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**Kirsty Williams AC/AM
Y Gweinidog Addysg
Minister for Education**



**Llywodraeth Cymru
Welsh Government**

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Lynne Neagle, AM
Chair
Children, Young People and Education Committee
National Assembly for Wales

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26 July 2019

Dear Lynne

Thank you for your letter of 28 June regarding the launch of the Children, Young People and Education Committee inquiry into Education Otherwise than at School.

Since publication of the Education Otherwise than at School (EOTAS) Framework for Action in December 2017, we have continued to work with stakeholders and the EOTAS Delivery Group to implement the actions within the framework. As requested, I am writing to provide an update.

EOTAS Delivery Group

The EOTAS Task and Finish Group was disbanded in March 2017 and replaced by the EOTAS Delivery Group. The Group is chaired by Dr Brett Pugh, former Director of School Standards and Workforce, Welsh Government. The membership of the Group comprises of Welsh Government officials, some members of the previous EOTAS Task and Finish Group, Estyn, EOTAS providers and stakeholders working in local authorities and pupil referral units (PRUs).

The purpose of the Delivery Group is to contribute to policy development and implementation of the proposals set out in the Framework for Action, and to act as a 'critical friend' to the Welsh Government. Since its establishment the following actions have been completed:

- publication of A Handbook for Management Committees of Pupil Referral Units¹
- research into EOTAS pupil registration practices²

¹ <https://gov.wales/sites/default/files/publications/2018-11/handbook-for-management-committees-of-pupil-referral-units.pdf>

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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.

- a review of EOTAS referral practices³.

We are reviewing the terms of reference of the Group in order to ensure we are utilising the expertise of its members to best effect. I can provide the Committee with a copy of the updated terms once finalised by the Group.

Implementation

As you are aware, a phased approach is being taken to implement the Framework, with actions being implemented over the short, medium and long term. The short term actions focus on collecting evidence to inform policy development.

Research is currently being undertaken into local authority arrangements for commissioning EOTAS provision. A report of the findings is expected to be published in the autumn. In addition, Estyn is undertaking a short-term thematic review into the prevalence and impact of off-rolling, this report is expected to be published in September.

With the baseline work completed we are now in a position to move forward with the medium and long term actions set out in the Framework. Focus is currently being given to the following key areas:

1. increasing access to the curriculum for EOTAS pupils
2. improving the commissioning of EOTAS provision and establishing EOTAS referral panels
3. standardising EOTAS pupil registration practices.

1. Increasing access to the curriculum for EOTAS pupils

Access to the curriculum is one of the factors which impacts on the outcomes of pupils who attend EOTAS. Children who receive EOTAS provision have poorer academic outcomes compared to their peers in mainstream education. In addition, lack of access to the curriculum makes it difficult for EOTAS learners to reintegrate into mainstream education and to make the transition into post-16 education.

The new curriculum has been designed to be inclusive and accessible to all learners to enable them to make progress in relation to the four purposes. This includes learners who receive EOTAS provision.

The legislation underpinning the new curriculum will be clear about the expectations for EOTAS pupils. To support PRUs in broadening the curriculum they offer to pupils, Welsh Government will build on existing work which encourages PRUs and schools to work together to meet the needs of pupils.

2. Standardising the commissioning of EOTAS services and establishing EOTAS referral panels

In 2016, Estyn reported⁴ that some schools and local authorities were commissioning EOTAS services from private providers, unaware they were operating unregistered, potentially illegal provision. The report also found that most local authorities do not monitor or oversee EOTAS or alternative provision robustly enough and very few know how many pupils are accessing full-time offsite alternative provision directly commissioned by schools. There is a concern, therefore, that existing commissioning arrangements need to be strengthened to ensure due diligence is undertaken regarding safeguarding, and the appropriateness and quality of the setting and education. In addition, as set out in the

² <https://gov.wales/sites/default/files/publications/2018-10/an-analysis-of-local-authority-pupil-registration-practices-for-learners-accessing-pru-and-eotas-provision.pdf>

³ <https://gov.wales/sites/default/files/publications/2018-10/an-analysis-of-local-authority-referral-panels-and-or-practices-for-learners-accessing-eotas-provision.pdf>

⁴ <https://dera.ioe.ac.uk/26706/1/EOTAS%20remit%20report%20en.pdf>

Framework for Action, there is a commonly held concern across the EOTAS sector that the referral process for accessing EOTAS provision is not robust enough and inconsistent practice exists across Wales.

To prevent poor commissioning practices and to strengthen referral processes the Framework for Action proposes that local authorities establish commissioning frameworks and referral panels; and that Welsh Government develops guidance on establishing EOTAS panels as well as referral and reintegration procedures.

Welsh Government has commissioned and published a review of EOTAS referral practices and research is currently being undertaken to understand current approaches to commissioning EOTAS provision. The findings will be used to inform the development of guidance on establishing referral panels and commissioning EOTAS provision.

3. Standardising EOTAS pupil registration practices

The current lack of standardised EOTAS registration practice, together with inaccurate reporting from current arrangements not being operated as intended in all cases, means that data relating to the attendance and achievement of pupils who attend both school and EOTAS is not reliable. It is, therefore, difficult to monitor the outcomes of pupils who attend EOTAS provision and to hold individual establishments to account for their outcomes.

In 2018, Welsh Government published the independent analysis of local authority approaches to registering EOTAS pupils. The findings will be used to inform guidance to ensure a standard approach to registering EOTAS pupils. We will expect EOTAS referral panels to refer to the guidance when advising local authorities on the registration status of specific EOTAS pupils.

Supporting children and young people to remain in mainstream education

In addition to implementing policy designed to improve outcomes for children and young people who access EOTAS, action is also being taken to support children and young people to remain in mainstream education. This includes:

- using the new approach to accountability to reduce incentives for schools and local authorities to off-roll pupils
- developing a framework as part of the whole school approach to mental health and well-being, which will provide schools with guidance on how to embed well-being throughout the school
- supporting schools to understand why children have difficulties in school that can result in behaviour which leads to exclusion
- the Additional Learning Needs and Education Tribunal Act, which will ensure the needs of all learners with additional learning needs (ALN) are identified early and the right support is put in place.

The new approach to accountability

The Welsh Government is developing new evaluation and improvement arrangements to replace parts of the current accountability system. Whilst we see lots of good practice in using a range of data to inform evaluation, we recognise that in recent years there has been disproportionate emphasis on one or two narrowly focussed performance measures when holding schools to account. Through the new arrangements, we propose to remove this emphasis, which can drive unintended consequences, and to replace it with a wider range of indicators that better captures the whole learning experience, learner progress and our ambitions for the new curriculum.

In our reformed system, every child will count and schools will be evaluated according to the difference they make to the progress of every child. New interim performance measures introduced for 2019, remove the emphasis from a small number of narrow threshold

indicators and the unintended consequences they have driven, such as the focus on the C/D grade boundary, and shift it towards a set of measures that will promote raised aspirations for all learners. The key difference with the new measures is that they will be points based – a school average of individual learners' points scores, rather than a percentage attaining a minimum threshold level. The new Capped Points Score is a performance measure calculating the average of the scores for the best awards for all individual pupils in the cohort.

Moving forward, we will be undertaking a full review of performance indicators, what they will look like and how they will be used. Over the next six months, we will initiate an independent research project to review performance measures:

- the range of information
- the indicators and reports needed for both self-evaluation and accountability purposes
- how qualifications or other attainment information contribute towards any attainment indicators
- the mechanisms by which information is processed and delivered
- other associated aspects of the system.

Decisions on future indicators, and the associated systems that will supersede the interim arrangements, will be informed by this review in conjunction with the responses received to a full consultation with schools and key stakeholder groups. EOTAS, PRUs and other settings will be considered as part of this review.

In terms of EOTAS pupils specifically, we are currently exploring options for:

- capturing the impacts of EOTAS provision on pupil outcomes in terms of overall attainment measures to inform school improvement planning
- holding to account those schools/LAs which had EOTAS pupils on their roll, in a way that is consistent with ongoing reforms and development of the evaluation and improvement arrangements.

Whole school approach to mental health and well-being

Every child's emotional, physical and mental well-being is at the heart of our education system in Wales. Children and young people in EOTAS are some of the most vulnerable learners. They often come from chaotic and challenging backgrounds and can frequently experience family breakdown and mental health issues. A whole school approach will ensure that mental health and wellbeing becomes central to the way schools work and will touch on many different aspects of school life. A key aspect of the programme of work is the development of a Framework to support schools in developing their own whole school approach. An important part of the Framework will be the support we give schools to implement evidence-based, universal and targeted interventions to build resilience and support those experiencing poor mental health. We hope that these interventions will have a positive impact for those pupils most at risk of going into EOTAS provision and decrease the possible need to be removed from mainstream school.

Supporting schools to understand why children have difficulties in school that can result in behaviour which leads to exclusion

We are supporting schools to understand why children have difficulties in school that can result in behaviour which leads to exclusion, including our work to tackle adverse childhood experiences (ACEs). We have supported the creation of an ACE Support Hub for Wales, which has developed a programme of ACE awareness training for schools – the programme is currently being rolled out across Wales. By March 2020, all schools in Wales will have been able to access this training. The training will enable schools to understand behaviour and to put in place ACE informed practices to support children who are at risk of exclusion.

A significant proportion of the £20m ALN Transformation Programme funding is being used to support activity to upskill the workforce to better recognise and meet the needs of learners with ALN. In addition, we are continuing work to improve knowledge and awareness of autism amongst those working in education through the development of specialist training packages and guidance.

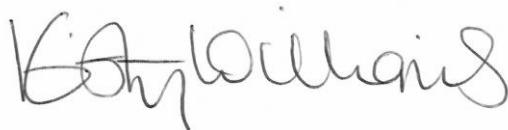
The Additional Learning Needs and Education Tribunal Act

Additional Learning Needs and Education Tribunal (Wales) Act 2018 establishes a new legislative framework to support children and young people with ALN. Under the new system, children and young people with ALN in receipt of EOTAS will receive an individual development plan that sets out their needs and the support needed to address those needs.

The education otherwise than at school conference

The annual EOTAS conference is being held on 24 September. The agenda includes a presentation by Estyn on the findings of their review into off-rolling and a breakout session on the duties of schools and PRUs being introduced as part of the Additional Learning Needs and Education Tribunal Act (Wales) 2018. In addition, delegates will have the opportunity to network with organisations represented in the 'marketplace'. This includes Careers Wales, Estyn, NHS Wales (Together for Children and Young People programme) and Welsh Government officials from the whole school approach to mental health and well-being.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'Kirsty Williams'.

Kirsty Williams AM
Minister for Education

Short term action (S.T)			
Key provision	Recommendation	Proposed action	Update
S.T.1 Access panels	The proposed action does not refer to any specific recommendation, but was agreed as part of the work of the EOTAS Task and Finish Group.	Welsh Government to commission analysis of LA access/referral panels.	Published in October 2018. https://gov.wales/sites/default/files/publications/2018-10/an-analysis-of-local-authority-referral-panels-andor-practices-for-learners-accessing-eotas-provision.pdf
S.T.2 Access panels	Welsh Government to increase resources to promote effective consortium working at local authority level to share strategies for reintegration (Edinburgh:R12) Examples of effective strategies on reintegration should be gathered and disseminated (Edinburgh:R20)	Welsh Government to commission best practice analysis of referrals into EOTAS and reintegration procedures.	This will be developed alongside the referral and commissioning guidance.
S.T.3 Commissioning framework	Encourage LAs to develop clear aims and purposes for EOTAS provision (Edinburgh:R15) Publish new guidance on commissioning alternative provision (EOTAS review 2011:A9)	Welsh Government to undertake research into best practice for commissioning frameworks and quality assurance for EOTAS provision	Research into current approaches to commissioning EOTAS provision is being undertaken. Fieldwork is near completion and a report of the findings is expected to be published in the autumn.
S.T.4 Management committee support	Work with consortia to provide robust support and challenge for PRU managers and management committees (Estyn 2015:R7)	Welsh Government to commission WLGA led analysis of training needs for management committees	Published in August 2017 https://gov.wales/pupil-referral-unit-management-committees-analysis-training-and-development-needs
S.T.5 Management committee support	Make management committees statutory and issue supporting guidance (EOTAS review 2011:A8)	Welsh Government to explore the feasibility of expanding the support available, via various stakeholders, to management committee members	The findings of the Estyn remit review into the effectiveness of PRU management committees will inform consideration of any additional support management committees require.
S.T.6 Management committee support	Work with consortia to provide robust support and challenge for PRU managers and management committees (Estyn 2015:R7)	Welsh Government to commission a review of the effectiveness of management committees.	Estyn will be undertaking a remit review of the effectiveness of PRU management committees.
S.T.7 Data and Information	Set out clearly the responsibilities of schools towards pupils who are registered with them (EOTAS review 2011:A15)	Welsh Government to undertake an analysis of pupil registration and exclusions data	This action will be undertaken following the introduction of standardised EOTAS pupil registration.
S.T.8 Data and Information	Set out clearly the responsibilities of schools towards pupils who are registered with them (EOTAS review 2011:A15)	Welsh Government to commission analysis of pupil registration practices across Wales to better enable data collection and establish best practice regarding accountability and outcomes.	Published October 2018 https://gov.wales/review-registration-process-learners-accessing-pupil-referral-units-pru-and-education-other-school
S.T.9 Data and information	Gather and disseminate data on outcomes for EOTAS pupils (Edinburgh:R21) Strengthen guidance to LAs and schools regarding the requirement to maintain records of the numbers of pupils receiving EOTAS who go on to become NEET (Estyn 2016:R1)	Welsh Government will work with Careers Wales and LAs to explore the options for improving the collection of data from former EOTAS learners to identify effective interventions and inform future provision.	Initial discussions have taken place to explore options for improving data collected from former EOTAS pupils. Further meetings are planned with key stakeholders.
S.T.10 Other	Work with consortia to ensure needs of PRUs are reflected in consortia's operations (CCfW:R1) Work with consortia to provide robust support and challenge for PRU managers and management committees (Estyn 2015:R7)	Welsh Government to work with regional consortia to assess learning and development requirements for challenge advisors working with PRUs.	Since January 2018, strategic advisors for the pupil deprivation grant (PDG) have been appointed. Each advisor will champion a specific area. One of the four strategic advisors is the EOTAS champion.
S.T.11 Other	Amend funding formulae to include pupils solely registered at EOTAS (EOTAS review 2011:A4)	Welsh Government to continue to make PDG available to PRUs for single registered pupils and to consider amending PDG guidance.	The PDG has been extended to all those eligible pupils who are single registered at a PRU.

S.T.12 Other	The proposed action does not refer to any specific recommendation, but was agreed as part of the work of the EOTAS Task and Finish Group.	Welsh Government to review the 21 st Century School bidding and funding process to ensure that PRUs (and other EOTAS settings where appropriate) are considered in local authority bids.	This action has been completed. 21st Century Schools policy colleagues scrutinise business cases to ensure that PRUs and EOTAS provision are being considered effectively by local authorities. A number of local authorities have considered PRU and EOTAS facilities as part of their second wave, 21st Century Schools and Colleges Programme. These projects are subject to the usual satisfactory completion of the business case process.
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Medium term action (M.T)			
Key provision	Recommendation	Proposed action	Update
M.T.1 Access panels	Welsh Government to increase resources to promote effective consortium working at local authority level to share strategies for reintegration (Edinburgh:R12) Examples of effective strategies on reintegration should be gathered and disseminated (Edinburgh:R20)	Welsh Government to develop non-statutory guidance on the establishment of local authority EOTAS panels as well as referral and reintegration procedures.	Drafting of referral and commissioning guidance will start in autumn 2019, following receipt of the research into current approaches to commission EOTAS provision. Consultation on the guidance will take place in 2020.
M.T.2 Commissioning framework	Publish new guidance on commissioning alternative provision (EOTAS review 2011:A9)	Welsh Government to develop non-statutory guidance on the development of commissioning frameworks and quality requirements for EOTAS provision which includes ongoing monitoring of placements.	Drafting of referral and commissioning guidance will start in autumn 2019, following receipt of the research into current approaches to commission EOTAS provision.
M.T.3 Commissioning framework	Publish new guidance on commissioning alternative provision (EOTAS review 2011:A9)	Welsh Government to commission an analysis of the effectiveness of commissioning frameworks including identifying unregistered independent schools.	Drafting of referral and commissioning guidance will start in autumn 2019, following receipt of the research into current approaches to commission EOTAS provision.
M.T.4 Management committee support	Work with consortia to provide robust support and challenge for PRU managers and management committees (Estyn 2015:R7) Make management committees statutory and issue supporting guidance (EOTAS review 2011:A8)	Welsh Government to explore the options for supporting the tailoring and delivery of specific PRU training modules in liaison with public sector stakeholders.	Estyn will be undertaking a remit review of the effectiveness of PRU management committees. The findings will be used to identify the training needs.
M.T.5 Management committee support	Make management committees statutory and issue supporting guidance (EOTAS review 2011:A8)	Welsh Government to consider arrangements for PRUs and LAs to make sustainable improvement to resources such as professional learning, MIS infrastructure, management committee training etc.	Regulations introduced in 2015 require all PRUs to have a management committee. Estyn will be undertaking a remit review into the effectiveness of management committees. Training will be considered as part of the review.
M.T.6 Data and Information	The proposed action does not refer to any specific recommendation, but was agreed as part of the work of the EOTAS Task and Finish Group.	Welsh Government and Estyn to develop a new information collection and sharing protocol and schedule.	Work will be taken forward in 2020.
M.T.7	Continue the registration and deregistration	Welsh Government to introduce	Drafting will commence in September 2019, with consultation taking

Data and Information	process for PRUs and reaffirm through regular audit of LAs' provision (EOTAS review 2011:A7)	non-statutory guidance on PRU opening and closing procedures.	place in 2020.
M.T.8 Data and Information	Offer clear guidance on the registration and monitoring of progress of EOTAS pupils (Edinburgh:R9)	Welsh Government to consider the introduction of standardised procedures, supported by changes to pupil registration regulations, for the registration of EOTAS learners.	Guidance on standard registration will be included in the referral and commissioning guidance. Drafting will start in autumn 2019, following receipt of the research into current approaches to commission EOTAS provision. Consultation is expected to take place in 2020.
M.T.9 Data and Information	Develop benchmarking framework for evaluating outcomes and vfm (Edinburgh:R15) (EOTAS review 2011:A13)	Welsh Government to explore the possibility of amending current legislation regarding the collection of data from EOTAS services in alignment with the introduction of standardised procedures.	This work is being taken forward as part of the development of the new evaluation and improvement arrangements. Options are currently being explored for: <ul style="list-style-type: none"> capturing the impacts of EOTAS provision on pupil outcomes in terms of overall attainment measures to inform school improvement planning holding to account those schools/LAs which had EOTAS pupils on their roll.
M.T.10 Successful futures	Ensure the role of PRUs is fully considered and included within the Donaldson recommendations (CCfW:R4)	Welsh Government to consult on potential options relating to the disapplication of the curriculum.	Access to the curriculum for EOTAS pupils is being taken forward as part of the development of the new approach to the curriculum. The legislation underpinning the new curriculum will be clear about the expectations for EOTAS pupils.
M.T.11 Successful futures	Ensure the role of PRUs is fully considered and included within the Donaldson recommendations (CCfW:R4)	Welsh Government to consider amending current primary legislation relating to the disapplication of the curriculum as part of the wider curriculum reform.	Access to the curriculum for EOTAS pupils is being taken forward as part of the development of the new approach to the curriculum. The legislation underpinning the new curriculum will be clear about the expectations for EOTAS pupils.
M.T.12 Collaboration	Provide framework guidance on role of PRUs as part of continuum of provision (Estyn 2015:R8)	Welsh Government should work with regional consortia to explore options for further strengthening partnership networks between PRUs and EOTAS providers and LAs and schools.	To support PRUs in broadening the curriculum they offer to pupils, Welsh Government will build on existing work which encourages PRUs and schools to work together to meet the needs of pupils.
M.T.13 Other	Set out clearly the responsibilities of schools towards pupils who are registered with them (EOTAS review 2011:A15)	Welsh Government to produce guidance on responsibilities and lines of accountability across provision and local authorities including those responsible for registration.	The referral and commissioning guidance will set out the responsibilities of schools when referring pupils to the LA for EOTAS provision and the responsibilities schools have when arranging alternative provision for pupils.
M.T.14 Other	Ensure PRU staff benefit from national strategies to improve teaching and leadership (Estyn 2015:R10) Ensure that those delivering EOTAS are included in development and implementation of new elements on behaviour and additional learning needs within CPD for practitioners (EOTAS review 2011:A2)	Welsh Government and Delivery Group to consider how PRU and EOTAS staff, including leaders, can be supported to undertake career development in line with proposals developed through the national approach to professional learning and leadership and in liaison with pioneers and partner schools.	Officials are currently working with local authorities and the regional consortia to identify PRU staffing numbers. This will inform revised arrangements for the allocation of the £15 million professional learning funding allocation for 2019-20, which will be distributed via local authorities. To ensure learners in EOTAS, including PRUs, have access to the new curriculum framework driven by the four purposes, guidance will be developed to support practitioners to deliver the curriculum in EOTAS settings.

Long term action (L.T)			
Key provision	Recommendation	Proposed action	Update
L.T.1 Access panels	The proposed action does not refer to any specific recommendation, but was agreed as part of the work of the EOTAS Task and Finish Group.	Welsh Government to consider the development of the statutory functions of EOTAS panels within primary legislation.	Research will be undertaken to evaluate the impact of introducing the referral and commissioning guidance. The findings will inform consideration into whether it is necessary to make EOTAS panels a statutory requirement.
L.T.2 Commissioning framework	Publish new guidance on commissioning alternative provision (EOTAS review 2011:A9)	Welsh Government to consider introducing a statutory requirement for local authorities to establish commissioning frameworks.	Research will be undertaken to evaluate the impact of introducing the referral and commissioning guidance. The findings will inform consideration into whether it is necessary to make it a statutory requirement to establish commissioning frameworks.
L.T.3 Data and Information	Develop benchmarking framework for evaluating outcomes and vfm (Edinburgh:R15) (EOTAS review 2011:A13)	Dependent upon the outcome of considerations regarding the amendment of data collection legislation, the Welsh Government will amend existing regulations as part of the wider legislative proposals.	This will be considered as part of the development of the new evaluation and improvement arrangements.
L.T.4 Successful futures	Develop benchmarking framework for evaluating outcomes and vfm (Edinburgh:R15) (EOTAS review 2011:A13)	Welsh Government to further consider how 'soft' outcomes can be measured and incorporated into a benchmarking framework for PRUs and how this will be appropriately aligned with work being undertaken as part of curriculum reform.	This will be considered as part of the development of the new evaluation and improvement arrangements.
L.T.5 Other	The proposed action does not refer to any specific recommendation, but was agreed as part of the work of the EOTAS Task and Finish Group.	Welsh Government to consider the development of primary legislation which includes the introduction of a new organisational structure for educational settings currently known as PRUs.	This will be considered when the effectiveness of the medium term actions have been implemented.
L.T.6 Other	The proposed action does not refer to any specific recommendation, but was agreed as part of the work of the EOTAS Task and Finish Group.	Dependent upon the drafting of the primary legislation, the Welsh Government will develop regulations to amend existing secondary legislation.	Action not currently being implemented.
L.T.7 Other	The proposed action does not refer to any specific recommendation, but was agreed as part of the work of the EOTAS Task and Finish Group.	Welsh Government to support the proposed primary and secondary legislation by the introduction of statutory guidance.	Action not currently being implemented.