilities. This is a major shortcoming, and, as a result, pupils, especially the more able, do not consistently achieve their potential. Overall, they achieve the targets set for them by providers and attain accreditation for their learning, but these targets are often too low. These low levels of attainment often have adverse implications for post-16 progression. We welcome the work to improve the data sets available to track post-16 destinations in a more systematic way, which may be a better measure of the appropriateness of the provision and outcomes for pupils who are in EOTAS.

²⁸ Welsh Government (2017) *Education otherwise than at school (EOTAS) Framework for Action*. [pdf] Cardiff: Welsh Government. Available online at: <https://gov.wales/sites/default/files/publications/2018-03/education-otherwise-than-at-school-framework-for-action.pdf> Accessed on: 20 June 2019

²⁹ Welsh Government (2019a) *Key stage 4 indicators for pupils whose main education is at a pupil referral unit*. Cardiff: Welsh Government. Available online at <https://stats.wales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Examinations-and-Assessments/Key-Stage-4/ks4indicators-year-pru> Accessed on: 25 June 2019

In PRUs, generally, pupils studying vocational courses gain the relevant qualifications. Usually, these are credit-based qualifications level 1 and 2 at certificate, extended certificate or diploma level. However, because of the complexity of their needs, a few pupils in key stage 4 achieve less well in their off-site placements. In most PRUs, at the end of key stage 4, many pupils progress to further education or apprenticeships.

Recent inspections and monitoring visits in independent special schools confirm that many pupils make at least good progress in their learning in relation to their starting points and abilities. By the time that they leave their school, many pupils achieve a worthwhile range of nationally recognised qualifications at entry level. A few achieve GCSE qualifications in subjects such as English, mathematics and science. Overall, the progress pupils make in developing their skills supports them well in making successful transitions to appropriate destinations that are relevant to their needs and abilities. However, in a few schools, there are not enough opportunities for pupils to achieve qualifications that support their vocational progression or future learning pathways.

7. Outcomes and wellbeing of children and young people EOTAS

Estyn's evidence for this inquiry area is informed from the inspection reports of two sectors: PRUs and independent special schools, outlined in separate sections below.

Pupil Referral Units

In recent inspections, the outcomes for pupils' wellbeing and attitudes to learning have been notably stronger when compared with all PRUs inspected during this inspection cycle so far. Although most pupils have experienced considerable disruption in their education, over time they acquire strong and trusting working relationships with staff and develop important skills in tolerance, resilience and respect. They feel safe and benefit from opportunities to be themselves and develop successfully. For example, they respond very well to the sensitive and supportive approach of staff and come to understand the reasons for their challenging behaviour and how to manage it effectively so that they can concentrate on their learning.

Many pupils, improve their attendance significantly and acquire positive attitudes to their learning. They settle to structured activities quickly, sustain high levels of concentration and complete tasks successfully. Most pupils engage enthusiastically in a beneficial range of community, creative and sporting activities. For example, when maintaining dedicated flower beds in the local area, making pinch pots to fund raise for charity or participating in the daily mile challenge. These activities have an extremely positive impact on pupil's physical, social and emotional wellbeing and enhance their life skills considerably.

Overall, there is too much variation in attendance, particularly for older pupils in key stage 4. Due to the complexity of their needs, a few pupils in key stage 4 struggle to attend off-site placements that form part of their weekly timetabled provision. This has a detrimental impact on their individual progress and wellbeing, as well as overall attendance.

Independent special schools

In recent core and monitoring inspections, in most schools pupils make at least good progress in improving their standards of well-being and attitudes to learning. Many of these pupils have experienced significant disruption to their formal learning before joining the school. However, over time, most pupils develop productive working relationships with staff who support them very effectively to develop their self-esteem and resilience when faced with challenges in learning.

Over time, because of the co-ordinated support they receive from staff, many pupils learn to manage their anxieties successfully and improve their behaviour in relation to their individual needs. This helps them to engage constructively in lessons and build their social skills and self-confidence. Many pupils attend school regularly and are punctual for lessons. These pupils work effectively independently and together with their peers. They take pride in their work and are eager to share their achievements and the progress they have made in their learning with visitors.

However, the attendance of a few pupils is too low. These pupils make slow progress in managing their behaviour and do not engage well in learning. For example, they do not respond well to staff support and leave lessons early without completing tasks.

8. The quality of support provided to children and young people in the range of EOTAS provision

Our inspection and thematic evidence shows that pupils in receipt of EOTAS provision are generally very appreciative of the nurturing and supportive working relationships they develop with EOTAS staff. Over time, they develop the trust and confidence to talk to staff about their emotions and life experiences. They know that they will be listened to, that their needs are understood and staff will help them to manage their emotions and behaviour. Gradually, this approach helps most pupils to learn how to control their emotions and improve their behaviour.

Many PRUs deliver comprehensive programmes of personal and social education to support and encourage pupils effectively to develop healthy lifestyles and behaviours. In these settings, staff take every opportunity to support pupils in learning how to stay safe and take responsibility for themselves and their actions. This approach builds pupils' confidence and helps them to develop secure values.

A strength of many PRUs is their effective partnership working with social services and health professionals. The most effective PRUs have well-established arrangements for identifying pupils' additional learning and emotional needs. In these settings, staff use this information skilfully to plan targeted support to address gaps in pupils' learning and improve their behaviour. Most PRUs make effective use of beneficial partnerships with a range of multi-agency professionals to meet the needs of pupils in a holistic way. These partnerships include specialist services such as mental health, advisory teachers, educational psychologists and agencies such as the NSPCC and Barnardo's. In addition to providing valuable support for pupils, these partnerships often provide beneficial training for staff to help them better support pupils' needs.

For all types of EOTAS provision, local authorities often experience difficulties ensuring that pupils in receipt of EOTAS access the expertise of the Child and Adolescent Mental Health Service. As a result, pupils do not always receive therapeutic support to meet their needs and staff do not get the specialist advice and guidance they need to support pupils' needs.

Estyn's EOTAS thematic reports confirm that older pupils mostly receive good support from EOTAS staff and additional professionals, such as youth workers and staff at Careers Wales, to plan their transition to the next stage in their life. Although Careers Wales and learning coaches provide ongoing support and guidance to nearly all pupils receiving EOTAS, they have extremely limited influence on the curriculum opportunities offered by providers. As a result, pupils' choices are restricted to those offered by providers, rather than part of a planned pathway. For example, our 2016 EOTAS report³⁰ highlighted how

³⁰ Estyn (2016) *Education other than at school*. Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

most pupils receiving home tuition are educated for a maximum of ten hours each week and follow an extremely limited curriculum because there is not enough time for tutors to provide for all subjects. One pupil cited in the report wanted to go on to study art at a further education college and in higher education. However, he knew that this was unlikely because he is not studying art as one of his four GCSEs. Many pupils felt frustrated that they could not access a full curriculum and understood that, because of this, their future life, further study and employment chances are limited. Currently, there is no data collected on the number of pupils receiving EOTAS who go on to become NEET.

9. Professional development support for Pupil Referral Unit staff, including those who provide home tuition

The evidence from our inspection and EOTAS thematic reports shows that almost all EOTAS providers employ experienced staff to meet pupils' emotional and behavioural needs. Many of these staff have specific training, for example, in youth work, counselling and as life coaches. However, with the exception of PRUs, very few teachers of EOTAS have access to training and support that keeps them up-to-date with the latest practice and curriculum requirements. These staff do not usually know where to go to get the best advice or to see good practice. Further, local authorities do not generally encourage their specialist teachers and educational psychologists to share their expertise with independent providers of EOTAS.

In PRUs, where there is effective practice, both teaching and support staff have received beneficial and often high level training to support vulnerable pupils. This is similar to the effective practice findings that will be highlighted in our forthcoming remit on mainstream school support for pupils with adverse childhood experiences. As a result, staff across these settings have developed a strong understanding of issues around attachment and also the impact of trauma on children and young people's development.

Throughout Wales, staff in PRUs have many opportunities to extend their professional learning and improve their practice. For example, they participate in a range of activities from in-house CPD programmes through to courses and events organised in collaboration with their local cluster, regional consortia or national events. In a few cases, arrangements for staff professional learning are a significant strength. For example, staff have the opportunity to make valuable use of video-based professional learning platforms to share and discuss their ideas about aspects of effective practice internally and with other schools - mainstream, special and PRUs, both locally and nationally. In one case, a PRU's comprehensive provision for professional learning, and the positive impact that it has had on improving practice and pupil outcomes, is beneficial to its role as a Professional Learning Pioneer School. Overall, PRUs' access to professional learning and support provided through the regional consortia has improved over the last two years. In addition, the creation of the national PRU network has helped leaders to share practice and learn from each other.

More generally, with the relatively small number of staff at a PRU, there is often a capacity issue for staff being able to make an effective contribution to the professional learning activities surrounding the national education reform agenda. This includes activities such as events organised for the Additional Learning Needs and Education Tribunal (Wales) Act 2018, a Curriculum for Wales, and the focus on health and wellbeing, and ACE. The multiple roles PRU staff often undertake, and the trusting working relationships that they develop with their pupils premised on stability, can make it difficult for leaders and staff to plan for and participate in external events.

Currently, we have a very limited evidence base around the quality of home-tuition services in Wales, as we do not routinely visit this provision in children and young people's homes as part of our inspections of PRUs or local government education services. Often, this is

because pupils who are home educated through EOTAS provision are not registered as part of a PRU. Further, in inspections of local government education services, there is insufficient scope within current resources to scrutinise this provision at individual pupil level. Our thematic evidence does confirm that, in many cases, the staff employed are not full-time employees of the local authority and do not have access to the range of professional learning that may be available to other staff within PRUs or schools.

10. The potential risks for children and young people EOTAS such as increased barriers to accessing mental health support, increased risk of involvement with crime and the criminal justice system such as ‘county lines’.

Estyn’s response to the focus areas above, highlights how pupils with special educational needs, poor mental health and/or living in poverty are much more at risk of being excluded, in receipt of EOTAS and having lower educational outcomes. Our thematic reports emphasise particular concerns about pupils receiving EOTAS provision not always having access to a broad and balanced curriculum that enables them to gain recognised qualifications in line with their needs and ability.

We are mindful that there are additional risks for particular groups of pupils. For example, pupils who have been attending Welsh medium schools have extremely limited opportunities of continuing their learning in Welsh when they attend EOTAS. For pupils’ with a statement of SEN, only a few EOTAS providers employ staff who are qualified and experienced in supporting these pupils special educational needs. Further, the main findings for our thematic report³¹ on the quality of education and training for young people engaged with youth offending teams (YOTs) show that, in many YOTs, the amount of time that young people are offered in EOTAS provision is low. The time does not meet the Youth Justice Board’s recommended hours, and many local authorities take too long to find this provision, for young people working with the YOT who have been excluded from mainstream school. A minority of these young people have to wait for more than 15 days to access provision. Where there are lengthy gaps in the young person’s attendance in education, this increases the risk of them engaging in reoffending behaviour. It also results in a significant reduction in the amount of time that these young people attend education during their involvement with YOTs, impacting adversely on their ability to engage and make progress.

From a wellbeing perspective, our thematic report about managed moves³² confirms that only a very few local authorities have a sound understanding of how many pupils have part-time EOTAS timetables and for how long. Generally, local authorities do not monitor these pupils well enough to ensure that they are safe and that they return to full-time suitable education as soon as possible. This is a significant shortcoming in the work of the local authority. On a national level, varying practice in attendance coding for part-time timetables means that the reporting of school attendance is inconsistent across Wales.

If the chances of improving these vulnerable pupils’ education and life prospects are to be improved, the barriers to learning and succeeding outlined above need to be removed.

11. Other issues closely linked to EOTAS, for example managed moves, and the ‘off-rolling’ of pupils

In addition to the comments above, and the evidence highlighted from our published thematic report on managed moves in section 1, we have noted that over time the definition

³¹ Estyn (2018b) *The quality of education and training for young people engaged with youth offending teams*. [pdf] Cardiff: Welsh Government. Available online at: <https://www.estyn.gov.wales/thematic-reports/quality-education-and-training-young-people-engaged-youth-offending-teams> Accessed on: 10 June 2019

³² Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

of a managed move has been open to interpretation and change. The introduction of informal managed move arrangements, such as managed transfers or managed exits to a new school or specialist provision, allows local authorities and schools to move pupils at risk of disengagement or exclusion from their home school without a permanent exclusion or right to return.

In the sections above, reference has been made to several published Estyn thematic reports that focus either solely on EOTAS or are closely linked. In October 2019, Estyn will publish two more related thematic reports, one focusing on support for pupils with adverse childhood experiences and the other on pupil registration practices. The latter has a particular focus on a school taking a pupil off its roll completely without the use of a formal permanent exclusion ('off-rolling'). This report will also focus on how several schools change the registration status of a pupil between the January of Year 10 and the January of Year 11 so that the pupil's outcomes are not included in the school's key stage 4 performance data. For example, in Wales in 2017-2018, 1.6% of the pupils who were in Year 10 in 2016- 2017 had moved to EOTAS as their main provider by January of Year 11. There are large variations in this rate of movement for local authorities across Wales, with the highest rate of movement being 7.4%. Often these pupils are registered as dual-subsidary at their 'home' mainstream school. Given that these pupils' outcomes will not reflect on their mainstream school, the report concludes that there is little incentive for schools to ensure a smooth transfer to EOTAS or to work in partnership with the EOTAS provider in the best interests of individual pupils. The report will recommend that, at the end of key stage 4, consideration for the success of EOTAS to be measured by wider data such as destination data including the rates of pupils who are in sustained employment or training six months after completion of their studies, rather than mainstream school performance measures. The rationale behind this issue is that mainstream schooling has already 'failed' the majority of these pupils, and that one of the main purposes of any EOTAS provision should therefore be to secure a pathway for them into further training or employment.

In 2018-2019, two PRUs were awarded excellent for all five inspection areas. For more information about the two PRUs inspected, please read the inspection reports:

[Inspection Report Denbighshire PRU 2019](#)

[Inspection Report Tai PRU 2019](#)

The Committee's inquiry will include individual home tuition but will not focus on the separate issue of elective home education.

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CYPE(5)-05-20 – Paper 3

CYPE Inquiry into Education Other Than At School (EOTAS)

About NEU Cymru

- The National Education Union Cymru stands up for the future of education. It brings together the voices of teachers, lecturers, support staff and leaders working in maintained and independent schools and colleges to form the largest education union in Wales.
- The National Education Union is affiliated to the Trades Union Congress (TUC), European Trade Union Committee for Education (ETUCE) and Education International (EI). It is not affiliated to any political party and seeks to work constructively with all the main political parties.
- Together, we'll shape the future of education.

NEU Cymru response

NEU Cymru welcomes the opportunity to respond to this consultation, we have members employed within the sector in Wales.

NEU Cymru support the Welsh Government's aims: "The Welsh Government is committed to meeting the educational needs of all children in Wales in order that they achieve their potential." **However, more funding and support is needed for EOTAS in order to fulfil those aims.**

Education Other than at School (EOTAS) Provision is variable across Wales, and can range from large Pupil Referral Units (PRUs) to tuition in a learner's own home. This differs from Home Education, as we understand for young people in EOTAS provision they are registered with, or at least funded by, an individual school or local authority.

It is important that EOTAS is able to offer a curriculum tailored to the needs of an individual learner, and it is therefore welcome that the new Curriculum will provide some opportunity for "disapplication" for some learners. However, some learners do not always have access to a full range of subjects. Class sizes can vary hugely in EOTAS provision and must be of a manageable size for learners and education professionals.

The two main areas of concern from the perspective of our members, and the funding of EOTAS, and support and professional learning available.

Last year saw some local authorities reduce the amount of ‘in-house’ provision, and use private providers instead. This has inevitably meant some local redundancies, and professionals being taken on with significantly reduced terms and conditions.

Our members also highlight that the ‘cost’ of home tuition, which is passed to schools, can make EOTAS provision seem an expensive option for pupils, when compared to permanent exclusion. The best interest of the child should be the central concern.

There are some specific issues which may be of particular interest to the Committee:

Zero-hours contracts

Many people employed in EOTAS providing home or community support are on zero hours contracts and, for example, are unpaid when learners don’t turn up.

This is obviously a huge concern and runs counter to the Welsh Government’s aims around fair work for all.

Staff costs can have an impact on learning, in terms of the time the learner has for tuition, compared to costs for travel time etc. Issues relating to supply teachers can also have an impact in EOTAS.

Access to CPD

Like with supply teachers, those teaching in EOTAS often lack access to high-quality CPD. It is critical if Wales is to provide access to a good education which meets the needs of all learners, CPD must be available. Each local authority should put a strategy in place to support staff to access CPD.

Private provision – unregistered staff

Some local authorities use private providers to deliver EOTAS provision. A particular concern of this, is, for example, that as a private provider, teachers do not necessarily have to be registered with the Education Workforce Council (EWC). That is, like with private, or independent schools, in Wales, they can use unregistered staff.

Obviously, this is a concern in terms of safeguarding arrangements. Learners in Wales have the right to access good quality education. Therefore, we believe that all private providers should use professionals registered with the EWC.

EWC registers teachers, support staff, and youth workers. Thus, the definition of those who need to register could be looked at in terms of EOTAS. We recognise that some of those who work with young people in EOTAS will be specialists, for example mechanics.

We would be concerned that a lack of safeguarding, and training, which runs alongside that, has poor implications for staff and young people alike.

Additional Learning Needs/ SEN provision

Children with additional learning needs or special educational needs need to be supported in mainstream settings and specialist settings.

Our members tell us a high proportion of young people are in EOTAS provision with ALN/SEN. Learners in this context must have access to the right support, and those working in PRUs or other EOTAS provision must be properly funded and trained to support the needs of all learners. Where the LA is responsible for a young person with ALN, support must be promptly given.

Mental health and behaviour

In addition, young people with mental health problems and/or challenging behaviour are increasing. Many young people end up in PRUs.

Our members tell us access to mental health and behavioural support services are causing a huge challenge in education in Wales. We also understand that behaviour towards education professionals in education settings is increasingly unacceptable. With the funding crisis in education, we are concerned that the support given by LAs is decreasing, and young people may end up in EOTAS, when it is not the most appropriate place for them.

This situation emphasises the need for parity for both staff and students alike, to ensure that young people have access to an appropriate education.

Transport

Transport is an issue within EOTAS. Children have the right to access education, be it through mainstream, specialist, or EOTAS provision, as per the WG statement. However, getting to EOTAS provision can be hugely problematic. EOTAS provision may take place in a community

setting, or PRU, and rules around providing support need to encourage young people to take up their education, not discourage. For example, some LAs expects young people to travel 3 miles, before they will provide support. This is a disincentive for many young people, and disadvantages those on low incomes.

The Learner Transport (Wales) Measure 2008 needs to ensure that transport is not a barrier to education. **It must also ensure that in all cases where transport is an access arrangement, the LA provides funding.** This is particularly important in relation to the forth-coming implementation of the ALNET (Wales) Act.

Children, Young People and Education Committee
Inquiry into Education Otherwise than at School (EOTAS) provision
January 2020

1. The NASUWT welcomes the opportunity to submit written evidence to the Children, Young People and Education (CYPEC) committee inquiry into school funding ahead of the oral evidence session on 5 February 2020.
2. The NASUWT is the largest teachers' union in Wales representing teachers and school leaders.

GENERAL COMMENTS

3. The NASUWT notes that in its submission to this Inquiry ESTYN set out that:

'In January 2019, there were 2,286 pupils in Wales receiving their education through EOTAS provision... half of these pupils were not on roll at a maintained school and they received their education solely through EOTAS provision. Almost 44% of pupils whose main education is other than at school were enrolled at pupil referral units, 14% in independent schools and 11% in further education. About 14% were in receipt of individual tuition and almost 2% were awaiting provision or not currently in provision.

*Many of the pupils who attend EOTAS have either been excluded from mainstream education or are at risk of exclusion ...largely because of challenging behaviour associated with social and emotional behavioural difficulties.'*¹

Levels of financial support available

¹ Estyn evidence to the National Assembly Children, Young People and Education Committee, EOTAS 03
<http://senedd.assembly.wales/mgConsultationDisplay.aspx?id=359&RPID=1518989776&cp=yes>

4. The NASUWT is clear that the funding, resourcing and organisation of education should reflect its status as a human right and a public good.
5. The human rights dimension of education is about ensuring that every individual child and young person can achieve, succeed and be the best person they can be.
6. Children and young people with special needs and placed in EOTAS provisions are among the most vulnerable members of the community. Meeting their needs and ensuring their rights are respected is a hallmark of any civilised society.
7. Arrangements need to ensure that all children educated otherwise than in specified settings can access their legal entitlement to benefit from a broad, balanced, relevant and engaging education provided in a safe and caring environment.
8. Local authorities have a duty to ensure that all children receive an education suitable to their age, ability, aptitude and any special educational needs they may have.
9. It is essential that it also takes full account of their fundamental rights, as confirmed in Article 29 of the United Nations Convention on the Rights of the Child, to an education 'directed to the development of [their personalities], talents and mental and physical abilities to their fullest potential'.²
10. The public good dimension of education is about recognising that a high-quality education system generates benefits that go beyond those that accrue to the individual. Public education is established, in large part, to secure important social, economic, cultural and civic benefits for the wider community.
11. NASUWT has many members across Wales working the dedicated workforce in EOTAS, home tuition, PRUs and other alternative provision.

² UN General Assembly (1989). *Convention on the Rights of the Child*. Art. 29, United Nations, Treaty Series, vol. 1577, p. 3. Available at: (<http://www.refworld.org/docid/3ae6b38f0.html>),

The NASUWT remains clear that high-quality education requires the deployment of appropriately qualified, trained and supported teachers.

12. Evidence obtained by the NASUWT and casework undertaken by the Union has highlighted that many teachers working in these services are poorly paid. In some cases, such as home tutors this amounts to 'zero hour contracts', where staff are not paid for travel and go unremunerated if pupils assigned to them do not attend or are not at home at the appointed times.
13. To meet the needs of the service adequate levels of overall funding and resources must be made available. The NASUWT remains clear that current levels of resourcing for special and additional needs, of EOTAS services and PRUs in Wales are not adequate and need to be increased as a matter of urgency.
14. It is necessary to recognise in this context the years of underinvestment in per-pupil funding that has blighted education provision across Wales, the reduction in special schools, PRU and EOTAS provision, including home tuition and Children and Adolescent Mental Health Services (CAMHS), which has resulted in a postcode lottery in terms of access to such specialist provision, and the demanding and sometimes harrowing nature of the work involved at the point of delivery within these specialist areas.
15. Because resources to provide public goods will always be scarce, it is important that they are used efficiently so that they maximum benefits for learners and their teachers.
16. Evidence from a comprehensive survey of teachers and headteachers undertaken by the NASUWT in 2018 confirms that in many cases, the resources made available to support special and additional needs are inadequate. These concerns centre on at least four key issues:
 - the overall sufficiency of special and additional needs funding;
 - how resources are allocated between local authorities;

- how available resources are distributed between, and within, schools; and
 - the extent to which the organisation of the education system promotes the efficient use of resources.
17. It is also evident that demands on high need resources continue to increase.

Support available for pupils at risk

18. The NASUWT maintains that the focus on the quality of the curriculum available and the difficulties in providing a full curriculum within EOTAS provision across the sector is an argument of both convenience and political expediency, as the approach seeks to shift responsibility onto those at the point of delivery rather than addressing the fundamental issues of the sufficiency of funding, the adequacy of staffing levels and expertise, and the lack of access to, and availability of, appropriate and relevant continuing professional development (CPD) for those working in this highly demanding sector.
19. There are cases where pupils have forfeited their right to remain at a particular school because they present a danger to staff and/or other pupils, and/or their continued presence at the school would prejudice the education and life chances of other pupils.
20. If schools continue to believe that there are grounds to seek the exclusion of pupils in such cases, they must proceed using the statutory process.
21. Local authority EOTAS provision, if available, should be sourced if a school considers that the service that can be provided, including home tuition, placement in a PRU and access to CAMHS, is in the best interests of the pupil in need and those of the other pupils at a school.
22. The Union is clear that the educational merits of such placements, in relation to the individual needs of vulnerable learners and those of other mainstream pupils, including the health, safety and welfare of pupils and the education workforce in mainstream schools, and, for that matter, in

'Alternative Provision', must be the over-riding factors in determining access to such provision, rather than a narrow focus on the pursuit of inclusion in mainstream education and/or the associated costs of appropriate placements.

Responsibilities and accountability

23. The NASUWT continues to have significant concerns about the dismantling of previous systems and structures designed to facilitate multi-agency working between children and young people's services.
24. In circumstances where the quality of inter-agency partnership working is poor or non-existent, wasteful duplication of provision by different services is evident. The lack of co-ordination between services too often results in the omission of critical provision, particularly that related to early intervention, resulting eventually in increased costs, as well as adverse consequences for children and young people, that result from a failure to ensure support and care at the earliest possible stage.
25. Lack of inter-agency co-ordination results in ineffective decisions about how available resources should be deployed. In addition, the relatively low level of joint commissioning in many localities results in the availability of less, but more expensive, provision available to meet children and young people's needs.
26. In the clear majority of cases, single local authorities are too small to organise and provide efficiently the often complex and expensive range of services required to meet the full range of special and additional needs that children and young people may present.
27. Many local authorities are dependent, often for historical reasons, on out-of-authority residential provision, much of which is located in the independent and non-maintained sectors.
28. It is essential to recognise that the teachers and other staff that work in such settings have high levels of skill and experience and have a critical role to play in meeting some of the most complex needs that children and young people can present. The NASUWT is clear that there is an

important role for residential special and alternative provision within the context of a genuinely inclusive education system.

29. However, local authorities are often required to secure out-of-authority or residential places on a traded service basis, in which fees and other costs are unregulated and are the subject of bilateral negotiations.
30. It is evident that there can be significant variation between different providers in the fees they charge for comparable places. There is also evidence that individual providers charge different fees to different local authorities for the same provision.
31. An education system that operates on the basis of principles that reflect the importance of the public service ethos would encourage, and expect, schools to collaborate in the interests of all local children and young people. Current models of accountability and school organisation militate against achievement of these aims as a deliberate intention of policy. As with other forms of collaboration, schools working together, sharing resources and expertise, can generate the most efficient and coherent use of scarce resources.
32. However, systems and structures in place to promote collaboration between schools are not effective. Current incentives in the system and the responses of many schools to these incentives, lead to circumstances in which schools are liable to act self-interestedly rather than in the interests of all children and young people in their local area.
33. The current school accountability regime prompts some schools to focus on ensuring that they can secure a pupil population that will maximise their chances of meeting externally-established measures of effectiveness based on pupil assessment outcomes. This approach leads to schools seeking to exclude, off-roll or fail to admit pupils with special and additional educational needs, leaving others in the system, including other schools, to ensure that these needs are met.

34. Although outside the scope of this current inquiry, the NASUWT notes that some schools continue to pressurise parents of children with special educational needs and disabilities to home educate.
35. The NASUWT has therefore welcomed proposals by the Welsh Government to reform the accountability system in Wales.
36. Nevertheless the Union has significant reservations regarding the involvement of the regional consortia in fostering collaborative and partnership working with local schools.

Support for EOTAS pupils and Professional Development support for staff

37. A comprehensive survey of teachers working with pupils with special and additional educational needs and in alternative provisions undertaken by the NASUWT in 2018 underlines the scale of the issues. In particular, more than two-thirds of teachers reported that they never, rarely or only sometimes receive the support they need to teach pupils with special and additional needs effectively. Teachers also report that staffing and support for SEN have reduced, while access to special and alternative needs-related training and support has also declined.
38. The survey also highlighted the implications for the workforce of inadequate allocation of resources to meet special and additional needs at school level.
 - Support for learners has decreased in the last five years.
 - Learners who do not have a Statement of ALN or Individual Development Plan (IDP) struggle to access specialist support.
 - Some external agencies are adopting strategies to control or limit the number of learners who are assessed and who receive support. 'Inclusion' is open to interpretation, meaning that there is often lack of clarity around thresholds for support.
 - More than two thirds of teachers report that they never, rarely or only sometimes receive the support they need to teach learners with ALN effectively.

- In the last five years, specialist teaching and support-staffing posts have been cut.
- The demands on the roles of ALNCOs have increased, with many reporting that their general teaching responsibilities have also increased.
- Teachers are not always equipped with the knowledge, skills and expertise to meet the needs of learners with ALN. Increasing pressures and workloads, including those arising from other education reforms, have consequences for teacher morale, teacher wellbeing and teacher retention.

Training and CPD

- Many respondents report significant difficulties accessing high-quality, effective ALN-related training or CPD. In particular, class teachers struggle to access ALN-related training or CPD.
- Many teachers report that they undertake training/CPD outside the working day.
- There is enormous variation in the quality of training/CPD.
- Almost three quarters of respondents who received ALN -related training or CPD in the last two years received just one day or less in total.
- Most training/CPD is delivered by a member of school staff. Local authorities are still a major provider of CPD/training but, increasingly, schools are obtaining CPD/training from consultants and private providers. This is often expensive and there are concerns that programmes are 'glitzy' rather than focused on what teachers need.

Abuse and violence

39. In the case of ALN teachers and teachers working in special schools, alternative provision, PRUs and EOTAS centres, many have raised concerns that abuse and violence is seen as 'part of the job'.

- Well over half of teachers have experienced physical assault. Almost all ALN teachers report that they experience low-level disruption and three quarters report experiencing verbal abuse.
- In some schools, teachers are told that physical assault and other abuse is 'part of the job'.
- Some SEN teachers report that staff are hit, spat on and verbally abused on a daily basis.

Agenda Item 5.1

Comisiynydd
Plant Cymru
Children's
Commissioner
for Wales

To: Janet Finch
Saunders, AM

Chair of the Petitions
Committee

Via email only

15 January 2020

Dear Chair,

Re: P-05-924 Ensure that every school in Wales has Wellbeing Ambassadors

I write in relation to the above petition, to express my support for peer-led, peer-supported mental health initiatives in schools.

The evidence from my [2019 report on cyber-bullying](#) tells us that the children and young people and teachers we spoke to rated peer-led, peer-supported initiatives as highly effective in tackling bullying. Young people also spoke about peer mentoring and support as one of their top solutions to bullying.

This reinforces evidence from the field of developmental science, which has highlighted that school based interventions often fail because they 'imply that adolescents require adult expertise and are unable to make the right choices on their own.'¹ Research suggests that promising approaches to preventing bullying and supporting wellbeing take into account young people's wish to feel respected and accorded status, which is linked with their neurobiological development.²

I particularly value this petition as it has stemmed directly from the involvement of children and young people, through their Senedd Ysgol, and reflects the importance that children and young people and their parents place on tackling bullying. This was also reflected in the results of our survey of over 10,000 children and young people, [Beth Nawr](#), which showed that tackling bullying is a key priority for them.

¹ *Dahl, R.E, Nicholas B. Allen, Linda Wilbrecht & Ahna Ballonoff Suleiman, Importance of investing in adolescence from a developmental science perspective. Nature 25770 (2018)*

² *Yeager, D. S., Dahl, R. E. & Dweck, C. S. Why interventions to influence adolescent behavior often fail but could succeed. Perspect. Psychol. Sci. 13, 101—122 (2018)*



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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

The importance of peer support has been highlighted by the Senedd's Children, Young People and Education Committee in their Mind over Matter Report. Peer support and peer mentoring is also a feature of the whole-school approach draft framework.

Given that the value of peer-led, peer supported well-being initiatives are recognised by both the Welsh Government and the Assembly's Children, Young People and Education Committee, I hope that this petition can be brought to the attention of both as we approach the 2 year anniversary of the Committee's Mind over Matter Report.

Yours sincerely,



Sally

Sally Holland
Comisiynydd Plant Cymru
Children's Commissioner for Wales



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: RE/83/20

John Glen MP
Economic Secretary to Treasury
1 Horse Guards Road
London
SW1A

22 January 2020

Dear John,

As Child Trust Funds (CTF) will begin to mature for young people from September 2020, it is important that every young person in Wales is made aware of the savings support that was made available to them at birth by the then UK Government.

All children born from 1st September 2002 received an initial payment of at least £250 from the UK Government before the scheme was abolished by UK Ministers in 2011. While the scheme was in operation, children from low income families received an additional £250 payment from birth.

A further payment of £250 was made into the children's CTF accounts at age 7, with those in lower income families once again receiving an additional £250 payment.

The Welsh Government also established the Child Trust Fund Cymru scheme, launched in Autumn 2009. The scheme, which ran until January 2011, provided an additional top-up to the CTF for children in Wales as they began primary school. The CTF Cymru provided £50 to all children, with a payment of £100 to those children living in low income households. HMRC data, suggest that a total of 273,000 CTF accounts were opened in Wales. The total value of CTFs in Wales was assessed by HMRC to be around £200m in 2012, which equates to an average value per account of £733. In many cases, of course, the value of CTFs will have risen significantly since 2012.

The Welsh Government opposed the UK Government's decision to abolish the scheme which deprived children of a guaranteed savings pot, with those in the poorest households losing out disproportionately. The UK Government has also undermined access to CTFs by failing to promote the schemes to ensure that families are in touch with their accounts.

The funds committed by both previous UK and Welsh Governments represented an investment in our children's future. Whether young people opt to re-invest and save for the future or to cover immediate costs to help with their next steps at this pivotal age, they should face no barrier to accessing their savings.

^[1] *Child Trust Funds Statistics, Detailed Distributional Analysis*, HMRC, Feb 2013.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/255881/dda.pdf

Given that Welsh Government money has been committed to these funds, I would be grateful for full details on the action the UK Government is taking to ensure that every eligible young person in Wales is made aware of the savings that have been set aside for their future.

As those young people make plans for their future, it is crucial that they are contacted in advance of the CTFs maturing this September. Advice and support should also be provided so that young people are protected from any predatory actors that target their savings.

We are copying this letter to the Chair of the Children, Young People and Education Committee.

Yours sincerely,



Rebecca Evans AC/AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Correspondence.Rebecca.Evans@gov.wales
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-VG-0207-20

Lynne Neagle AM
Chair, Children, Young People and Education Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

23 January 2020

Dear Lynne,

I refer to your request to provide information in respect of action points raised at the Children Young People & Education Committee Draft Budget session on 8th January 2020. Please find below my response in relation to those issues which fall under my remit as Minister for Health and Social Services.

An update on the Welsh Government's findings from its exploratory work with the Future Generations Commissioner's Office to explore Social Impact Bonds as an outcomes-based investment model to reduce entry into care for Looked after Children, once that work is completed

We will seek to appoint a suitable organisation to take this forward. As stated in my evidence, so far we have been working with the company Social Finance but depending on the arrangements we may need to seek procurement advice before finalising any contractual details. We would need to identify suitable and willing local government partners to trial the scheme.

Finally, it would then be necessary to undergo a selection process for the providers of finance and the third sector organisations who would deliver the service, which would be provided to the participating local authorities. The work of these third sector partners should generate savings for local authorities who can then repay the finance providers. Once the funding is repaid, the authorities will be able to utilise the savings to fund other services. The Welsh model will differ as the Welsh Government realises that there is a degree of risk, which may mean that not of the potential benefits are generated. In this case, the Welsh Government is willing to act as an underwriter of the scheme – this means the risk is not borne by the participating local authorities.

The participating local authorities will need to identify the desired outcomes for the looked after children services they operate and to work with all the other parties to develop meaningful measures so that we know what success, or failure, looks like. We will need to ensure that authorities fully understand what factors are driving the financial pressures and outcomes, which we are seeing. We also need to ensure that the courses of action

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

proposed will be likely to impact on these drivers – we need to accept that this is a complex problem, and that this complexity is allowed for and a flexible approach adopted.

Confirmation of where exactly in this year’s Strategic Integrated Impact Assessment there is detail about the “clear consideration of the impact of budgetary decisions on children’s rights” referred to in the Welsh Government’s written evidence for this session

As part of the budget process, we have a responsibility to consider our decisions through a number of lenses to understand their impact. We continue to take an integrated approach which enables us to understand the impact of decisions on different groups of people and areas such as the environment more effectively, with the consideration of Children’s rights remaining an integral part of our budget process.

Examples of the considerations of the impacts on children can be found in the following paragraphs of the SIIA; 32, 33, 48, 53, 59-61, 65, 68-93, 96-97, 104-105, 109-111, 115, 121-127 and 158.

A list of projects that are receiving funding under the childcare offer for co-located Foundation Phase and Childcare Offer provision

The Childcare Offer Capital Grant aims to support the childcare sector across Wales, increasing capacity and ensuring there are sufficient places to enable settings to deliver the Childcare Offer. Under the scheme we have provided each local authority with funding to deliver a Small Grant Scheme within their area, along with funding towards over 150 larger schemes. While decisions on allocations under the Small Grants Scheme are for individual local authorities, the larger schemes were assessed at a national level.

The Childcare Offer Capital Small Grant Scheme has a funding limit to childcare providers of between £5,000 and £10,000 per financial year, based on the number of children registered. Funding can be offered for various capital works that may be needed, such as:

- General refurbishment, including painting, replacing carpets, etc.;
- Improving the outdoor play facilities of a setting, such as replacing the outdoor play surface or providing a canopy;
- Replacing / repairing fixtures and fittings such as toilets, kitchen facilities, windows and doors;
- Replacing worn equipment / furniture / toys which could potentially pose a health and safety risk. So for example a rusted outdoor climbing frame, broken or badly worn furniture, which could cause splinters; or a well-used and tatty changing table, which can no longer be hygienically cleaned;
- IT equipment provided it can be clearly shown that there is a need in order to deliver Childcare Offer places, this could include laptops and printers;
- Adaptations to the setting to improve access;
- The provision of bespoke equipment / furniture which will enable a provider to accommodate a child with additional learning needs;
- Purchasing equipment which will enable the setting to accommodate 3 and 4 year olds; and
- Toward the purchase of a minibus which would be used to transport children between the childcare and education elements of the Offer. Leasing costs are not

eligible for funding and neither are running costs such as insurance, petrol and servicing.

The larger schemes vary in size and complexity. Some involve the refurbishment of existing settings to enable them to expand and deliver services to more children. Some involve the provision of new and dedicated childcare provision on school sites to enable the co-location of both elements of the Offer. A full list of the capital grants awarded by Local Authority area is attached as an annex to this letter.

A copy of the letter issued to Play Wales outlining the remit associated with its funding in the last financial year, and an indication of what will be expected to be delivered from the funding it is allocated in the Draft Budget 2020-21

You have also asked for some additional information regarding the funding of £360,000 allocated to Play Wales within the draft budget for 2020-21.

As the first country in the world to enshrine the right to play in legislation, Wales is considered a world leader in this arena. The funding provided to Play Wales enables them to support Welsh Government, local authorities and play organisations to plan and deliver better play opportunities for children. It also enables us to share our experiences and learn from those of other countries given the international standing Play Wales holds.

In this regard, our funding of Play Wales replicates the approach taken with a number of other organisations including the Cwlwm Consortium, which provides expert advice and support on a range of matters relating to childcare, and Children in Wales. The involvement of expert partners is a key part of collaboratively developing integrated policies and programmes.

The funding provided to Play Wales specifically enables them to deliver against four core objectives which are critical to the delivery of high quality play experiences:

- work with individuals, organisations and networks to inform the development of policy and matters related to children's play in Wales.
- promote the value of children's play in Wales through the provision of timely and current information to their stakeholders.
- provide specialist knowledge and advice regarding all issues about and affecting children's play.
- contribute to the professional development of the play and playwork workforce in Wales.

The grant offer letter for 2020-21 will be issued after the final budget is agreed. The signed grant offer letter for 2019-20 can be found in the link below. We do not expect any major differences to the grant offer letter for 2020-21.

<https://documents.hf.wales.gov.uk/id:A25749272/document/versions/published>

An up to date copy of the Play Wales Operational Plan for 2018-2020 can be found at:

<https://documents.hf.wales.gov.uk/id:A28695206/document/versions/published>

Further details of the purposes for which the Welsh Government has allocated £2.3 million in its Draft Budget 2020-21 to local authorities for adoption services, and further detail about its response to concerns raised by Adoption UK Wales about the impact on support services of its unsuccessful bid for Sustainable Social Services Third Sector Grant funding for 2020-21

- The £2.3 million investment is being used to transform the adoption support 'offer' in Wales and is also being creatively used to match fund other resources to ensure widest reach. It is intended that this 'Core Offer' will:
 - - equip adoptive families at the start and support their early days to encourage healthy and confident families;
 - provide effective information, advice or support as and when families need it and in a timely way so any issues that arise are less likely to escalate into more serious issues; and
 - provide ongoing support or easy re-entry to services where it is needed.
- New and Innovative services are being developed through this funding, many in partnership with the Welsh Voluntary Adoption Agencies for example TESSA, Adopting Together and Connected (a service for adopted children and young people).
- TESSA (Therapy, Education & Support Services in Adoption), a UK wide Lottery funded service is being rolled out across Wales; utilising match funding from this investment to provide wider reach in Wales. Based on delivery through paid parent-partners (experienced and trained adopters) it incorporates an expert psychology assessment and a 6 week course (based on a successful service provided by one Health Board in Wales), plus access to other recommended support services. It remains low cost, early take up is good and is being academically evaluated. When it is fully functional it will provide a services to circa 200 adoptive families in Wales at any one time. The services started taking referrals in November and 18 families are already accessing it.
- The 'Connected' service is the only specialist resource for adopted children and young people in Wales (replaced Talk Adoption). The investment is being used to ensure that it is available in all parts of Wales and also complemented by an advice and Information service provided for adopted C&YP in similar ways to that for non-adopted C&YP and a young adopted adults ambassador scheme provides mechanisms for consultation engagement and promotion of adoption. A similar match funding model is being used to ensure widest reach. 100 C&YP were offered transfer to new service and 70 C&YP currently registered and receiving service while it is grown. A national development officer has been appointed as have 4 out 5 regional officers. Scoping for national adopted C&YP advice and information offer has commenced and the young adopted adult ambassador scheme commenced with 3 recruited so far.
- The investment is also being used to change and improve practice across Wales. NAS has commissioned AFA Cymru to work with the sector to develop new best practice approaches to the following:
 - - placing children and providing early support (including Adopting Together);
 - contact which is effectively facilitated by regional services / agencies;
 - adoption support assessment, planning and review for all children; and
 - working with birth parents incl. links to Reflect projects.
- alongside this services are piloting different these approaches to inform the new guidance which is already impacting on children and families

- Circa 25 families supported in regions that developed the new approach to placement and early support plus 7 children placed to date through the Adopting Together Service
 - 80+ people attended event held in collaboration with Voices from Care, Cardiff University and Children's Legal Centre in June 2019. in relation to Contact and letterbox contact plans for circa 2,300 children are being reviewed / service improved
 - 50 birth families supported to date by the new resources.
- The investment is also being utilised to embed the new approach to Life Journey work - 4 out of 5 regions have appointed new Life Journey Work coordinators with 154 children receiving life journey materials at matching and 147 children receiving complete life journey materials at 2nd adoption review so far this year.
 - A proportion of the investment is also being used in two regions to support awareness raising about adoption, training and development of staff in social care and partners agencies so that there is an improved range of therapeutic interventions available to support adopted children and families.
 - There is also a proportion of the investment being used to support the NAS priority of recruiting more adopters.
 - The intention as we move forward is primarily to continue use of the resources as outlined above. Much of it has been invested in capacity to deliver more services and deliver them consistently across Wales. In particular in relation to Adoption Support this is part of an overall strategic plan to implement the NAs Adoption Support Framework which will become the 'Core Offer'. However inevitably linked or new priorities will emerge and we will be seeking to be creative and flexible to use the resources to meet these as we go forward.

●
 Officials met with Adoption UK on 13th January to discuss the impact on their service delivery of being unsuccessful in their application for the Sustainable Social Services Third Sector Grant funding from 2020 onwards. This was a positive meeting and as a next step, officials have requested a detailed business case from Adoption UK Cymru which will set out the services for which funding is being requested. A detailed discussion of the business case will then take place between Adoption UK and officials very soon. The proposals will then be submitted quickly to ministers for further consideration

Yours sincerely,



Vaughan Gething AC/AM

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
 Minister for Health and Social Services

Local Authority	Location of Project	Name of Project	Grant Awarded	Totals per Local Authority	Small Grant and/or PM costs per Local Authority			
Anglesey	Bro Aberffraw, Pentref Niwbwrch	Ysgol Santes Dwynwen	£400,000					
	Ynys Cybi	Ysgol Gymraeg Morswyn	£412,675					
	Aethwy	Ysgol Llandegfan	£450,000					
	Llifon	Ysgol Pencaernisiog, Neuadd Y Gymuned	£340,405					
	Bro Rhosyr	Ysgol Esceifiog, Gaerwen	£364,495					
	Bro Rhosyr	Henblas, Llangristiolus	£370,405					
	Llifon	Ysgol Y Tywyn	£215,575					
	Llangefni	Replacement School for Bodffordd and Corn Hir	£640,000					
			Anglesey Total	£3,193,555	£265,000			
Blaenau Gwent	Abertillery	Six Bells - new setting	£1,500,000					
	Ebbw Vale	Glyncoed - new setting	£1,500,000					
	Swffryd	Swffryd Flying Start	£500,000					
	Blaina	Blaina ICC	£500,000					
	Tredeggar / Sirhowy	New provision	£200,000					
			BG Total	£4,200,000	£100,000			
Bridgend	Maesteg	Ysgol Cynwyd Sant (Hwb)	£20,000					
	Bettws	Bettws	£650,000					
	Bridgend Town Centre	Bridgend Town Centre	£650,000					
	Ogmore Valley	Ogmore Valley	£650,000					
	Porthcawl	Porthcawl	£650,000					
						Bridgend Total	£2,620,000	£391,000
Caerphilly	Cwmcarn	Cwm Gwyddon	£695,748					
	Bedwas Trethomas Machen	New Welsh medium school	£695,748					
	Caerphilly	Twyn Primary School	£795,748					
	Bedwas	Bedwas Infant School - caretakers cottage	£248,770					
	Caerphilly	Clwb Meithrin Y Castell	£170,231					
	Caerphilly	Cwrt Rawlin Primary School	£508,874					
	Abertridwr	Cwm Aber Primary School	£50,000					
	Pengam / Fleur	Welsh medium daycare tbc	£695,748					
	Oakdale	Rhiw Sir Dafydd Primary School	£710,748					
	Nelson	Llanfabon Infants School	£403,374					
	Caerphilly	Ysgol Cwm Derwen	£30,000					
	Caerphilly	Ysgol Ifor Bach	£496,000					
	Penalltau	Ysgol Penalltau	£140,000					
	Caerphilly	YGG Y Castell	£180,000					
			Caerphilly Total	£5,820,989	£500,000			
Cardiff	Grangetown	Ysgol Gynradd Gymraeg Hamadryad	£10,000					
	Butetown	St Mary the Virgin	£125,000					
	Grangetown	St Paul's Church in Wales	£200,000					
	Llandaff / Radyr	New Welsh medium childcare	£100,000					
	Across County	3 new Cylch Meithrin	£950,000					
						Cardiff Total	£1,385,000	£682,000
Carmarthenshire	New school builds	Gorslas	£348,000					
		Pembrey	£310,000					
		Hendy	£310,000					
		Llandeilo	£348,000					
		Kidwelly	£310,000					
						Carmarthen Total	£1,626,000	£1,346,805
Ceredigion	Aberaeron	Dyffryn Aeron - Band B School	£787,500					
	Tregaron	Henry Richard 3-16 School	£676,500					
	Cenarth	Cenarth Primary School	£740,000					
	Penparcau	Ffrindiau Bach yr Eos	£858,500					
	Aberaeron	Llanarth / New Quay	£687,500					
						Ceredigion Total	£3,750,000	£200,000
Conwy	Conwy	ALN Provision: Ysgol y Gogarth / Ysgol Porth Y Felin	£475,000					
	Conwy	Ysgol Feithrin / Y Caban / Ysgol Porth y Felin	£258,910					
	Llandudno Junction	Llandudno Junction Playgroup	£328,840					
	Colwyn Bay	Ysgol Feithrin Glan Conwy	£347,710					
	Conwy	St Gwynans Playgroup, Ysgol Capelulo	£385,450					
	Colwyn Bay	Ysgol Cynfran	£445,945					
	Llanddulas	New build Ysgol Llanddulas	£328,840					
	Llanfairfechan	New build Ysgol Babanod	£445,945					
	Kinmel Bay	Cylch Meithrin Awyr Agored, new Welsh medium provision	£385,450					
	Towyn	Fun Club, Ysgol Maes Owen	£493,120					
	Abergele	Cylch Meithrin at Ysgol Llanfair Talhaiarn	£306,080					
	Llandudno Junction	Ysgol Awely Mynydd	£246,700					
	Colwyn Bay	Ysgol Bod Alaw	£670,440					
						Conwy Total	£5,118,430	£300,000
Denbighshire	Rhyl	Cylch Aber Clwyd & Cylch Rhuddlan / Ysgol Dewi Sant	£613,575					
	Denbigh	Cylch Bodawen / Ysgol Twm o'r Nant	£647,380					
	Rhyl	Little Acorns / Oaktree ICC	£1,069,048					
	Llangollen	Ysgol Bryn Collen	£407,769					
	St Asaph	Ysgol Glan Clwyd language centre	£170,000					
						Denbighshire Total	£2,907,772	£270,097
Flintshire	Higher Kinnerton	Derwen School	£450,000					
	Hope	Hope Playgroup	£450,000					
	Buckley	Westwood Centre / School	£610,000					
	Brynford	Brynford School	£500,000					
	Caerwys	Ysgol yr Esgob	£230,000					
	Shotton	Cylch Meithrin	£375,000					
	Bagillt	Bagillt Village / Ysgol Merllyn	£100,000					
	Bagillt	Glan Aber	£400,000					
	Trelawnyd	Trelawnyd School	£250,000					
	Carmel	Ysgol Bro Carmel	£500,000					
	Holywell	Maes y Felin	£250,000					
	Sychdyn	Sychdyn School	£275,000					
	Whitford	Ysgol Llan Whitford	£500,000					
	Mold	Ysgol Glanrafon	£1,070,000					
						Flintshire Total	£5,960,000	£500,000
	Gwynedd	Bangor	Ysgol y Faenol			£325,025		
Bangor		Ysgol y Garnedd	£490,425					
Bethesda		Ysgol Llanllechid	£294,750					

	Bala	Ysgol Beuno Sant	£300,000		
	Bala	Ysgol Bro Tryweryn	£274,245		
	Caernarfon	Ysgol Hendre	£158,470		
	Caernarfon	Plas Pawb	£302,500		
	Pen Llyn	Pen Llyn	£209,300		
	Tywyn	Ysgol Gynradd Penybryn, CM Tywyn	£255,300		
			Gwynedd Total	£2,610,015	£310,000
Merthyr Tydfil	Trefechan, Merthyr	Ysgol y Graig Primary School	£233,686		
	Pant	Pant Primary School	£26,708		
	Merthyr	Busy Bees, Goetre Primary School	£401,800		
	Dowlais	Dwylo Bach Primary School	£481,275		
	Bedlinog	Bedlinog Primary School	£299,870		
	Goetre / Aberfan	Ysgol Rhyd y Grug / New Wm School	£640,000		
			Merthyr Total	£2,083,339	£75,000
Monmouthshire	Portskewett	Archbishop Rowan Williams Primary School	£640,000		
	Monmouth	Trellech Primary School	£619,000		
	Monmouth	Seedling Welsh medium primary school	£478,000		
	Caldicot	Ysgol Y Ffin Primary School	£211,000		
			Monmouth Total	£1,948,000	£300,000
Neath Port Talbot	Neath	Castell Nedd	£555,000		
	Neath	Wauinceirch	£355,000		
	Port Talbot	Baglan Primary	£555,000		
	Dulais Valley	YGG Blaendulais	£355,000		
	Neath	Abbey Primary	£555,000		
	Port Talbot	Blaen Baglan Primary	£555,000		
	Pontardawe	Rhos Primary	£355,000		
	Cwmavon	Cwmavon Boys & Girls club	£755,000		
	Ystradowen	YGG Cwmllynfell	£350,000		
	Pontardawe	Pontardawe	£180,000		
	Briton Ferry	YGG Tyle'r Ynn	£430,000		
			NPT Total	£5,000,000	£610,000
Newport	Pill	Remodel Pillgwenlly FS setting	£600,000		
	Maesglas	Remodel existing provision	£150,000		
	Ringland	Additional facilities at FS setting	£500,000		
	Gaer	Gaer Community Centre	£240,000		
	Bettws	Expand FS setting at Monnow	£600,000		
			Newport Total	£2,090,000	£377,368
Pembrokeshire	Pembroke	Pending Application - Ysgol Gelli Aur	£980,000		
			Pembs Total	£980,000	£200,000
Powys	Ystradgynlais	Dechrau Disglair, Ysgol Dyffryn y Glowyr	£1,739,606		
	Penybontfawr	Ysgol Pennant	£208,000		
	Crossgates	Little Acorns	£325,000		
	Rhayader	Cylch Meithrin Rhayader	£400,000		
	Guilsfield	Guilsfield CP Primary School	£208,000		
			Powys Total	£2,880,606	£386,000
Rhondda Cynon Taf	Tonyrefail	Little Inspirations, Tonyrefail Community School	£125,000		
	Tonteg	Hollies Playgroup and AfterSchool Club, Gwauncelyn Primary School	£745,000		
	Coedely	Cwmlai Playgroup / Fun Club, Cwmlai Primary School	£745,000		
	Bryncae	Dolau Primary School	£730,000		
	Treorchy	Dragon Tots, Treorchy	£1,000,000		
	Aberdare	YGG Aberdar	£810,000		
	Llanhari	Clych Meithrin at Ysgol Llanhari	£690,000		
	Pontypridd	Cylch Meithrin at YGG Evan James	£340,000		
	Abercynon	Clych Meithrin at YGG Abercynon	£200,000		
	Ynyswen	YGG Ynyswen	£720,000		
			RCT Total	£6,105,000	£253,014
Swansea	Bishopston	Treetops@Bishopston Primary	£361,000		
	St Thomas	Dan Y Graig Primary School	£323,000		
	Penclawdd	Penclawdd Primary	£170,000		
	Llansamlet	Talycoppa/Trallwn Primary Schools	£361,000		
	Uplands	YGC Bryn y Mor	£975,000		
	Cockett	YGC Y Login Fach	£575,000		
			Swansea Total	£2,765,000	£100,000
Torfaen	Pontypool	Ysgol Panteg	£715,000		
	Trevethin	Ysgol Gyfun Gwynllyw	£715,000		
	South Torfaen	New RC 3-16 School	£737,000		
	Cwmbran	Maendy Primary School	£622,000		
	Greenmeadow	Greenmeadow Primary	£100,000		
			Torfaen Total	£2,889,000	£690,000
Vale of Glamorgan	Barry	Gladstone Primary School	£650,000		
	Cowbridge	Llanfair Primary School	£450,000		
	Llantwit Major	Welsh medium day nursery	£650,000		
			Vale of Glam Total	£1,750,000	£190,000
Wrexham	Garden Village	Garden Village Community Centre	£137,500		
	Gresford	Homestead Nursery	£199,895		
	Marford	Marford Playgroup	£81,700		
	Ruabon	Ruabon Community Council	£460,000		
	Borras, Wrexham	Borras Community Primary School	£450,000		
	Borras, Wrexham	New Welsh medium school	£450,000		
	Overton	St Mary's School	£400,000		
	Johnstown, Wrexham	Ysgol Yr Hafod	£450,000		
	Rhosllanerchrugog, Wrexham	Ysgol ID Hooson	£450,000		
	Cefn Mawr, Wrexham	Cefn Mawr / Min Y Ddol School	£450,000		
	Chirk	Ysgol Y Waun Chirk	£450,000		
	Johnstown / Rhostyllen	Johnstown / Rhostyllen new school site, to be confirmed	£450,000		
	Chirk Pentre	Chirk Pentre	£150,000		
	Gwersyllt, Wrexham	Ysgol Bro Alun	£450,000		
			Wrexham Total	£5,029,095	£400,000
			Wales Total	£72,711,801	£8,446,284
			Wales Combined Total	£81,158,085	

Colour Code Key:

Welsh Medium provision
Bilingual provision
English medium

Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education

Our ref: MA/KW/0209/20

Llywodraeth Cymru
Welsh Government

Lynne Neagle AM
Chair of Children, Young People and Education (CYPE) Committee
National Assembly for Wales
Cardiff Bay
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CF99 1NA

SeneddCYPE@assembly.wales

23 January 2020

Dear Lynne

Thank you for the opportunity to appear before the CYPE Committee on 8 January to provide evidence on the Education Main Expenditure Group (MEG) plans published in Draft Budget 2020-21.

There were a number of action points following the scrutiny session and a response on each of these is outlined below. A response is also provided on funding for Minority Ethnic and Gypsy, Roma and Traveller learners which the Committee was unable to raise given time constraints.

Funding for education within the Local Government Revenue Support Grant

The Minister for Housing and Local Government will be writing to your Committee and the Equality, Local Government and Communities Committee to explain the technical arrangements for prioritising funding for teachers' pay and pensions that was included within the provisional local government settlement for 2020-21.

On 4 September the UK Government presented its Spending Round settlement. This confirmed that the Welsh Government's budget increased by £593m above the 2019-20 baseline for 2020-21, following changes in the budgets of UK Government departments. This included a Barnett consequential for Education of £196m.

Whilst the Chancellor announced a three-year allocation of £7.1bn for schools in England, the UK Government only provided Wales with a one year settlement for 2020-21. As a result we have not been afforded the same ability to provide certainty for schools in Wales.

The additions to the local government settlement and other new funding for schools and social care total over £220m in 2020-21 - this is more than we received in the Spending Round in relation to the schools element of the consequential (circa £150m of £196m) and social care (c£59m) funding in England.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

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CF99 1NA

Gohebiaeth.Kirsty.Williams@llyw.cymru
Correspondence.Kirsty.Williams@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As reflected in our draft Budget proposals the Education MEG stands at £1.8bn for 2020-21, an increase of £86m for education.

Monitoring of £15m for professional learning

We are receiving termly reports from the regions on access to the national programme of professional learning. We are also ensuring that schools' Professional Learning plans are signed off by their Challenge Advisers using demanding quality criteria and ensuring that schools publish their Professional Learning plans, so that they can be scrutinised by the communities they serve and experts in the field. We will continue to monitor this rollout through the governance structure of the programme.

Research and Innovation

The narrative below reflects the wider programmes associated with the SMART suite of programmes supporting innovation, as well as Sêr Cymru . These Programmes are co-financed with Structural Funds, therefore the budget allocated to 2020/21 is just a single year contribution, and does not reflect the total investment. As a consequence it is difficult to assess the impact of a single year of discrete WG funding in isolation.

The Welsh Government's SMART Suite of Programmes

Our SMART suite of programmes do 3 things under one umbrella:

- Provide advice & guidance on all aspects in the R&D field
- Grant funding to eligible corporate R&D projects
- Funding towards academic/business commercial collaborations

Gross programme budgets 2014 – 23 (latest programme end date):

SMART	WG	ERDF	Private Sector	Total
SMART Innovation	£7.5m	£11.0m	£0.0m	£18.5m
SMART Cymru	£0.0m	£27.3m	£36.1m	£63.4m
SMART Expertise	£1.3m	£30.3m	£19.7m	£51.3m
Total	£8.8m	£68.6m	£55.8m	£133.2m

Each Welsh Government £1 invested in SMART leverages more than £15 in European Regional Development Fund (ERDF) and private sector investment. The individual programmes within the SMART suite are broken down as follows:

SMART Innovation provides expert innovation advice and support for Welsh businesses accessed through a dedicated pan Wales team of specialists. It focuses on increasing the innovation capability of Welsh businesses by assisting them to invest in sustainable research, development and innovation, through specialist advice, guidance and consultancy on research, development, high value manufacturing, innovative design, intellectual property, open Innovation and commercialisation of new ideas.

SMART Innovation funding since 2014:

	East Wales	West Wales & Valleys	Total
ERDF	£3.7m	£7.3m	£11.0m
WG	£3.7m	£3.8m	£7.5m
Total	£7.4m	£11.1m	£18.5m

Since 2014 (to June 2019), SMART Innovation has, after undergoing a Diagnostic and Innovation Action Plan, worked with over **2,200 companies** and encouraged **305 businesses** to seek competitive funding from Innovate UK and Horizon 2020.

SMART Cymru co-invests to encourage businesses to implement innovative processes and undertake R&D. Its aim is to “co-invest in Welsh business research, development and innovation for sustainable growth”. It is embedded in our “Economic Futures Fund” and provides funding support for applications from businesses who have projects that address the “Calls to Action”, which include: Innovation, Entrepreneurship and Headquarters; R&D, Automation and Digitalisation.

It provides funding for each phase of an R&D project to develop new products and processes:

- Feasibility
- Industrial Research
- Experimental Development
- Exploitation

Our Innovation Voucher Plus funding supports a business to implement a new process by addressing the full range of the businesses requirements (building modifications, commissioning, training etc.). Innovation Vouchers for 3rd party services and new technology capital equipment

Since 2014:

- SMART Cymru has supported **476** projects to date
- We have worked with **362** businesses
- SMART Cymru has provided Grants of **£18.6m**
- Contributing to a Total R&D spend of **£44.7m**

SMART Expertise supports industry-led collaborative R&D projects between businesses & research organisations, translating research into commercial solutions. The aim of SMART Expertise is to “grow a demand driven RD&I environment” through supporting and investing in collaborative R&D projects between Welsh research organisations and industry partners in addressing strategically important industry challenges.

Since 2016 SMART Expertise has:

- approved **19** projects
- Involving **92** project partners
- With grants of **£9.8m**
- Towards projects worth **£20.2m**

Sêr Cymru Programme

The implementation of Sêr Cymru is subject to many variables involving wide ranging projects by our Chairs, Rising Stars and Fellows supported under the scheme. The Sêr
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Cymru Programme is run on a no-aid basis and therefore does not directly leverage in private sector income. However, it has generated, and is predicted to generate, significant levels of research income. This is demonstrated as follows:

Sêr Cymru Investment and Return on Investment through Research Income Generation

- In 2012, Welsh Government committed **£50m** to Sêr Cymru implemented over a period running from 2012 to 2020
- To date, the Chairs and networks have generated **£178m** in research income
- In 2015, the second phase of the programme involved total funding (including Structural Funds) of almost **£60m**. This commitment runs over a period from 2015 to 2023
- Our target grant income for this investment is in the region of **£43m**
- In 2019, a further phase of **£7.4m** funding (including Structural Funds) for our programme was announced. This commitment runs over a period from 2019 to 2023.

Internal review of £100m for improving school standards

I specifically requested from officials that they ensure that the £100m funding is aligned with the priority areas that I have set out in the Our National Mission action plan. This followed extensive discussions with key stakeholders.

In line with this, the allocations of the budget for the F/Y 2019-20 are:

- Curriculum and Assessment - £1.7m
- Building the Capacity in Education Leadership - £3.2m
- Pedagogy - £14.810m
- Research and Evaluation - £0.440m
- Self Improving System - £4.850m
- Wellbeing - £0.5m

As you will see, more than half of the funding has been focused on priorities related to professional learning, as this remains to be one the fundamental ways to raise standards in classrooms for all pupils. You will see from the draft budget my intention is to provide funding on a similar basis in F/Y 2020-21.

We must not forget that the £100m is not the only budget to support the raising of school standards. As I outlined to the Committee in my evidence paper, there are a number of other BELs within the Education MEG that also support the raising of school standards, including: Literacy and Numeracy; Pupil Development Grant; Curriculum and Assessment; Curriculum Review; School Standards Support; and School Improvement Grant.

Minority Ethnic and Gypsy, Roma and Traveller learners grant

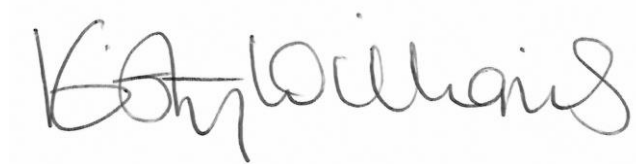
I am determined that every child has the support they need to reach the very highest standards of education and to thrive; this includes children from ethnic minority and Gypsy, Roma and Traveller backgrounds. The Welsh Government has provided dedicated funding for over a decade for supporting improved outcomes for these learners. This has supported development and embedding of a wealth of expertise and good practice in schools – through local authority services and in schools.

For this reason I have allocated £10m for 2020-21 to ensure that we are continuing to fund local authorities on the same basis as 2019-20. The funding implications for our Budget beyond 2020-21 will be determined as part of the next UK Government Comprehensive Spending Review which is planned for 2020.

I can clarify that we no longer intend to mainstream this money into the local government settlement, but continue grant funding on the current basis. Our priority is to work with local authorities to identify the best method to distribute this funding fairly in future years.

We trust that you will find these responses helpful to enable the completion of your scrutiny of the 2020-21 Draft Budget.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams', written over a light grey rectangular background.

Kirsty Williams AM
Minister for Education

Dawn Bowden AM
Chair, Committee on Assembly Electoral Reform

29 January 2020

Dear Dawn,

Potential implications for committees of any change in the Assembly's size

Thank you for your letter of 16 December 2019 requesting the Children Young People and Education Committee's view on the potential implications for Assembly committees of any change in the size of the Assembly. As a member of our Committee, you are aware that we discussed this matter during our meeting on 16 January 2020. For the purpose of the record, I note that you have not contributed to the views expressed in this letter given your role as Chair of the Committee on Assembly Electoral Reform.

Further to our discussions we would like to highlight the following points in response to the questions you posed:

- **The increase in the Assembly's powers**

Despite the significant increase in the Assembly's legislative and financial powers over the last 20 years, no corresponding increase has occurred in the number of Assembly Members. We believe that this has spread us more thinly in terms of our capacity to hold the government to account, particularly after the number of office holders (e.g. Welsh Ministers/Presiding Officers) is deducted from the total number of AMs available to populate the committee system.

With the addition of legislative powers and more recent fiscal powers, our responsibilities as committees have rightly increased. Nevertheless, our committees are now the smallest they have ever been. While we do not believe that there is necessarily a correlation between the size of a committee and its effectiveness, our current membership of six—coupled with the wider challenges detailed overleaf—leaves us stretched to do justice to the areas within our remit while fulfilling our wider responsibilities as AMs.



▪ **Membership of multiple committees**

All Children, Young People and Education Committee members either sit on, or chair, at least one other Assembly Committee. This is in contrast to many other legislatures, where parliamentarians are expected to sit on one committee at most.

Due to our membership of multiple committees, the time and space we have to develop expert and in-depth knowledge of our areas of work is limited. Despite our best efforts, this can lead to more superficial scrutiny than we might otherwise hope to deliver and can hinder our ability to pursue particular areas of specialism.

Being a member of multiple committees can also lead to a greater reliance on support provided by Commission and Assembly Member support staff, due to the lack of time available to do our own preparatory and/or follow-up work. However, should the Assembly ultimately decide to increase its size, we would emphasise the need to guard against:

- overwhelming that additional capacity by overloading work programmes;
- any increase in Members' expertise creating an insatiable appetite for yet more detailed information and support from others.

▪ **Committee capacity to cover all areas in our remit**

Within the limits of the Assembly's current size, to be able to hold the government to account across all the areas and functions for which it has responsibility, many committees have broader remits than counterparts in other parliaments. We believe wholeheartedly in the importance of a dedicated committee for children and young people, but the breadth of areas which we are responsible for scrutinising presents frequent challenges.

We are approached regularly with ideas for inquiries and important pieces of work. While we recognise that demand is always likely to outstrip our capacity, during this Assembly, there have been a number of subject areas we would have been keen to pursue had more time and space been available to undertake our committee work alongside our wider responsibilities as Assembly Members.

Furthermore, while recognising the very valuable benefits the current model of dual responsibility for legislative and policy scrutiny can provide in terms of the application of subject knowledge, juggling both is a significant challenge. With legislative timetables often unpredictable on the one hand, but subject to fixed deadlines that are beyond the



Committee's control on the other, our wider programme can be disrupted significantly by the referral of a Bill for scrutiny.

While this may be a symptom of our committee model rather than our size, with fewer than 45 Members available to populate committees that cover such a breadth of areas and responsibilities, we believe we will ultimately come up against the same challenge of capacity regardless of the committee system we adopt.

- **Capacity to undertake meaningful public engagement**

Engaging with the general public should be a key part of our work as committees, and as individual Assembly Members. While we strive to adopt innovative methods to maximise our ability to engage with the people of Wales, we believe that face-to-face contact is often necessary. We believe that our size, on occasion, has hindered our ability to spread this work between us, and to travel to different corners of Wales to seek the input of our citizens into our committee work.

- **The relative balance between plenary and committee time**

We recognise that even if the decision to increase the size of the Assembly is taken, changes are unlikely to come into force during the next Assembly. As such, we believe that consideration ought to be given to the overall division of formal Assembly time between plenary and committee business to ensure that this is an optimal use of the 60 Assembly Members we have.

Yours sincerely,



Lynne Neagle AC / AM
Cadeirydd / Chair



Agenda Item 5.6

Education Achievement Service response to additional questions*: The National Assembly for Wales: Children Young People and Education Committee / School improvement and raising standards

In our 2018 inquiry on the PDG and schools causing concern, we heard that schools use a number of different tracking tools to monitor pupils' progress, including 'Alps'. Do the consortia favour or promote a particular tool in their region or is there quite a lot of variation in the methods used by different schools?

The EAS supports schools and settings with the tools and /or software they have introduced within their own settings, there is not a preferred method or tool. Our focus is on supporting schools to identify and use a wide range of data effectively to ensure all learners are well supported at the earliest opportunity enabling them to make appropriate progress overtime.

The EAS provides analysis of school level data that can be used to support school self-evaluation processes. This includes analysis of individual pupils from year 2 to year 9 noting the progress they are making overtime. In addition, the EAS facilitates the sharing of effective practice from within and outside of the region where data has been used to facilitate effective teaching and learning enabling learners to make progress overtime. As part of the Equity and Wellbeing agenda the EAS works in partnership with local authorities to support and advise on evaluations that are made on the impact of specific interventions that have been used to support learners.

Along with other regions the EAS uses 'ALPS' (a company who measure and compare progress from GCSE to A level across over 2,000 providers in England and Wales) as a value-added performance analysis for A Level, AS level and BTEC in secondary schools. All 24 schools with 6 forms across the region use this system.

How much progress is being made in reducing the attainment gap between pupils eligible for free school meals (eFSM) and their peers in your region?

There are effective links between the work of each of the local authorities and the EAS to ensure synergy and no duplication of efforts when providing support and challenge to schools in this aspect of work. The work of the region is to promote improved outcomes for all groups of learners and the focus is very much on the quality of teaching and learning to ensure all learners make appropriate progress overtime.

Each of the improvement strands within the current EAS Business Plan has a specific emphasis on the work of the EAS in promoting improved outcomes for vulnerable learners, in particular, those in receipt of Free School Meals (FSM). These strategies are based on a wide range of research evidence. It is important that all other stakeholders, including schools and local authorities, have their own specific strategies to support and promote improved outcomes for vulnerable learners. The EAS endeavours, as appropriate, and within available resources to support local authority strategic plans to maximise the impact on learner outcomes.

There is a regional Equity and Wellbeing Strategy which encompasses all the approaches that are being implemented across the region to support schools in promoting improved outcomes for vulnerable learners. The strategy has been formulated with a wide range of partners (including local authorities, Health Board, Gwent Police) and continues to be reviewed and updated. A summary of some of the areas contained within the regional strategy is noted below:

- A regional

professional panel (including local authorities and EAS) that discusses and approves school grant plans (Pupil Development Grant (PDG), Looked After Children (LAC), Educated other than at school (EOTAS)) with headteachers and chairs of governors. In addition, this encompasses midyear reviews of grant plans and impact capture.

- A regional professional learning offer for schools and settings that covers all aspects of the wellbeing and equity agenda, grant planning and interventions.
- Support for schools to interrogate data on groups of learners to assist with planning for improvement.
- Regional delivery schools for wellbeing and equity, a cluster that delivers professional learning to support the LAC agenda and a Lead Pupil Referral Unit that offers support and professional learning across the region.
- The delivery of Adverse Childhood Experiences (ACEs) professional learning with nearly all schools having completed Unit 1 with a target of all schools completing Unit 2 (Emotion Coaching) by July 2020.
- Pilot programme working in partnership with Children's Commissioner on the Rights to Education due to be rolled out to all schools.
- Working in partnership with Young Carers Wales to design lessons for both primary and secondary phases to raise awareness of young carers.
- Created a regional 'Wellbeing Toolkit' which has been used across schools to audit provision and engagement in learning for all vulnerable learners. In addition, all clusters of schools have developed 'Wellbeing Plans' that are bespoke to the priorities within their community.

1.1. Between eligible for free school meals (eFSM) pupils and other pupils:

In addition to the information provided above the region has:

- Completed regional based research on provision and performance of FSM learners which has been shared with all schools to support PDG planning and the provision for pupils eligible for FSM.
- Introduced Professional Panels (including LA and EAS) to discuss with headteachers and chairs of governors their PDG and LAC grant plans. These sessions afford the opportunity to align support needs and apply rigour to the approval and impact capture of grant plans.
- Provided termly sessions, in collaboration with the regional Additional Learning Needs Transformation Lead for governors to assist them in scrutinising school grant plans and to be cognisant of the latest research and effective practice.
- Partially funded a vulnerable learner lead practitioner in every secondary school to engage in a 12-month professional learning programme. Schools will engage in research on the engagement and provision for FSM learners within their own school context enabling them to review and refine their own school strategy for improving the provision for FSM learners.
- Introduced the RADY (Raising attainment of disadvantaged youngsters) programme that has been implemented in 6 secondary schools, this is now running into the 2nd year.
- Engaged with 'Children in Wales' and 'Poverty Proofing' to support schools to review the 'cost of the school day'.
- Engaged with Education Endowment Foundation to host regional research events.

How much of a role do the consortia have in supporting minority ethnic pupils and Gypsy, Roma and Traveller learners? How has the approach changed in recent years? Is this work led by a lead authority in the region rather the consortium?

The support element for supporting minority ethnic pupils and Gypsy, Roma and Traveller learners is provided through via local authorities, the detail of this is provided below. The approach that is described below has been in place across the south east Wales region for many years.

The EAS supports and challenges schools through bespoke programmes that focus on leadership and pedagogy to ensure that all groups of learners make the appropriate rate of progress overtime. In addition, the EAS has worked collaboratively with schools and GEMS to write a toolkit to support schools who are new to receiving ethnic minority and new to English learners.

Minority ethnic pupils: Gwent Education Minority-ethnic Service (GEMS) works to provide strategic support and intervention for minority-ethnic pupils who have English as an Additional Language (EAL) across the South East Wales Consortia (SEWC). A referral process ensures that all new arrivals are known to the service and initial assessments carried out in home language or English. GEMS has the flexibility to assess pupils in a range of languages. GEMS support is provided to pupils in cohorts from Year 2 to Year 11 who may be at risk of underachieving at school and who have a Welsh Government language acquisition stage of A/B. Pupils below Year 2 can be supported if there is capacity and support available.

All supported pupils are assigned a Language Acquisition Record to track their language development. These records are available to all schools and local authority officers. The Language Acquisition Record allows early identification of pupils who are not making the expected rate of language acquisition and allows for allocation of additional intervention. To ensure practice is consistent, training in identifying the correct Language Acquisition stages was carried out across the region in 2018 and will again be offered to all schools in 2019.

Gypsy, Roma and Traveller learners: Newport City Council hosts the GEMS service. Torfaen, Blaenau Gwent, Caerphilly and Monmouthshire local authorities access support from GEMS through established Service Level Agreements (SLAs). GEMS provides support to schools across the region with the aim of building their capacity to meet the needs of Gypsy, Roma Traveller (GRT) pupils. However, as Torfaen and Blaenau Gwent run their own Traveller Services, GRT does not form part of their SLA.

*Additional information has been provided in the original evidence that was submitted in December 2019.

Agenda Item 5.7

GwE response to additional questions - Children, Young People and Education Committee

Specific groups of pupils

- 1. In our 2018 inquiry on the PDG and schools causing concern, we heard that schools use a number of different tracking tools to monitor pupils' progress, including 'Alps'. Do the consortia favour or promote a particular tool in their region or is there quite a lot of variation in the methods used by different schools?**

The GwE data team has produced a comprehensive assessment tracker tool which enables schools to analysis pupil performance and identify underperformance. Many schools who have adopted the tool as their main progress tracker have been identified by ESTYN as effectively tracking learner progress and used as good practice case studies. The impact of the data summary and tracking can be seen in many schools with schools focusing on progress of groups of learners. This includes:

- Schools focusing on individual pupil progress from baseline to end of primary education, by both teachers and school leaders.
- Schools focusing on progress of groups of learners.
- Better consistency throughout schools in teacher assessment and target setting which leads to a more robust self-evaluation and improvement planning.
- Using a variety of ways to interrogate pupil data and present the findings e.g. through graphs and charts

GwE commission ALPs – a company who measure A level progress from GCSE to A level across over 2,000 providers across England and Wales - to provide results analysis for all schools and local authorities, and to provide us with a full regional report.

iCAM Project – GwE is working with experts from Warwick and Bangor Universities to develop an individual child attainment model (iCAM) to predict attainment and inform child-driven priorities for secondary schools in Wales . The model will be based on historical data from across Wales and, if successful, would dispense with need for arbitrary between-school comparisons for cohorts of children and instead model expectations about individual children's attainment at KS4. Twenty seven secondary schools are piloting a data management system that focuses on highlighting in-school variance. As in-school variance is four times more significant than school-to-school variance, effectively addressing this issue is central to improving performance across the region. Another smaller pilot programme is running to review and develop schools' awareness and tracking of question level analysis.

- 2. How much progress is being made in reducing the attainment gap between pupils eligible for free school meals (eFSM) and their peers in your region?**

A clear and robust Pupil Development Grant (PDG) Support Plan for both FSM and Looked After Children (LAC) is being implemented across the region with clear communication plans.

The main priority for GwE is to support Local Authorities and schools to raise the educational attainments, achievements and engagement of children across the region by delivering a joined up partnership approach programme that will be:

- Reaching and Accessible to learners
- Engaging & Motivating
- Child/Young Person centred
- Flexible & tailored in terms of support and provision
- Focused on transition and progression
- Driven by joined up regional partnership and collaboration whilst addressing local needs.

The following actions are been implemented to drive improvement across the region:

- Further development and implementation of the consortia's PDG Strategic Adviser Role across the region with focus on regional objectives/outcomes and national collaboration and consistency of role via the All Wales PDG project group.
- Increase in the number of schools implementing the regional PDG framework model, focusing on the 5 key areas that are evidence based.
- PDG Workshop developed and delivered across the region to support schools to further embed evidence based practises both via Collaborative Institute for Education Research, Evidence and Impact (CIEREI) and via the EET toolkit.
- Targeted work on the effective practise in relation to PDG for school governors.
- Further development in supporting Pupil Referral Units (PRU) in the use of the PDG and developing key strategies via the regional PRU steering group.
- Targeted support via the PDG for schools to deliver evidence based practise such as the Readiness for Learning project and Trauma Informed Schools.
- Increase in the number of individual PDG monitoring visits across the region and working with Core Leads to identify schools/settings that need additional support and to identify successful practise.
- Further developed Oracy and Literacy intervention programmes. Good practise to be shared in the Evidence based conference in February 2020.
- Supporting schools to further develop key interventions with the PDG and evaluate its impact.
- Rolled out the Evaluating and measuring impact guidance across the region for schools to use to identify successful practice and distance travelled by FSM learners.
- Data, target setting and tracking are more effectively and consistently applied and discussed with SIA's/LA's via the Strategic & Core Lead.
- Annual audit and evaluation of impact on the actual evidence of grant spend has been carried out on the PDG in each school for 2018/19 and 2019-2020. This has resulted in identifying specific lines of enquiry for SIA's during school monitoring visits.

3. How much of a role do the consortia have in supporting minority ethnic pupils and Gypsy, Roma and Traveller learners? How has the approach changed in recent years? Is this work led by a lead authority in the region rather the consortium?

Support services are provided by Local Authorities. Since 2017, the Minority Ethnic Achievement, and Gypsy and Traveller Children Education Grants are passported directly from Welsh Government to Local Authorities. The grant amounts vary considerable depending on the demographics. For example in some authorities, there is a high percentage of Pupils

learning English as an additional language (EAL) and the grant is used to fund a support service which up-skill, support and assist schools in being able to successfully meet the needs of their EAL learners.

Role of the consortia:

- Pupil outcomes - outcomes are analysed annually. Through the work of Supporting Improvement Advisers, the performance of various groups of learners are analysed and are part of the conversation with schools.
- Tracking systems - the GwE data team has produced a comprehensive assessment tracker tool which enables schools to analysis pupil performance and identify underperformance. The impact of the data summary and tracking can be seen in many schools with schools focusing on progress of groups of learners. The GwE tracker and departmental systems to monitor performance of all pupils is a priority for all school visits to identify key aspects for improvement.
- Teaching and Learning - through the vast range of development programmes offered to schools by the consortia, teachers are now much more knowledgeable about the development of literacy and numeracy, differentiation, how to influence and advance learning for all groups of learners, lead subjects effectively in school and offer support to other schools, with regard to their own development journey.

Julie Morgan AM

Deputy Minister for Health and Social Services

27 January 2020

Dear Deputy Minister,

Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill

Thank you for your letter of 7 January 2020 confirming that you have laid a revised Explanatory Memorandum (EM) in relation to the Children (Abolition of Defence of Reasonable Punishment) (Wales) Bill (the Bill).

On 13 September 2019, you wrote to the Committee responding to the recommendations made in our report on the financial implications of the Bill. The Committee was pleased to note your acceptance of the majority of our recommendations and conclusions.

The Committee appreciates that some of the revisions in the EM are as a direct result of you implementing the Committee's recommendations and that additional data has become available since the publication of the original EM introduced in March 2019. However, we are concerned that the total cost of the Bill has increased from a range of between £2.3m - £3.7m to £6.2m - £7.9m.

The Committee accepts that this is the nature of the scrutiny process and we are grateful to the Welsh Government for informing us of changes made to EMs, in line with our recommendation in our report on Financial Estimates accompanying Legislation.

However, some of the costs in the Bill have risen significant since the original EM was laid and new costs have been identified, including:

- the revised Regulatory Impact Assessment (RIA) provides a total cost of awareness raising activity of £2.8m, previously this was a range of £1.3m - £2.7m);
- information on out of court disposals schemes was not originally costed and is estimated to cost between £810,000 to £2.5m over the appraisal period (in line with our Recommendation 5);



- costs for staff working in a safeguarding roles who will need to familiarise themselves with new guidance has been included - £882,000 over the appraisal period (in line with our Recommendation 7);
- costs of the Task and Finish/implementation group of £620,000 (over 2020-21 and 2021-22);
- costs of the post-implementation review have also been included - £100,000 over the appraisal period (in line with Recommendation 9).

Whilst recognising that some of the revised costs relate to changes agreed during the amending stages, others relate to costs that should have been anticipated during the development of the original RIA. The Committee expects the RIA that accompanies a Bill on introduction to be fully costed and robust.

The Committee is concerned that the Assembly is asked to approve the Financial Resolution of a Bill prior to Stage 2, yet costs can significantly increase following amending stages. The Committee understands the need for the Assembly to provide a financial commitment for a Bill to proceed, however, we are increasingly seeing Bills that are heavily amended at later stages when there is not a requirement for additional financial scrutiny.

The Assembly must be able to make an informed decision in relation to committing resources. We will keep a watching brief of this situation as we approach the end of this Assembly and if necessary we will consider making representation to the Business Committee to consider the process.

I am copying this letter to the First Minister, Children, Young People and Education Committee and the Business Committee for information.

Yours sincerely,



Llyr Gruffydd AM
Chair of the Finance Committee

